



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 Fax: (503) 378-5518

Third Floor/Measure 37 Fax: (503) 378-5318

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

NOTICE OF ADOPTED AMENDMENT

November 28, 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 008-06



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: December 8, 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
Stacy Humphrey, DLCD Regional Representative
Amanda Punton, DLCD Natural Resource Specialist
Doug Rux, City of Tualatin

<paa> ya



FORM 2

DEPT OF

NOV 20 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-06-08

Date of Adoption: 11/13/06

Date Mailed: 11/17/06

Date the Notice of Proposed Amendment was mailed to DLCD? October 23, 2006

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: _____

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

The adopted ordinance brings the Tualatin Development Code into conformance with the Tualatin Basin's voluntary Program and Metro's voluntary program in Title 13, Nature in Neighborhoods, for fish and wildlife habitat.

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."

Same.

Plan Map changed from: NA to -

Zone Map changed from: NA to -

Location: Citywide Acres Involved: NA

Specific Density: Previous: NA New: _____

Applicable Statewide Planning Goals: 5.

Was an Exception Adopted? Yes: No:

DLCD No: 008-06 (15541)

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: OECDD, Metro

Local Contact: Doug Rux Area Code + Phone Number: (503) 691-3018

Address: 18880 SW Martinazzi Avenue City: Tualatin

Zip Code+4: 97062-7092 Email: drux@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 1224-06

AN ORDINANCE RELATING TO THE TUALATIN BASIN PROGRAM FOR FISH AND WILDLIFE HABITAT; AND AMENDING TDC CHAPTERS 4, 11, 31, 40 THROUGH 44, 49 THROUGH 52, 55, 60, 61, AND 73 THROUGH 75 (PTA 06-08).

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 October 23, 2006, relating to the Tualatin Basin Program for Fish and Wildlife Habitat and amending TDC Chapters 4, 11, 31, 40 through 44, 49 through 52, 55, 60, 61 and 73 through 75 (PTA 06-08); and

WHEREAS notice of public hearing was given as required under the Tualatin Community Plan by publication on October 5, 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 by mailing to neighborhood organizations recognized by the City Council and interested governmental agencies, which is evidenced by the Affidavit of Mailing, marked "Exhibit C" attached and incorporated by this reference; and

WHEREAS the Council conducted a public hearing on October 23, 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 by a vote of 6 - 0, with all councilors present and voting; 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 dated October 23, 2006, 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.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TDC Section 4.050 is amended to read as follows:

The following are general objectives used as a guide to formulate the Plan. The objectives are positive statements to describe the Plan's intent to:

- (1) Provide a plan that will accommodate a population range of 22,000 to 29,000 people.
- (2) Cooperate with the Metropolitan Service District to reach regional consensus on population growth projections within the Tualatin area.
- (3) Conform to Metropolitan Service District (Metro) procedures for initiating amendments to the Metro Urban Growth Boundary.
- (4) Provide a plan that will create an environment for the orderly and efficient transition from rural to urban land uses.
- (5) Convert agricultural land only if needed for urban uses.
- (6) Arrange the various land uses so as to minimize land use conflicts and maximize the use of public facilities as growth occurs.
- (7) Prepare a balanced plan meeting, as closely as possible, the specific objectives and assumptions of each individual plan element.
- (8) Define the urban growth boundary.
- (9) Prepare a plan providing a variety of living and working environments.
- (10) Encourage the highest quality physical design for future development.
- (11) Coordinate development plans with regional, state, and federal agencies to assure consistency with statutes, rules, and standards concerning air, noise, water quality, and solid waste. Cooperate with the U.S. Fish and Wildlife Service to minimize adverse impacts to the Tualatin River National Wildlife Refuge from development in adjacent areas of Tualatin.
- (12) Adopt measures protecting life and property from natural hazards such as flooding, high groundwater, weak foundation soils and steep slopes.
- (13) Develop regulations to control sedimentation of creeks and streams caused by erosion during development of property.
- (14) Develop a separate growth program that controls the rate of community growth and is acceptable to the Land Conservation and Development Commission.
- (15) Arrange the various land uses in a manner that is energy efficient.
- (16) Encourage energy conservation by arranging land uses in a manner compatible with public transportation objectives.
- (17) Maintain for as long a period as possible a physical separation of nonurban land around the City so as to maintain its physical and emotional identity within urban areas of the region.
- (18) Fully develop the industrial area located in Washington County west of the City only when adequate transportation facilities are available and the area has been annexed to the City and served with water and sewer services.
- (19) Cooperate with Washington County to study the methods available for providing transportation, water and sewer service to the industrial area west of the City, designating this area as a special study area.
- (20) Initiate annexation of property within the Urban Growth Boundary planned for residential development only when petitioned to do so by owners of the affected property, including cases involving unincorporated "islands" of property surrounded by land annexed previously.

(21) Territories to be annexed shall be in the Metro Urban Growth Boundary.

(22) **Address Metro's Urban Growth Management Functional Plan, Title 13, Nature in Neighborhoods, through the conservation, protection and restoration of fish and wildlife habitat, including Metro's Regionally Significant Fish and Wildlife Habitat, through the Tualatin Basin Natural Resource Coordinating Committee and the Tualatin Basin Program.**

a. **Support and implement the elements of the Tualatin Basin Program to:**

1. **Develop and adopt local policies and regulations to implement the provisions of the Tualatin Basin Program.**

2. **Adopt low impact development (LID) provisions to reduce environmental impacts of new development and remove barriers to their utilization.**

3. **Coordinate with Clean Water Services (CWS) to implement their Healthy Streams Action Plan and other programs such as their Stormwater Management Plan and Design and Construction Standards.**

4. **Coordinate with CWS, Metro and others to develop and support the funding, voluntary and educational components of the Tualatin Basin Program.**

5. **Coordinate with CWS, Metro and others to develop and support the monitoring and adaptive management components of the Tualatin Basin Program.**

b. **Continue active participation in the Tualatin Basin Natural Resources Coordinating Committee and the Steering Committee to support and implement the Tualatin Basin Program.**

c. **Coordinate with CWS and Metro to update Metro's Regionally Significant Fish and Wildlife Habitat Inventory Map. Changes to the Inventory Map will be on-going as on-site inventories are conducted as part of private and public construction projects.**

d. **Support and implement provisions allowing public access to planned public facilities.**

Section 2. TDC 11.610 is amended to read as follows:

(1) Established at the outset of the TSP planning process, the transportation goals and objectives provide guidance and direction for the development of the City of Tualatin's transportation system over the next twenty years. A total of eleven goals have been developed in the categories of mobility, livability, coordination, public transportation, pedestrian and bicycle facilities, accessibility, environment, system preservation, capacity, transportation funding, and safety. Under each of these goals are sets of objectives that help define how each specific goal will be accomplished.

(2) Goal 1: Mobility

Provide a transportation system that serves the travel needs of Tualatin residents, businesses, and visitors.

Objectives

(a) Provide an interconnected system of streets, pedestrian and bicycle facilities, and other forms of transportation which will link the community; minimize travel distances and vehicle-miles traveled; and safely, efficiently, and economically move motor vehicles, pedestrians, bicyclists, transit vehicles, trucks, and trains to and through the area when it is fully urbanized.

(b) Act within the police power of the City as the City Road Authority and in conjunction with the State and Washington and Clackamas County road authorities to protect the safety of the general public by regulating the flow, access and movement of traffic within the City.

(c) Encourage and support programs that help the City meet Metro's 2040 mode share targets, including, but not limited to, ridesharing, flexible work hours and the Transportation Management Association.

(d) Discourage residential development patterns, such as single-entrance subdivisions and gated communities, which reduce connectivity and mobility options for all members of the community.

(e) For Plan Map and Text Amendments adopt a Level of Service standard F for the p.m. peak hour and E for the one-half hour before and after the p.m. peak hour for the Town Center 2040 Design Type (TDC Map 9-4), and E/E for the rest of the 2040 Design Types. For development applications, including, but not limited to subdivisions and architectural reviews, a LOS of at least D and E are encouraged for signalized and unsignalized intersections, respectively.

(3) Goal 2: Livability

Provide a transportation system that balances user needs with the community's desire to remain a pleasant, economically vital city.

Objectives

(a) Provide a transportation system that is adequate to handle the truck, transit, and automobile traffic in such a way to encourage industrial development, the preservation of existing residential neighborhoods, the minimization of industrial traffic and congestion in the Town Center area, and the successful implementation of the City's economic development goals.

(b) Minimize the adverse social, economic and environmental impacts created by the transportation system, including balancing the need for street connectivity with the need to minimize neighborhood cut-through traffic.

(c) Work with surrounding local governments, Washington and Clackamas Counties, Metro, Oregon Department of Transportation, and Tri-Met to develop alternate transportation facilities that will allow development without major disruption of existing neighborhoods or downtown.

(d) Incorporate a landscape element into the development plans of arterials, collectors and local streets.

(e) Preserve and protect Tualatin's historic sites, where practicable, when developing new transportation facilities.

(f) Ensure safe and efficient access to the Tualatin Town Center.

(4) Goal 3: Coordination

Maintain a transportation system plan that is consistent with the goals and objectives of the community, the region, and the state.

Objectives

(a) Provide a City transportation system that is consistent with other elements and objectives of the Tualatin Community Plan.

(b) Coordinate planning of the City transportation system with the Regional Transportation Plan prepared by the Metro, working toward a plan that is consistent with the RTP.

(c) Work with Metro, ODOT, Tri-Met, Washington County, Clackamas County, and other surrounding organizations/jurisdictions to resolve regional and statewide transportation issues that impact Tualatin, including developing one or more arterial routes connecting I-5 and Highway 99W south of Highway 217, ensuring adequate capacity on the freeway system, and improving access to and the capacity of I-5 interchanges between Highway 217 and the North Wilsonville Interchange.

(5) Goal 4: Public Transportation

Improve public transportation service both within Tualatin and to the surrounding area, to reduce reliance on the private automobile.

Objectives

(a) Support and assist whenever practical, the development of the metropolitan public transportation system through cooperation with the Tri-County Metropolitan Transportation District (Tri-Met).

(b) Working through Tri-Met, develop transit systems and stations, park and ride systems, and related facilities in convenient and appropriate locations that adequately and efficiently serve the residential and employment populations.

(c) Work to create or improve local transit service within Tualatin either through Tri-Met or other local agencies; quick, direct transit service to adjacent communities; and high capacity intercity transit service, where appropriate.

(6) Goal 5: Pedestrian and Bicycle Facilities

Provide for an interconnected system of pedestrian and bicycle facilities throughout Tualatin to serve short-distance and recreational trips.

Objectives

(a) Provide sidewalks on both sides of all fully developed streets within the City, except where it would be unsafe to do so.

(b) Develop safe and convenient pedestrian and bicycle systems that link all land uses, provide connections to transit facilities, and provide access to publicly-owned land intended for general public use.

(c) Maintain and update official map showing existing and future street rights-of-way with bicycle lanes and bikeways.

(d) Develop a continuous multi-use pathway along the Tualatin River, and provide opportunities for pedestrian and bicycle movement across the river.

(e) Adopt development standards that support pedestrian and bicycle access to commercial, industrial, and institutional development. These include, but are not limited to direct pathway connections, bicycle racks and lockers, and shower facilities.

(f) Allow curb extensions and pedestrian crossing refuges where appropriate.

(7) Goal 6: Accessibility

Provide a transportation system that serves the needs of all members of the community.

Objectives

(a) Provide for the transportation disadvantaged by complying with state and federal regulations concerning this matter and cooperating with local, county and regional agencies providing transportation services for the disadvantaged.

(b) Upgrade existing transportation facilities and work with public transportation providers to ensure services that improve access for all users.

(8) Goal 7: Environment

Provide a transportation system that protects the environment of the community and region.

Objectives

(a) Provide a transportation system which encourages energy conservation, in terms of efficiency of the road network and in the standards developed for street improvements.

(b) Cooperate with the Department of Environmental Quality, Clean Water Services, and Metro to meet applicable air and water quality and traffic noise standards.

(c) Encourage use of the existing transportation facilities by increasing use of alternative modes of transportation and encourage development that decreases reliance on the automobile.

(d) Balance transportation improvements with the need to protect natural resources.

(e) Provide authority for the City Engineer to modify right-of-way widths and street improvement widths to address unusual conditions.

(9) Goal 8: System Preservation

Ensure that development does not preclude the construction of identified future transportation improvements, and ensure that development mitigates the transportation impacts it generates.

Objectives

(a) Preserve adequate right-of-way for a new freeway interchange on Interstate 5 between Interstate 205 and north Wilsonville for an expressway connection between this interchange and Highway 99W.

(b) Preserve adequate right-of-way for an arterial street connecting Tualatin-Sherwood Road and Highway 99W in the western portion of the industrial area at the general 124th Avenue alignment.

(c) Require developers to aid in the development of the transportation system by dedicating or reserving needed rights-of-way, and by constructing half or full street improvements needed to serve new development and to mitigate the impacts of new development.

(d) Require developers to mitigate the impacts of development on the transportation system by constructing off-street pedestrian, bicycle and transit facilities.

(e) Establish local street plans for contiguous vacant and redevelopable areas of five acres or more planned or zoned for development that identify local street access points to the collector and arterial street system, and local street connections to adjacent development.

(10) Goal 9: Capacity

Provide a transportation system that has sufficient capacity to serve user needs.

Objectives

(a) Establish an arterial street system which will attract and effectively accommodate all "through" trips to relieve residential collectors and local streets from heavy and hazardous traffic burdens.

(b) Locate proposed rail spur lines to minimize conflicts with adjoining land uses and streets.

(c) Minimize new railroad grade crossings to reduce time losses due to traffic delays and accidents, and to produce increased efficiency of railroad operation and increased public convenience.

(d) Maintain and update the City's access management standards in the Tualatin Development Code to preserve the safe and efficient operation of the City's roadways, consistent with their functional classification.

(11) Goal 10: Transportation Funding

Provide reasonable and effective funding mechanisms for citywide transportation improvements identified in the transportation system plan.

Objectives

(a) Develop a Capital Improvements Program and funding mechanisms for all transportation facilities that complies with the requirements of Statewide Planning Goal 12, Transportation, and the Transportation Planning Rule, including making provisions for alternative modes of transportation that will reduce reliance on the automobile, and reduce air pollution and traffic congestion.

(12) Goal 11: Safety

Provide a transportation system that maintains adequate levels of safety for all users.

Objectives

(a) Undertake, as needed, special traffic studies in problem areas, especially around schools, to determine appropriate traffic controls to effectively and safely manage automobile and pedestrian traffic.

(b) Work to improve the safety of rail, bicycle, and pedestrian routes and crossings.

Section 3. A new definition is added in alphabetical order to TDC 31.060 to read as follows:

Fish and Wildlife Habitat Area. An area in the Natural Resource Protection Overlay District, Other Natural Areas identified in Figure 3-4 of the Parks and Recreation Master Plan, or in a Clean Water Services Vegetated Corridor.

Section 4. Section 40.055 is amended to read as follows:

(1) The decision authority for partitions and subdivisions may allow one small lot for each 6,500 square feet of Tract created in the subdivision or partition process, provided the following criteria are met that is:

(a) Each Tract must be:

(a i) wholly in the Natural Resource Protection Overlay (NRPO) District (TDC Chapter 72), **or**

(b ii) wholly in an Other Natural Areas identified in Figure 3-4 of the Parks and Recreation Master Plan, **or**

(c iii) wholly in a Clean Water Services Vegetated Corridor, ~~and~~ .

(b) The ownership of each Tract must be one of the following:

(d i) ~~when~~ dedicated to the City at the City's option, **or**

(e ii) dedicated in a manner approved by the City to a non-profit conservation organization, **or**

(f iii) ~~is retained in private ownership by the developer, the decision authority for partitions and subdivisions may allow one small lot.~~ .

- (c) The small lot:
 - (i) Shall be no less than 5,000 square feet and no more than 5,999.99 square feet.
 - (ii) The average lot width shall be at least 30 feet.
 - (iii) The minimum lot width shall be 50 feet on a street and 30 feet around a cul-de-sac bulb.
 - (iv) The maximum building coverage for lots less than 6,000 square feet shall be 45 percent.
 - (v) The subdivision's or partition's density, net of the Tracts, shall not exceed 7.5 dwelling units per acre.

(2) The decision authority for partitions and subdivisions shall consider, but is not limited to, the following factors when determining if TDC 40.055(1)(~~f~~)(~~i-v~~ **b**)(**i - iii**) are allowed:

- (a) Does the Park and Recreation Master Plan designate the Tract for a greenway, pedestrian or bike path, public park, recreation, overlook or interpretive facility, or other public facility;
- (b) Does the Tract include one or more designated Heritage Trees, or one or more significant trees;
- (c) Does the Tract provide a significant view or aesthetic element, or does it include a unique or intrinsically valuable element;
- (d) Does the Tract connect publicly owned or publicly accessible properties;
- (e) Does the Tract abut an existing park, greenway, natural area or other public facility;
- (f) Does the Tract provide a public benefit or serve a public need;
- (g) Does the Tract contain environmental hazards;
- (h) Geologic stability of the Tract; and
- (i) Future maintenance costs for the Tract.

(3) The following shall apply to small lots included in a partition or subdivision pursuant to (1) above:

(a) When a small lot abuts an existing lot in an approved and recorded subdivision or partition the small lot shall be no more than 500 square feet smaller than the abutting lot. For example, a new small lot shall be no less than 5,500 square feet if it abuts an existing lot of 6,000 square feet; 5,600 square feet if it abuts an existing lot of 6,100 square feet; 5,700 square feet if it abuts an existing lot of 6,200 square feet; and so on, up to 5,999 square feet if it abuts an existing lot of 6,499 square feet.

(b) When a small lot is directly across a local street from an existing lot in a City approved and recorded subdivision or partition the small lot shall be no more than 500 square feet smaller than the lot directly across the street. For purposes of this section, a small lot is directly across the street if one or more of its lot lines, when extended in a straight line across the local street, intersect the property line of the lot across the street.

(c) When a Tract or easement is between a small lot and an existing lot in a City approved and recorded subdivision or partition the small lot shall be separated from the existing lot by at least 50 feet.

(d) When a subdivision is constructed in phases, a small lot in a later phase may abut or be directly across a local street from an existing lot in an earlier phase.

Section 5. TDC 41.060 is amended to read as follows:

Except as otherwise provided, the setbacks for permitted uses are:

(1) The front yard setback shall be a minimum of 20 feet for 1 story, 25 feet for 1 1/2-story, 30 feet for 2-story, and 35 feet for 2 1/2-story structures. The minimum front yard setback for townhouses shall be 0-20 feet as determined in the Architectural Review process. The minimum setback to a garage door shall be 20 feet.

(2) The side yard setback shall be a minimum of 5 feet for 1-story, 7 feet for 1 1/2-story, 10 feet for 2-story, and 12 feet for 2 1/2-story structures. Where living spaces face a side yard, the minimum setback shall be 10 feet. The side yard setback for townhouses shall be determined in the Architectural Review process.

(3) On corner lots, the setback is the same as the front yard setback on any side facing a street other than an alley.

(4) The rear yard setback is the same as the side yard setback.

(5) Where buildings are grouped as one project on one tract of land, the minimum distance between two buildings at any given point shall not be less than the sum of the required side yards computed separately for each building at that point. The minimum distance between two buildings for townhouses shall be determined in the Architectural Review process.

(6) Off-street parking and vehicular circulation areas shall be set back a minimum of 10 feet from any public right-of-way or property line. The setback for such areas for townhouses shall be determined in the Architectural Review process.

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

(8) Except for setbacks in Small Lot Subdivisions and setbacks abutting property lines in the RL District, the decision authority may allow a reduction of up to 35% of the required front, side or rear yard setbacks, as determined in the Architectural Review process, if as a result the buildings are farther away from fish and wildlife habitat areas, and provided the following criteria are met.

(a) A portion of the parcel must be:

(i) in the Natural Resource Protection Overlay District (NRPO), or

(ii) in an Other Natural Area identified in Figure 3-4 of the Parks and Recreation Master Plan, or

(iii) in a Clean Water Services Vegetated Corridor; and

(b) The portion of the parcel which meets the applicable criteria set forth in (a)(i), (ii), or (iii) must be placed in a Tract and must meet one of the following ownership criteria:

(i) be dedicated to the City at the City's option, or

(ii) be dedicated in a manner approved by the City to a non-profit conservation organization, or

(iii) be retained in private ownership by the developer.

Section 6. TDC 41.150 is amended to read as follows:

~~(1) When a parcel in the RML District is t~~ **The decision authority may allow the remainder of the parcel to be developed to the same number of residential units as would be permitted by the RML District standards if none of the parcel were in the NRPO District, Other Natural Area or Vegetated Corridor, provided the following criteria are met:**

(a) A portion of the parcel must be:

~~(a i) partially in the Natural Resource Protection Overlay District (NRPO),~~

or

~~(b ii) partially in an Other Natural Area identified in Figure 3-4 of the Parks and Recreation Master Plan, or~~

~~(e iii) partially in a Clean Water Services Vegetated Corridor, and.~~

(b) The portion of the parcel which meets the applicable criteria set forth in (a)(i), (ii), or (iii), must be placed in a Tract and must meet one of the following ownership criteria:

~~(d i) when that portion is placed in a Tract and dedicated to the City at the City's option, or~~

~~(e ii) dedicated in a manner approved by the City to a non-profit conservation organization, or~~

~~(f iii) is retained in private ownership by the developer, the decision authority may allow the remainder of the parcel to be developed to the same residential density as would be permitted by the RML District standards if none of the parcel were in the NRPO District, Other Natural Area or Vegetated Corridor.~~

(c) Other TDC and RML District regulations shall be met, including but not limited to building height, setbacks and building separations.

(2) The decision authority shall consider, but is not limited to, the following factors:

(i a) Does the Park and Recreation Master Plan designate the Tract for a greenway, pedestrian or bike path, public park, recreation, overlook or interpretive facility, or other public facility;

(ii b) Does the Tract include one or more designated Heritage Trees, or one or more significant trees;

(iii c) Does the Tract provide a significant view or aesthetic element, or does it include a unique or intrinsically valuable element;

(iv d) Does the Tract connect publicly owned or publicly accessible properties;

(v e) Does the Tract abut an existing park, greenway, natural area or other public facility;

(vi f) Does the Tract provide a public benefit or serve a public need;

(vii g) Does the Tract contain environmental hazards;

(viii h) Is the Tract geologically unstable; and

(ix i) Future maintenance costs for the Tract.

Section 7. TDC 42.060 is amended to read as follows:

Except as otherwise provided, the setbacks for permitted uses are:

(1) The front yard setback shall be a minimum of 20 feet for 1-story, 25 feet for 1 1/2-story, 30 feet for 2-story, and 35 feet for 2 1/2-story structures. The front yard setback

for townhouses shall be 0-20 feet as determined in the Architectural Review process. The minimum setback to a garage door shall be 20 feet.

(2) The side yard setback shall be a minimum of 5 feet for 1-story, 7 feet for 1 1/2-story, 10 feet for 2-story, and 12 feet for 2 1/2-story structures. Where living spaces face a side yard, the minimum setback shall be 20 feet. The side yard setback for townhouses shall be determined in the Architectural Review process.

(3) On corner lots, the setback is the same as the front yard setback on any side facing a street other than an alley.

(4) The rear yard setback is the same as the side-yard setback.

(5) Where buildings are grouped as one project on one tract of land, the minimum distance between two buildings at any given point shall not be less than the sum of the maximum required side yards, computed separately for each building at that point. The minimum distance between two buildings on separate lots for townhouses shall be determined in the Architectural Review process.

(6) Off-street parking and vehicular circulation areas shall be set back a minimum of 10 feet from any public right-of-way or property line. The setback for such areas for townhouses shall be determined in the Architectural Review process.

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

(8) Except for setbacks abutting property lines in the RL District, the decision authority may allow a reduction of up to 35% of the required front, side or rear yard setbacks, as determined in the Architectural Review process, if as a result the buildings are farther away from fish and wildlife habitat areas, and provided the following criteria are met.

(a) A portion of the parcel must be:

(i) in the Natural Resource Protection Overlay District (NRPO), or

(ii) in an Other Natural Area identified in Figure 3-4 of the Parks and Recreation Master Plan, or

(iii) in a Clean Water Services Vegetated Corridor; and

(b) The portion of the parcel which meets the applicable criteria set forth in (a)(i), (ii), or (iii) must be placed in a Tract and must meet one of the following ownership criteria:

(i) be dedicated to the City at the City's option, or

(ii) be dedicated in a manner approved by the City to a non-profit conservation organization, or

(iii) be retained in private ownership by the developer.

Section 8. TDC 42.150 is amended to read as follows:

(1) ~~When a parcel in the RMH District is t~~ The decision authority may allow the remainder of the parcel to be developed to the same number of residential units as would be permitted by the RMH District standards if none of the parcel were in the

NRPO District, Other Natural Area or Vegetated Corridor, provided the following criteria are met:

(a) A portion of the parcel must be:

(a i) ~~partially~~ in the Natural Resource Protection Overlay District (NRPO),

or

(b ii) ~~partially~~ in an Other Natural Area identified in Figure 3-4 of the Parks and Recreation Master Plan, or

(e iii) ~~partially~~ in a Clean Water Services Vegetated Corridor, ~~and~~.

(b) The portion of the parcel which meets the applicable criteria set forth in (a)(i), (ii), or (iii) must be placed in a Tract and must meet one of the following ownership criteria:

(d i) ~~when that portion is placed in a Tract and~~ dedicated to the City at the City's option, or

(e ii) dedicated in a manner approved by the City to a non-profit conservation organization, or

(f iii) ~~is retained in private ownership by the developer, the decision authority may allow the remainder of the parcel to be developed to the same residential density as would be permitted by the RMH District standards if none of the parcel were in the NRPO District, Other Natural Area or Vegetated Corridor.~~

(c) Other TDC and RMH District regulations shall be met, including but not limited to building height, setbacks and building separations.

(2) The decision authority shall consider, but is not limited to, the following factors:

(i a) Does the Park and Recreation Master Plan designate the Tract for a greenway, pedestrian or bike path, public park, recreation, overlook or interpretive facility, or other public facility;

(ii b) Does the Tract include one or more designated Heritage Trees, or one or more significant trees;

(iii c) Does the Tract provide a significant view or aesthetic element, or does it include a unique or intrinsically valuable element;

(iv d) Does the Tract connect publicly owned or publicly accessible properties;

(v e) Does the Tract abut an existing park, greenway, natural area or other public facility;

(vi f) Does the Tract provide a public benefit or serve a public need;

(vii g) Does the Tract contain environmental hazards;

(viii h) Geologic stability of the Tract; and

(ix i) Future maintenance costs for the Tract.

Section 9. TDC 43.070 is amended to read as follows:

Except as otherwise provided, the setbacks for permitted uses are:

(1) The front yard setback is a minimum of 20 feet for 1-story, 25 feet for 1 1/2-story, 30 feet for 2-story, and 35 feet for 2 1/2-story structures. The front yard setback for townhouses shall be 0-20 feet as determined in the Architectural Review process. The minimum setback to a garage door shall be 20 feet.

(2) The side yard setback shall be a minimum of 5 feet for 1-story, 7 feet for 1 1/2-story, 10 feet for 2-story, and 12 feet for 2 1/2-story structures. Where living spaces face a

side yard, the minimum setback shall be 10 feet. The side yard setback for townhouses shall be determined in the Architectural Review process.

(3) On corner lots, the setback is the same as the front yard setback on any side facing a street other than an alley.

(4) The rear yard setback is the same as the side-yard setback.

(5) Where buildings are grouped as one project on one tract of land, the minimum distance between two buildings at any given point shall not be less than the sum of the maximum required side yards, computed separately for each building at that point. The minimum distance between two buildings on separate lots for townhouses shall be determined in the Architectural Review process.

(6) Off-street parking and vehicular circulation areas shall be set back a minimum of 10 feet from any public right-of-way or property line. The setback for such areas for townhouses shall be determined in the Architectural Review process.

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

(8) Except for setbacks abutting property lines in the RL District, the decision authority may allow a reduction of up to 35% of the required front, side or rear yard setbacks, as determined in the Architectural Review process, if as a result the buildings are farther away from fish and wildlife habitat areas, and provided the following criteria are met.

(a) A portion of the parcel must be:

(i) in the Natural Resource Protection Overlay District (NRPO), or

(ii) in an Other Natural Area identified in Figure 3-4 of the Parks and Recreation Master Plan, or

(iii) in a Clean Water Services Vegetated Corridor; and

(b) The portion of the parcel which meets the applicable criteria set forth in (a)(i), (ii), or (iii) must be placed in a Tract and must meet one of the following ownership criteria:

(i) be dedicated to the City at the City's option, or

(ii) be dedicated in a manner approved by the City to a non-profit conservation organization, or

(iii) be retained in private ownership by the developer.

Section 10. TDC 43.180 is amended to read as follows:

(1) ~~When a parcel in the RH District is t~~ The decision authority may allow the remainder of the parcel to be developed to the same number of residential units as would be permitted by the RH District standards if none of the parcel were in the NRPO District, Other Natural Area or Vegetated Corridor, provided the following criteria are met:

(a) A portion of the parcel must be:

- (a i) ~~partially~~ in the Natural Resource Protection Overlay District (NRPO),
- or
- (b ii) ~~partially~~ in an Other Natural Area identified in Figure 3-4 of the Parks and Recreation Master Plan, or
- (e iii) ~~partially~~ in a Clean Water Services Vegetated Corridor; ~~and~~.
- (b) The portion of the parcel which meets the applicable criteria set forth in (a)(i), (ii), or (iii) must be placed in a Tract and must meet one of the following ownership criteria:**
- (d i) ~~when that portion is placed in a Tract and~~ dedicated to the City at the City's option, or
- (e ii) dedicated in a manner approved by the City to a non-profit conservation organization, or
- (f iii) is retained in private ownership by the developer; ~~the decision authority may allow the remainder of the parcel to be developed to the same residential density as would be permitted by the RH District standards if none of the parcel were in the NRPO District, Other Natural Area or Vegetated Corridor.~~
- (c) Other TDC and RH District regulations shall be met, including but not limited to building height, setbacks and building separations.
- (2) The decision authority shall consider, but is not limited to, the following factors:
- (i a) Does the Park and Recreation Master Plan designate the Tract for a greenway, pedestrian or bike path, public park, recreation, overlook or interpretive facility, or other public facility;
- (ii b) Does the Tract include one or more designated Heritage Trees, or one or more significant trees;
- (iii c) Does the Tract provide a significant view or aesthetic element, or does it include a unique or intrinsically valuable element;
- (iv d) Does the Tract connect publicly owned or publicly accessible properties;
- (v e) Does the Tract abut an existing park, greenway, natural area or other public facility;
- (vi f) Does the Tract provide a public benefit or serve a public need;
- (vii g) Does the Tract contain environmental hazards;
- (viii h) Geologic stability of the Tract; and
- (ix i) Future maintenance costs for the Tract.

Section 11. TDC 44.060 is amended to read as follows:

Except as otherwise provided, the setbacks for permitted uses are:

- (1) The front yard setback shall be a minimum of 20 feet for 1-story, 25 feet for 1½ story, 30 feet for 2-story, and 35 feet for 2½ story structures.
- (2) The side yard setback shall be a minimum of 5 feet for 1 story, 7 feet for 1½ story, 10 feet for 2-story, and 12 feet for 2½ story structures. Where living spaces face a side yard, the minimum setback shall be 10 feet.
- (3) On corner lots, the setback shall be the same as the front yard setback on any side facing a street other than an alley.
- (4) Front, side and rear yard setbacks for structures exceeding 2½ stories shall be determined through the Architectural Review process, except that no setback shall be required which is greater than the height of the structure.

(5) The rear yard setback shall be the same as the side yard setback.

(6) Where buildings are grouped as one project on one tract of land, the minimum distance between two buildings at any given point shall not be less than the sum of the maximum required side yards computed separately for each building at that point.

(7) The minimum yard setback for any yard facing an area designated a Wetland Protected Area pursuant to Chapter 71 shall be 100 feet.

(8) Off-street parking and vehicular circulation areas shall be set back a minimum of 10 feet from any public right-of-way or property line.

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

(10) Except for setbacks abutting property lines in the RL District, the decision authority may allow a reduction of up to 35% of the required front, side or rear yard setbacks, as determined in the Architectural Review process, if as a result the buildings are farther away from fish and wildlife habitat areas, and provided the following criteria are met.

(a) A portion of the parcel must be:

(i) in the Natural Resource Protection Overlay District (NRPO), or

(ii) in an Other Natural Area identified in Figure 3-4 of the Parks and Recreation Master Plan, or

(iii) in a Clean Water Services Vegetated Corridor; and

(b) The portion of the parcel which meets the applicable criteria set forth in (a)(i), (ii), or (iii) must be placed in a Tract and must meet one of the following ownership criteria:

(i) be dedicated to the City at the City's option, or

(ii) be dedicated in a manner approved by the City to a non-profit conservation organization, or

(iii) be retained in private ownership by the developer.

Section 12. TDC 44.160 is amended to read as follows:

(1) ~~When a parcel in the RH/HR District is t~~ The decision authority may allow the remainder of the parcel to be developed to the same number of residential units as would be permitted by the RH/HR District standards if none of the parcel were in the NRPO District, Other Natural Area or Vegetated Corridor, and provided the following criteria are met:

(a) A portion of the parcel must be:

(a i) ~~partially~~ in the Natural Resource Protection Overlay District (NRPO),

or

(b ii) ~~partially~~ in an Other Natural Area identified in Figure 3-4 of the Parks and Recreation Master Plan, or

(e iii) ~~partially~~ in a Clean Water Services Vegetated Corridor, ~~and~~.

(b) The portion of the parcel which meets the applicable criteria set forth in (a)(i), (ii), or (iii) must be placed in a Tract and must meet one of the following ownership criteria:

~~(d i) when that portion is placed in a Tract and dedicated to the City at the City's option, or~~

~~(e ii) dedicated in a manner approved by the City to a non-profit conservation organization, or~~

~~(f iii) is retained in private ownership by the developer, the decision authority may allow the remainder of the parcel to be developed to the same residential density as would be permitted by the RH/HR District standards if none of the parcel were in the NRPO District, Other Natural Area or Vegetated Corridor.~~

(c) Other TDC and RH/HR District regulations shall be met, including but not limited to building height, setbacks and building separations.

(2) The decision authority shall consider, but is not limited to, the following factors:

(i a) Does the Park and Recreation Master Plan designate the Tract for a greenway, pedestrian or bike path, public park, recreation, overlook or interpretive facility, or other public facility;

(ii b) Does the Tract include one or more designated Heritage Trees, or one or more significant trees;

(iii c) Does the Tract provide a significant view or aesthetic element, or does it include a unique or intrinsically valuable element;

(iv d) Does the Tract connect publicly owned or publicly accessible properties;

(v e) Does the Tract abut an existing park, greenway, natural area or other public facility;

(vi f) Does the Tract provide a public benefit or serve a public need;

(vii g) Does the Tract contain environmental hazards;

(viii h) Geologic stability of the Tract; and

(ix i) Future maintenance costs for the Tract.

Section 13. TDC 49.050 is amended to read as follows:

Except as determined and approved through the Architectural Review process in accordance with TDC Chapter 73, which may establish greater minimum setback requirements, the setbacks for permitted uses shall be:

(1) Front Yard. The minimum front yard setback shall be 25 feet.

(2) Side Yard. The minimum side yard setback shall be 10 feet.

(3) For a Corner Lot, the minimum setback shall be 25 feet from any street other than an alley.

(4) Rear Yard. The minimum rear yard setback shall be 25 feet.

(5) Off-street parking and vehicular circulation areas shall be set back a minimum of 30 feet from any public right-of-way, and a minimum of 10 feet from any other property line.

(6) No fence shall be constructed within 5 feet of a public right-of-way.

(7) Setbacks for a wireless communication facility shall be established through the Architectural Review process, shall consider TDC 73.510, shall be a minimum of 20 feet, and shall be set back from an RL District, or an RML District with an approved small lot subdivision, no less than 175 feet for a monopole that is no more than 35 feet in

height and the setback shall increase five feet for each one foot increase in height up to 80 feet in height, and the setback shall increase 10 feet for each one foot increase in height above 80 feet.

(8) Except for setbacks abutting property lines in the RL District, the decision authority may allow a reduction of up to 35% of the required front, side or rear yard setbacks, as determined in the Architectural Review process, if as a result the buildings are farther away from fish and wildlife habitat areas, and provided the following criteria are met.

- (a) A portion of the parcel must be:**
 - (i) in the Natural Resource Protection Overlay District (NRPO), or**
 - (ii) in an Other Natural Area identified in Figure 3-4 of the Parks and Recreation Master Plan, or**
 - (iii) in a Clean Water Services Vegetated Corridor; and**
- (b) The portion of the parcel which meets the applicable criteria set forth in (a)(i), (ii), or (iii) must be placed in a Tract and must meet one of the following ownership criteria:**
 - (i) be dedicated to the City at the City's option, or**
 - (ii) be dedicated in a manner approved by the City to a non-profit conservation organization, or**
 - (iii) be retained in private ownership by the developer.**

Section 14. TDC 50.060 is amended to read as follows:

(1) Front yard. Except for townhouses whose setbacks shall conform to the setback standards in the RH District, the minimum front yard setback shall be 20 feet, except as ~~approved through the architectural review process~~ where a ~~greenway or natural~~ **fish and wildlife habitat** area on the subject property is **placed in a Tract and dedicated to the City at the City's option, dedicated in a manner approved by the City to a non-profit conservation organization or is retained in private ownership by the developer, the decision authority may allow a reduction of up to 35% of the required front yard setback, as determined in the Architectural Review process, if as a result the buildings are farther away from fish and wildlife habitat areas.**

(2) Side yard. Except for townhouses whose setbacks and separation between buildings shall conform to the setback and separation standards in the RH District, and except for structures greater than 35 feet in height which shall have a setback of 30 feet when the subject side yard abuts a lot in the RL District and a setback of 20 to 30 feet as determined through the Architectural Review process when the subject side yard abuts a lot in a multifamily district, the side yard setback shall be zero to 15 feet, as determined through the Architectural Review process.

(3) Rear yard. Except for townhouses whose setbacks and separation between buildings shall conform to the setback and separation standards in the RH District, and except for structures greater than 35 feet in height which shall have a setback of 30 feet when the subject rear yard abuts a lot in the RL District and a setback of 20 to 30 feet as determined through the Architectural Review process when the subject side yard abuts a lot in a multifamily district, the rear yard setback shall be zero to 15 feet, as determined through the Architectural Review process.

(4) Corner lot yards. Except for townhouses whose setbacks shall conform to the setback standards in the RH District, zero to 20 feet along each street frontage for a sufficient distance to provide adequate sight distance for vehicular and pedestrian traffic at an intersection, as determined through the Architectural Review process.

(5) Except for townhouses whose setbacks shall conform to the setback standards in the RH District, off-street parking and vehicular circulation areas shall be set back a minimum of 5 feet from any public right-of-way or property line, except as approved through the Architectural Review process.

(6) Except for townhouses which may construct a fence on the property line, no fence shall be constructed within 5 feet of a public right-of-way.

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

Section 15. TDC 51.040 is amended to read as follows:

(1) Front yard. The minimum front yard setback shall be 20 feet, **except where a fish and wildlife habitat area on the subject property is placed in a Tract and dedicated to the City at the City's option, dedicated in a manner approved by the City to a non-profit conservation organization or is retained in private ownership by the developer, the decision authority may allow a reduction of up to 35% of the required front yard setback, as determined in the Architectural Review process, if as a result the buildings are farther away from fish and wildlife habitat areas.**

(2) Side yard. 0 to 15 feet as determined through the Architectural Review process.

(3) Rear yard. 0 to 15 feet as determined through the Architectural Review process.

(4) Corner lot yards. 0 to 10 feet along each street frontage for a sufficient distance to provide adequate sight distance for vehicular and pedestrian traffic at the intersection as determined through the Architectural Review process.

(5) Off-street parking and vehicular circulation areas shall be set back a minimum of 5 feet from any public right-of-way or property line, except as approved through the Architectural Review process.

(6) No fence shall be constructed within 5 feet of a public right-of-way.

Section 16. TDC 52.050 is amended to read as follows:

(1) Front Yard. The minimum front yard setback shall be 20 feet, ~~except as approved through the architectural review process~~ where a ~~greenway or natural~~ **fish and wildlife habitat** area on the subject property is **placed in a Tract and** dedicated to the City **at the City's option, dedicated in a manner approved by the City to a non-profit conservation organization or is retained in private ownership by the developer, the decision authority may allow a reduction of up to 35% of the required front yard**

setback, as determined in the Architectural Review process, if as a result the buildings are farther away from fish and wildlife habitat areas.

(2) Side Yard. Zero to 15 feet, as determined through the Architectural Review process.

(3) Rear Yard. Zero to 15 feet, as determined through the Architectural Review process.

(4) Corner Lot Yards. Zero to 20 feet for a sufficient distance to provide adequate sight distance for vehicular and pedestrian traffic at an intersection, as determined through the Architectural Review process.

(5) Off-street parking and vehicular circulation areas shall be set back a minimum of 5 feet from any public right-of-way or property line, except as approved through the Architectural Review process.

(6) No fence shall be constructed within 5 feet of a public right-of-way.

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

Section 17. TDC 55.060 is amended to read as follows:

Except as otherwise provided, the setbacks are:

(1) Front yard. The minimum front yard setback shall be 30 feet. ~~except as approved through the architectural review process where a greenway or natural area on the subject property are dedicated to the City.~~

(2) Side yard. The minimum side yard setback shall be 30 feet.

(3) Rear yard. The minimum rear yard setback shall be 30 feet.

(4) Corner lot yards. A 30-foot setback along each street frontage for a sufficient distance to provide adequate sight distance for vehicular and pedestrian traffic at an intersection shall be required.

(5) Off-street parking and vehicular circulation areas shall be set back a minimum of 5 feet from any public right-of-way or property line, except as approved through the Architectural Review process.

(6) No fence shall be constructed within 5 feet of a public right-of-way.

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

(8) Except for setbacks abutting property lines in a Residential District, the decision authority may allow a reduction of up to 35% of the required front, side or rear yard setbacks, as determined in the Architectural Review process, if as a result

the buildings are farther away from fish and wildlife habitat areas, and provided the following criteria are met.

- (a) A portion of the parcel must be:
 - (i) in the Natural Resource Protection Overlay District (NRPO), or
 - (ii) in an Other Natural Area identified in Figure 3-4 of the Parks and Recreation Master Plan, or
 - (iii) in a Clean Water Services Vegetated Corridor; and
- (b) The portion of the parcel which meets the applicable criteria set forth in (a)(i), (ii), or (iii) must be placed in a Tract and must meet one of the following ownership criteria:
 - (i) be dedicated to the City at the City's option, or
 - (ii) be dedicated in a manner approved by the City to a non-profit conservation organization, or
 - (iii) be retained in private ownership by the developer.

Section 18. TDC 60.070 is amended to read as follows:

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

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

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

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

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

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

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

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

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

Section 19. TDC 61.060 is amended to read as follows:

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

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

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

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

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

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

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

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

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

Section 20. TDC 73.120 is amended to read as follows:

All multi-family projects, including townhouses, should strive to meet the following objectives to the maximum extent practicable. Architects and developers should consider these elements in designing new projects. In the case of conflicts between objectives, the proposal shall provide a desirable balance between the objectives. Townhouses may necessitate a different balancing than multi-family developments, such as apartments. In the Central Design District, the Design Guidelines of TDC 73.610 shall be considered. Site elements shall be placed and designed, to the maximum extent practicable, to:

- (1) Retain and incorporate existing trees and other significant natural features **and habitat** such as drainage-ways and wetlands.
- (2) Minimize soil removal from the site and grade changes.
- (3) Minimize the effects of noise and dust pollution on areas surrounding and within the site.
- (4) Create areas for recreation which are suitable for passive and active uses.
- (5) Provide the opportunity for residents to watch over shared outdoor areas, entry areas and vehicular parking areas through placement and orientation of kitchen or living room windows, or both.
- (6) Provide protection from adverse climate conditions such as summer overheating and winter storms. Architectural and landscape elements such as porches, trellises, awnings, trees and shrubs **including native species**, are examples of items which may mitigate these impacts.
- (7) Parking lot location and design should minimize distances between resident vehicular parking and entry areas while providing a suitable transition in materials and scale between vehicular areas and living areas.
- (8) Protect parked vehicles from moving vehicles.
- (9) Select and locate plant materials to appropriately articulate space, frame views and vistas, provide seasonal variety, create usable ground surfaces, discourage intrusion into private outdoor areas, and curtail erosion.
- (10) Provide shade and break up the appearance of large expanses of paved areas.
- (11) Screen vehicular headlights from shining into residential units.
- (12) Screen elements such as mechanical and electrical facilities from view.
- (13) Avoid barriers to disabled individuals.
- (14) Create opportunities for, or areas of, visual and aesthetic interest for occupants and visitors to the site.
- (15) Provide, protect and maintain visual and physical corridors to adjacent wetlands, waterways, Natural Areas and Greenways.
- (16) Provide safe and convenient walkways for pedestrians to move from parking areas to building entrances.
- (17) Provide and maintain a circulation system of safe and convenient walkways and bikeways that link buildings on the site with adjacent public streets and accessways.
- (18) Provide direct and convenient accessways between the development and publicly-owned land intended for general public use; arterial and collector streets where a transit stop and a bike lane is provided or designated; and abutting residential, commercial and semi-public property. Accessways should be designed and located in a manner which does not restrict or inhibit opportunities for developers of adjacent properties to connect with an accessway and which provides continuity from property to property for pedestrians and bicyclists to use the accessway.

Section 21. TDC 73.130 is amended to read as follows:

The following standards are minimum requirements for multi-family and townhouse development:

(1) Private Outdoor Areas

(a) Except within the Central Design District, a separate outdoor area of not less than 80 square feet shall be attached to each ground level dwelling unit. These areas shall be separated from common outdoor areas in a manner which enables the resident to control access from separate to common areas with elements, such as walls, fences or shrubs.

(b) Except for townhouses, a separate outdoor area of not less than 48 square feet in the form of balconies, terraces, or loggias shall be provided for each unit located above the ground level, except that within the Central Design District such outdoor areas may be less than 48 square feet.

(2) Entry Areas

(a) Except as provided in TDC 73.130(2)(b), a private main entry area shall be provided in addition to required private outdoor areas and designed so that they are considered a private extension of each dwelling unit. Except for townhouses, each entrance area shall be a minimum of 24 square feet in area for each dwelling unit and may be combined to serve more than a single unit, subject to the following minimum area requirements:

(i) Two dwelling units for one-story buildings or two-story townhouses (48 square feet).

(ii) Four dwelling units for two-story buildings (96 square feet).

(iii) Six dwelling units for three-story buildings (144 square feet).

(iv) Unlimited for four-story and greater and for buildings with dwelling unit entries from interior corridors.

(b) Within the Central Design District, a private main entry area need not meet the minimum square footage requirements in TDC 73.130(2)(a).

(c) Entry areas shall be separated from on-site parking areas and public streets with landscaping, change of grade, low fences, walls or other means that enable the resident to supervise and control access and to retain privacy.

(3) Shared Outdoor Areas and Children's Play Areas

(a) Except for townhouses, projects with 12 or more dwelling units shall provide year round shared outdoor areas for both active and passive recreation (gazebos and other covered spaces are encouraged to satisfy part of this requirement) totaling not less than 450 square feet per dwelling unit. Except adult only projects, a minimum of 150 square feet of the 450 square feet shall be provided as a children's play area.

(b) The shared outdoor and children's play areas shall be located and designed in a manner which:

(i) Provides approximately the same accessibility to the maximum number of dwelling units possible;

(ii) Allows residents to watch over these areas from windows in at least two adjacent dwelling units. These windows must provide viewing from the kitchen, living room, dining room or other activity room (bedrooms or bathrooms are not included);

(iii) Provides a separation from all entryway and parking areas with a landscaped transition area measuring a minimum of 10 feet wide;

(iv) Controls access to shared outdoor areas from off-site as well as from on-site parking and entrance areas with features such as fencing, walls and landscaping;

(v) Provides both sunny and shady spots; and

(vi) Provides a usable floor surface (material such as lawn, decks, wood chips, sand and hard surface materials qualify).

(c) These standards shall not apply to townhouses or within the Central Design District.

(4) Safety and Security.

(a) Except for townhouses, private outdoor areas shall be separated from shared outdoor areas and children's play areas with elements such as walls, buildings, landscaping, and changes in grade in a manner which enables residents to utilize these areas as an extension of their units.

(b) Windows shall be located to encourage watching over entry areas, shared outdoor areas, walkways and parking areas.

(c) An outdoor lighting system shall be provided which facilitates police observation and resident observation through strategic location, orientation and brightness without ~~being obtrusive (i.e., shining into residential units)~~ **shining into residential units, public rights-of-way, or fish and wildlife habitat areas.**

(d) An identification system shall be established which clearly orients visitors and emergency services as to the location of residential units. Where possible, this system should be evident from the primary vehicle entryway.

(5) Service, Delivery and Screening

(a) Provisions for postal delivery shall be conveniently located and efficiently designed for residents and mail delivery personnel.

(b) Safe pedestrian access from unit entries to postal delivery areas, shared activity areas, and parking areas shall be provided. Elements such as, but not limited to, concrete paths, raised walkways through vehicular areas or bark chip trails will meet this requirement.

(c) On and above grade electrical and mechanical equipment such as transformers, heat pumps and air conditioners shall be screened with sight obscuring fences, walls or landscaping.

(6) Accessways

(a) Accessways shall be constructed, owned and maintained by the property owner.

(b) Accessways shall be provided between the development's walkway and bikeway circulation system and all of the following locations that apply:

(i) adjoining publicly-owned land intended for public use, including schools, parks, or bikelanes. Where a bridge or culvert would be necessary to span a designated greenway or wetland to provide a connection, the City may limit the number and location of accessways to reduce the impact on the greenway or wetland;

(ii) adjoining arterial or collector streets upon which transit stops or bike lanes are provided or designated;

(iii) adjoining undeveloped residential or commercial property; and

(iv) adjoining developed sites where an accessway is planned or provided.

(c) Accessways to undeveloped parcels or undeveloped transit facilities need not be constructed at the time the subject property is developed. In such cases the applicant for development of a parcel adjacent to a vacant parcel shall enter into a written agreement with the City guaranteeing future performance by the applicant and any successors in interest of the property being developed to construct an accessway when the adjacent undeveloped parcel is developed. The agreement shall be subject to the City's review and approval.

(d) Accessways for multi-family development shall:

(i) be a ~~paved surface that is~~ a minimum of 8 feet in width;

(ii) be constructed of ~~Portland Cement Concrete~~ **in accordance with the Public Works Construction Code if they are public accessways, and if they are private accessways they shall be constructed of asphalt, concrete or a pervious surface such as pervious asphalt or concrete, pavers or grasscrete, but not gravel or woody material, and be ADA compliant, if applicable;**

(iii) not have fences or gates which prevent pedestrian and bike access at the entrance to or exit from any accessway; and

(iv) have curb ramps wherever the accessway crosses a curb.

(e) Outdoor Recreation Access Routes shall be provided between the development's walkway and bikeway circulation system and parks, bikeways and greenways where a bike or pedestrian path is designated.

(7) Walkways

(a) Except for townhouses, walkways for multi-family development shall be a minimum of 6 feet in width and ~~paved with asphalt, concrete or a suitable all-weather surface material~~ **be constructed of asphalt, concrete, or a pervious surface such as pavers or grasscrete, but not gravel or woody material, and be ADA compliant, if applicable.**

(b) Curb ramps shall be provided wherever a walkway crosses a curb.

(8) The Federal Americans With Disabilities Act (ADA) applies to development in the City of Tualatin. Although TDC Chapter 73, does not include the Oregon Structural Specialty Code's (OSSC) accessibility standards as requirements to be reviewed during the Architectural Review process, compliance with the OSSC is a requirement at the Building Permit step. It is strongly recommended all materials submitted for Architectural Review show compliance with the OSSC.

Section 22. TDC 73.150 is amended to read as follows:

All commercial, industrial, public and semi-public projects should strive to meet the following objectives to the maximum extent practicable. Architects and developers should consider these elements in designing new projects. In the Central Design District, the Design Guidelines of TDC 73.610 shall be considered. In the case of conflicts between objectives, the proposal shall provide a desirable balance between the objectives. Site elements shall be placed and designed, to the maximum extent practicable, to:

(1) Provide convenient walkways and crosswalks which separate pedestrians from vehicles and link primary building entries to parking areas, other on-site buildings and the public right-of-way.

(2) Avoid barriers to disabled individuals.

(3) Locate and design drive-through facilities in a manner which does not conflict with pedestrian routes or other vehicular circulation and minimizes adverse impacts on adjacent properties.

(4) Break up parking areas with landscaping (trees, shrubs and walkways) and buildings to lessen the overall impact of large paved areas.

(5) Utilize landscaping in parking areas to direct and control vehicular movement patterns, screen headlights from adjacent properties and streets, and lessen the visual dominance of pavement coverage.

(6) Provide vehicular connections to adjoining sites.

(7) Emphasize entry drives into commercial complexes and industrial park developments with special design features, such as landscaped medians, water features and sculptures.

(8) Locate, within parking lots, pedestrian amenities and/or landscaping in areas which are not used for vehicle maneuvering and parking.

(9) Encourage outdoor seating areas which provide shade during summer and sun during winter, trash receptacles and other features for pedestrian use. Plantings with a variety of textures and color are encouraged.

(10) Create opportunities for, or areas of, visual and aesthetic interest for occupants and visitors to the site.

(11) ~~Provide, protect and/or maintain visual and physical corridors to adjacent wetlands, waterways, Natural Areas and Greenways.~~ **Conserve, protect and restore fish and wildlife habitat areas, and maintain or create visual and physical corridors to adjacent fish and wildlife habitat areas.**

(12) Provide safe pathways for pedestrians to move from parking areas to building entrances.

(13) Design the location of buildings and the orientation of building entrances for commercial, public and semi-public uses such as churches, schools and hospitals to provide adequate pedestrian circulation between buildings and to provide preferential access for pedestrians to existing or planned transit stops and transit stations.

(14) Provide accessways between commercial, public and semi-public development and publicly-owned land intended for general public use; arterial and collector streets where a transit stop and/or a bike lane is provided or designated; and abutting residential, commercial and semi-public property.

(15) Provide accessways between industrial development and abutting greenways where a bikeway or pedestrian path is provided or designated.

(16) Accessways should be designed and located in a manner which does not restrict or inhibit opportunities for developers of adjacent properties to connect with an accessway, and provide continuity from property to property for pedestrians and bicyclists to use the accessway.

(17) Provide preferential parking for carpool and vanpools to encourage employees to participate in carpools and vanpools.

(18) Screen elements such as mechanical and electrical equipment, above ground sewer or water pump stations, pressure reading stations and water reservoirs from view.

(19) Parking structure exteriors and underground parking should be designed to be harmonious with surrounding buildings and architecturally compatible with the treatment of buildings they serve.

(20) When a fish and wildlife habitat area abuts or is on the subject property the applicant and decision authority for a development application should consider locating buildings farther away from the fish and wildlife habitat area.

Section 23. TDC 73.160 is amended to read as follows:

The following standards are minimum requirements for commercial, industrial, public and semi-public development, and it is expected that development proposals shall meet or exceed these minimum requirements.

(1) Pedestrian and Bicycle Circulation:

(a) For commercial, public and semi-public uses:

(i) a walkway shall be provided between the main entrance to the building and any abutting public right-of-way of an arterial or collector street where a transit stop is designated or provided. The walkway shall be a minimum of 6 feet wide and shall be constructed ~~to meet the requirements for sidewalks in the Public Works Construction Code~~ **of concrete, asphalt, or a pervious surface such as pavers or grasscrete, but not gravel or woody material, and be ADA compliant, if applicable;**

(ii) walkways shall be provided between the main building entrances and other on-site buildings and accessways. The walkways shall be a minimum of 6 feet wide and shall be ~~paved with asphalt or concrete~~ **constructed of concrete, asphalt, or a pervious surface such as pavers or grasscrete, but not gravel or woody material, and be ADA compliant, if applicable;**

(iii) walkways through parking areas, drive aisles, and loading areas shall be visibly raised and of a different appearance than the adjacent paved vehicular areas;

(iv) accessways shall be provided as a connection from the development's internal bikeways and walkways to all of the following locations that apply: abutting arterial or collector streets upon which transit stops or bike lanes are provided or designated; abutting undeveloped residential or commercial areas; adjacent undeveloped sites where an agreement to provide an accessway connection exists; and to abutting publicly-owned land intended for general public use, including schools;

(v) fences or gates which prevent pedestrian and bike access shall not be allowed at the entrance to or exit from any accessway.

(vi) bikeways shall be provided which link building entrances and bike facilities on the site with the adjoining public right-of-way and accessways.

(vii) Outdoor Recreation Access Routes shall be provided between the development's walkway and bikeway circulation system and parks, bikeways and greenways where a bike or pedestrian path is designated.

(b) For Industrial Uses:

(i) ~~a concrete or asphalt paved pedestrian~~ walkway shall be provided from the main building entrance to sidewalks in the public right-of-way and other on-site buildings and accessways. The walkway shall be a minimum of 5 feet ~~in width~~ **wide and constructed of concrete, asphalt, or a pervious surface such as pavers or grasscrete, but not gravel or woody material, and be ADA compliant, if applicable.**

(ii) walkways through parking areas, drive aisles and loading areas shall have a different appearance than the adjacent paved vehicular areas.

(iii) accessways shall be provided as a connection between the development's walkway and bikeway circulation system and an adjacent bike lane;

(iv) accessways may be gated for security purposes;
(v) Outdoor Recreation Access Routes shall be provided between the development's walkway and bikeway circulation system and parks, bikeways and greenways where a bike or pedestrian path is designated.

(c) Curb ramps shall be provided wherever a walkway or accessway crosses a curb.

(d) Accessways shall be ~~constructed of Portland Concrete Cement and be paved~~ a minimum of 8 feet wide **and constructed in accordance with the Public Works Construction Code if they are public accessways, and if they are private accessways they shall be constructed of asphalt, concrete or a pervious surface such as pervious asphalt or concrete, pavers or grasscrete, but not gravel or woody material, and be ADA compliant, if applicable.**

(e) Accessways to undeveloped parcels or undeveloped transit facilities need not be constructed at the time the subject property is developed. In such cases the applicant for development of a parcel adjacent to an undeveloped parcel shall enter into a written agreement with the City guaranteeing future performance by the applicant and any successors in interest of the property being developed to construct an accessway when the adjacent undeveloped parcel is developed. The agreement shall be subject to the City's review and approval.

(f) Where a bridge or culvert would be necessary to span a designated greenway or wetland to provide a connection to a bike or pedestrian path, the City may limit the number and location of accessways to reduce the impact on the greenway or wetland.

(g) Accessways shall be constructed, owned and maintained by the property owner.

(2) Drive-up Uses

(a) Drive-up uses shall provide a minimum stacking area clear of the public right-of-way and parking lot aisles from the window serving the vehicles as follows:

(i) Banks--each lane shall provide a minimum capacity for five automobiles.

(ii) Restaurants--each lane shall provide a minimum capacity for eight automobiles.

(iii) Other Drive-Up Uses--each lane shall provide a minimum capacity for two to eight automobiles, as determined through the architectural review process.

(iv) For purposes of this Section, an automobile shall be considered no less than twenty feet in length. The width and turning radius of drive-up aisles shall be approved through the architectural review process.

(b) Parking maneuvers shall not occur in the stacking area. The stacking area shall not interfere with safe and efficient access to other parking areas on the property.

(c) Locate drive-up aisles and windows a minimum of 50 feet from residential planning districts to avoid adverse impacts. A wall or other visual or acoustic may be required through the architectural review process.

(3) Safety and Security

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

(b) In commercial, public and semi-public development and where possible in industrial development, locate windows and provide lighting in a manner which enables surveillance of interior activity from the public right-of-way.

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

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

(e) Shrubs in parking areas must not exceed 30 inches in height. Tree canopies must not extend below 8 feet measured from grade.

(f) Above ground sewer or water pumping stations, pressure reading stations, water reservoirs, electrical substations, and above ground natural gas pumping stations shall provide a minimum 6' tall security fence or wall.

(4) Service, Delivery and Screening

(a) On and above grade electrical and mechanical equipment such as transformers, heat pumps and air conditioners shall be screened with sight obscuring fences, walls or landscaping.

(b) Outdoor storage, excluding mixed solid waste and source separated recyclables storage areas listed under TDC 73.227, shall be screened with a sight obscuring fence, wall, berm or dense evergreen landscaping.

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

(5) The Federal Americans With Disabilities Act (ADA) applies to development in the City of Tualatin. Although TDC, Chapter 73 does not include the Oregon Structural Specialty Code's (OSSC) accessibility standards as requirements to be reviewed during the Architectural Review process, compliance with the OSSC is a requirement at the Building Permit step. It is strongly recommended all materials submitted for Architectural Review show compliance with the OSSC.

(6) (a) All industrial, institutional, retail and office development on a transit street designated in TDC Chapter 11 (Figure 11-6) shall provide either a transit stop pad on-site, or an on-site or public sidewalk connection to a transit stop along the subject property's frontage on the transit street.

(b) In addition to (a) above, new retail, office and institutional uses abutting major transit stops as designated in TDC Chapter 11 (Figure 11-6) shall:

(i) locate any portion of a building within 20 feet of the major transit stop or provide a pedestrian plaza at the transit stop;

(ii) provide a reasonably direct pedestrian connection between the major transit stop and a building entrance on the site;

(iii) provide a transit passenger landing pad accessible to disabled persons;

(iv) provide an easement or dedication for a passenger shelter as determined by the City; and

(v) provide lighting at the major transit stop.

Section 24 TDC 73.220 is amended to read as follows:

The following standards are minimum requirements for commercial, industrial, public and semi-public development and it is expected that development proposals shall meet or exceed these minimum requirements.

(1) Safety and Security

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

(b) Provide an identification system which clearly identifies and locates buildings and their entries.

(c) Shrubs in parking areas shall not exceed 30 inches in height, and tree canopies must not extend below 8 feet measured from grade, except for parking structures and underground parking where this provision shall not apply.

Section 25. TDC 73.240 is amended to read as follows:

(1) The following standards are minimum requirements.

(2) The minimum area requirement for landscaping for conditional uses for RL, RML, RMH, RH and RH/HR Planning Districts, listed in 40.030, 41.030, 42.030, 43.030 and 44.030, excluding 40.030(3), 40.030 (4)(j), 40.030 (4)(m), 40.030 (4)(n) and 41.030(2) shall be twenty-five (25) percent of the total area to be developed. When a dedication is granted **in accordance with the planning district provisions** on the subject property for a ~~greenway and/or natural~~ **fish and wildlife habitat** area, the minimum area requirement for landscaping shall be twenty (20) percent of the total area to be developed as determined through the AR process.

(3) The minimum area requirement for landscaping for uses in CO, CR, CC, CG, ML and MG Planning Districts shall be fifteen (15) percent of the total land area to be developed, except within the Core Area Parking District, where the minimum area requirement for landscaping shall be 10 percent. When a dedication is granted **in accordance with the planning district provisions** on the subject property for a ~~greenway or natural~~ **fish and wildlife habitat** area, the minimum area requirement for landscaping may be reduced by 2.5 percent from the minimum area requirement as determined through the AR process.

(4) The minimum area requirement for landscaping for uses in IN, CN, CO/MR, MC and MP Planning Districts shall be twenty-five (25) percent of the total land area to be developed. When a dedication is granted **in accordance with the planning district provisions** on the subject property for a ~~greenway or natural~~ **fish and wildlife habitat** area, the minimum area requirement for landscaping may be reduced by 2.5 percent from the minimum area requirement as determined through the AR process.

(5) The minimum area requirement for landscaping for uses in the Industrial Business Park Overlay Planning District shall be twenty (20) percent of the total land area to be developed.

(6) The minimum area requirement for landscaping for approved Industrial Master Plans shall be 20% of the total land area to be developed.

(7) For properties within the Hedges Creek Wetland Protection District which have signed the "Wetlands Mitigation Agreement", the improved or unimproved wetland buffer

area may reduce the required landscaping to 12.5 percent as long as all other landscape requirements are met.

(8) Developments not in a Low Density Residential (RL) or Manufacturing Park (MP) Planning District, but which abut an RL or MP Planning District shall provide and perpetually maintain dense, evergreen landscaped buffers between allowed uses in the district and the adjacent Low Density Residential (RL) or Manufacturing Park (MP) Planning District as approved through the Architectural Review process.

(9) Yards adjacent to public streets, except as described in **the Hedges Creek Wetlands Mitigation Agreement**, TDC 73.240(7), shall be planted to lawn or live groundcover and trees and shrubs and be perpetually maintained in a manner providing a park-like character to the property as approved through the Architectural Review process.

(10) Yards not adjacent to public streets or Low Density Residential (RL) or Manufacturing Park (MP) Planning Districts shall be planted with trees, shrubs, grass or other live groundcover, and maintained consistent with a landscape plan indicating areas of future expansion, as approved through the Architectural Review process.

(11) Any required landscaped area shall be designed, constructed, installed, and maintained so that within three years the ground shall be covered by living grass or other plant materials. (The foliage crown of trees shall not be used to meet this requirement.) A maximum of 10% of the landscaped area may be covered with unvegetated areas of bark chips, rock or stone. **Disturbed soils are encouraged to be amended to an original or higher level of porosity to regain infiltration and stormwater storage capacity.**

(12) In the MP District, wetland buffer areas up to 50 feet in width may be counted toward the required percentage of site landscaping, subject to the following:

(a) The amount of wetland buffer area which may be counted as landscaping is limited to a maximum of two and one-half percent (2.5 percent) of the total land area to be developed.

(b) All portions of the required buffer area to be counted as landscape shall be within the boundaries of the subject property. No credit may be claimed for wetland buffer areas lying outside the lot lines of the subject parcel.

(c) Where wetlands mitigation in the buffer has not yet occurred at the time of development, the developer shall perform, or bear the cost of, all necessary mitigation work in the course of site development, in accordance with a Removal/Fill Permit or permits issued by the Oregon Division of State Lands and the US Army Corps of Engineers and the Unified Sewerage Agency.

(d) Where wetlands mitigation in the buffer has already been performed in accordance with a Removal/Fill Permit or permits issued by the Oregon Division of State Lands and the US Army Corps of Engineers, the developer shall include an enhanced mitigation plan approved by the Oregon Division of State Lands and the Unified Sewerage Agency as part of the Architectural Review submittal. The developer shall complete all work required by the enhanced wetland mitigation plan in conjunction with development of the site.

(13) Landscape plans for required landscaped areas that include fences should carefully integrate any fencing into the plan to guide wild animals toward animal crossings under, over, or around transportation corridors.

Section 26. TDC 73.250 is amended to read as follows:

(1) Trees and other plant materials to be retained shall be identified on the landscape plan and grading plan.

(2) During the construction process:

(a) The owner or the owner's agents shall provide above and below ground protection for existing trees and plant materials identified to remain.

(b) Trees and plant materials identified for preservation shall be protected by chain link or other sturdy fencing placed around the tree at the drip line.

(c) If it is necessary to fence within the drip line, such fencing shall be specified by a qualified arborist as defined in 31.060 .

(d) Neither top soil storage nor construction material storage shall be located within the drip line of trees designated to be preserved.

(e) Where site conditions make necessary a grading, building, paving, trenching, boring, digging, or other similar encroachment upon a preserved tree's drip-line area, such grading, paving, trenching, boring, digging, or similar encroachment shall only be permitted under the direction of a qualified arborist. Such direction must assure that the health needs of trees within the preserved area can be met.

(f) Tree root ends shall not remain exposed.

(3) Landscaping under preserved trees shall be compatible with the retention and health of said tree.

(4) When it is necessary for a preserved tree to be removed in accordance with TDC 34.210 the landscaped area surrounding the tree or trees shall be maintained and replanted with trees that relate to the present landscape plan, or if there is no landscape plan, then trees that are complementary with existing, nearby landscape materials. **Native trees are encouraged.**

(5) Pruning for retained deciduous shade trees shall be in accordance with National Arborist Association "Pruning Standards For Shade Trees", revised 1979.

(6) Except for impervious surface areas, one hundred percent (100%) of the area preserved under any tree or group of trees retained in the landscape plan (as approved through the Architectural Review process) shall apply directly to the percentage of landscaping required for a development.

Section 27. TDC 73.290 is amended to read as follows:

The purpose of this section is to ensure erosion protection, **and in appropriate areas to encourage soil amendment**, for those areas ~~which are~~ not included within the landscape percentage requirements so ~~that eventually~~ native plants will ~~reestablish themselves~~ **be established**, and ~~so that~~ trees will not be lost ~~due to uncontrolled erosion~~.

(1) ~~Replanting.~~ Where ~~natural~~ vegetation has been removed or damaged ~~through grading~~ in areas not affected by the landscaping requirements and that are not to be occupied by structures or other improvements, vegetation ~~such areas~~ shall be replanted.

(2) Plant materials shall be watered at intervals sufficient to ~~assure~~ **ensure** survival and growth for a minimum of two growing seasons.

(3) The use of native plant materials is encouraged to reduce irrigation and maintenance demands.

(4) **Disturbed soils should be amended to an original or higher level of porosity to regain infiltration and stormwater storage capacity.**

Section 28. TDC 73.320 is amended to read as follows:

(1) General Provisions. In addition to the goals stated in TDC 73.110 and 73.140, **the** goals of **the** off-street parking lot standards are to create shaded areas in parking lots, to reduce glare and heat buildup, provide visual relief within paved parking areas, emphasize circulation patterns, **reduce the total number of spaces, reduce the impervious surface area and stormwater runoff** and to enhance the visual environment. The design of the off-street parking area shall be the responsibility of the developer and should consider visibility of signage, traffic circulation, comfortable pedestrian access, and aesthetics. Trees shall not be cited as a reason for applying for or granting a variance on placement of signs.

(2) Application. Off-street parking lot landscaping standards shall apply to any surface vehicle parking or circulation area.

Section 29. TDC 73.330 is amended to read as follows:

(1) Locate landscaping or approved substitute materials in all areas not necessary for vehicular parking and maneuvering.

(2) A clear zone shall be provided for the driver at ends of on-site drive aisles and at driveway entrances, vertically between a maximum of 30 inches and a minimum of 8 feet as measured from the ground level.

(3) Except for townhouse lots, a minimum 10-foot landscape ~~separation~~ **setback** shall be provided between the property lines and parking areas. This area shall be planted with deciduous trees an average of not more than 30 feet on center and ~~plantings~~ **shrubs** at least 30 inches in height which provide screening of vehicular headlights. **Trees shall meet the requirements of TDC 73.360(7). Native trees and shrubs are encouraged.**

(4) Except for townhouse lots, provide a landscaped transition area of at least 10 feet in width between parking and vehicle circulation areas and buildings and shared outdoor areas. Deciduous shade trees located at not less than 30 feet on center shall be located in this transition area. The trees shall meet the requirements of TDC 73.360(7). Groundcover plants mixed with low shrubs must completely cover the remainder of this area within three years. **Native trees and shrubs are encouraged.**

Section 30. TDC 73.340 is amended to read as follows:

(1) A clear zone shall be provided for the driver at ends of on-site drive aisles and at driveway entrances, vertically between a maximum of 30 inches and a minimum of 8 feet as measured from the ground level, except for parking structures and underground parking where this provision shall not apply.

(2) Perimeter site landscaping of at least 5 feet in width shall be provided in all off-street parking and vehicular circulation areas (including loading areas). For conditional uses in multifamily residential planning districts the landscape width shall be at least 10 feet except for uses allowed by TDC 40.030(3), 40.030(5)(j), 40.030(5)(m), 40.030(5)(n) and 41.030(2).

(a) The landscape area shall contain:

(i) Deciduous trees an average of not more than 30 feet on center.

The trees shall meet the requirements of 73.360(7).

(ii) Plantings which reach a mature height of 30 inches in three years which provide screening of vehicular headlights year round.

(iii) Shrubs or ground cover, planted so as to achieve 90 percent coverage within three years.

(iv) Native trees and shrubs are encouraged.

(b) Where off-street parking areas on separate lots are adjacent to one another and are connected by vehicular access, the landscaped strips as required in subsection (2) of this section are not required.

Section 31. TDC 73.350 is amended to read as follows:

(1) Except for townhouse lots that are not required to have landscape island areas, a minimum of 25 square feet per parking stall shall be improved with landscape island areas, ~~which are~~ **They may be lower than the surrounding parking surface to allow them to receive stormwater run-off and function as water quality facilities as well as parking lot landscaping.** They shall be protected from vehicles by curbs, ~~but the curbs may have spaces to allow drainage into the islands.~~ ~~these landscape areas~~ **They shall be dispersed throughout the parking area (see TDC 73.380(3)). They shall be planted with groundcover or shrubs. They shall be planted with deciduous shade trees when needed to meet the parking lot shade tree requirements. Native plant materials are encouraged. Landscape square footage requirements shall not apply to parking structures and underground parking.**

(2) ~~All~~ Landscape island areas with trees shall be a minimum of 5 feet in width (60 inches from inside of curb to curb), ~~and protected with curbing from surface runoff and damage by vehicles. These landscaped areas shall contain groundcover or shrubs and deciduous shade trees.~~

(3) ~~Provide a~~ A minimum of one deciduous shade tree **shall be provided** for every four parking spaces to lessen the adverse impacts of glare, **reduce heat** from paved surfaces, and to emphasize circulation patterns. Required shade trees shall be within 5 feet of the face of a perimeter parking lot curb and shall be uniformly distributed throughout the parking lot (see **TDC 73.380(3)**), except that within the Central Design District ~~the placement of~~ landscape islands and shade trees may be ~~designed~~ **placed** to frame views of the Tualatin Commons water feature or identified architectural focal elements. The trees shall meet the requirements of TDC 73.360(7).

(4) Required plant material in landscaped ~~islands areas~~ shall ~~be planted so as to~~ achieve 90 percent coverage within three years. **Native shrubs and trees are encouraged.**

Section 32. TDC 73.360 is amended to read as follows:

(1) A minimum of 25 square feet per parking stall shall be improved with landscape island areas, ~~which are~~ **They may be lower than the surrounding parking surface to allow them to receive stormwater run-off and function as water quality facilities as well as parking lot landscaping.** They shall be protected from vehicles by curbs, ~~but the curbs may have spaces to allow drainage into the islands.~~ ~~These landscape areas~~ They shall be dispersed throughout the parking area [see 73.380(3)]. **They shall be planted with groundcover or shrubs that will completely cover the island area within 3 years. They shall be planted with deciduous shade trees when needed to meet the parking lot shade tree requirements. Native plant materials are encouraged.** Landscape square footage requirements shall not apply to parking structures and underground parking.

(2) ~~All~~ Landscaped island areas with **deciduous parking lot shade** trees shall be a minimum of 5 feet in width (60 inches from inside of curb to curb), ~~and protected with curbing from surface runoff and damage by vehicles. Landscaped areas shall contain groundcover or shrubs and deciduous shade trees.~~

(3) ~~Provide a~~ A minimum of one deciduous shade tree **shall be provided** for every four (4) parking spaces to lessen the adverse impacts of glare, **reduce heat** from paved surfaces, and to emphasize circulation patterns. Required shade trees shall be uniformly distributed throughout the parking lot (see **TDC 73.380(3)**), except that within the Central Design District ~~the placement of~~ landscape islands and shade trees may be ~~designed~~ **placed** to frame views of the Tualatin Commons water feature or identified architectural focal elements. The trees shall meet the requirements of 73.360(7). Parking lot shade tree requirements shall not apply to parking structures and underground parking.

(4) Landscaped islands shall be utilized at aisle ends to protect parked vehicles from moving vehicles and emphasize vehicular circulation patterns. Landscape island location requirements shall not apply to parking structures and underground parking.

(5) Required **plant material in landscaped islands** areas shall be planted so as to achieve 90 percent coverage within three years. **Native shrubs and trees are encouraged.**

(6) (a) Except as in (b) below, site access from the public street shall be defined with a landscape area not less than 5 feet in width on each side and extend 25 feet back from the property line for commercial, public, and semi-public development with 12 or more parking spaces and extend 30 feet back from the property line for industrial development, except for parking structures and underground parking which shall be determined through the Architectural Review process.

(b) In the Central Design District where driveway access is on local streets, not collectors or arterials, and the building(s) on the property is(are) less than 5,000 square feet in gross floor area, or parking is the only use on the property, site access from the public street shall be defined with a landscape area not less than 5 feet in width on each side and extend 5 feet back from the property line, except for parking structures and underground parking which shall be determined through the Architectural Review process.

(7) Deciduous shade trees shall meet the following criteria:

- (a) Reach a mature height of 30 feet or more
- (b) Cast moderate to dense shade in summer
- (c) Long lived, i.e., over 60 years
- (d) Do well in an urban environment
 - (i) Pollution tolerant
 - (ii) Tolerant of direct and reflected heat
- (e) Require little maintenance
 - (i) Mechanically strong
 - (ii) Insect- and disease-resistant
 - (iii) Require little pruning
- (f) Be resistant to drought conditions
- (g) Be barren of fruit production.

Section 33. TDC 73.370 is amended to read as follows:

(1) General Provisions.

(a) At the time of establishment of a new structure or use, or change in use, or change in use of an existing structure, within any planning district of the City, off-street parking spaces, off-street vanpool and carpool parking spaces for commercial, institutional and industrial uses, off-street bicycle parking, and off-street loading berths shall be as provided in this and following sections, unless greater requirements are otherwise established by the conditional use permit or the Architectural Review process, based upon clear findings that a greater number of spaces are necessary at that location for protection of public health, safety and welfare or that a lesser number of vehicle parking spaces will be sufficient to carry out the objectives of this section. In the Central Design District, the Design Guidelines of TDC 73.610 shall be considered. In case of conflicts between guidelines or objectives in TDC Chapter 73, the proposal shall provide a balance.

(b) At the time of enlargement of an existing structure or use, TDC 73.370 shall apply to the existing and enlarged structure or use.

(c) Except where otherwise specified, the floor area measured shall be the gross floor area of the building primary to the function of the particular use of the property other than space devoted to off-street parking or loading.

(d) Where employees are specified, the term shall apply to all persons, including proprietors, working on the premises during the peak shift.

(e) Calculations to determine the number of required parking spaces and loading berths shall be rounded to the nearest whole number.

(f) If the use of a property changes, thereby increasing off-street parking or loading requirements, the increased parking/loading area shall be provided prior to commencement of the new use.

(g) Parking and loading requirements for structures not specifically listed herein shall be determined by the **Planning Community Development** Director, based upon requirements of comparable uses listed.

(h) When several uses occupy a single structure, the total requirements for off-street parking may be the sum of the requirements of the several uses computed separately or be computed in accordance with TDC 73.370(1)(m), Joint Use Parking.

(i) Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other required parking spaces may be located on a separate parcel, provided the parcel is not greater than five hundred (500) feet from the entrance to the building to be served, measured along the shortest pedestrian route to the building. The applicant must prove that the parking located on another parcel is functionally located and that there is safe vehicular and pedestrian access to and from the site. The parcel upon which parking facilities are located shall be in the same ownership as the structure.

(j) Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business.

(k) Institution of on-street parking, where none is previously provided, shall not be done solely for the purpose of relieving crowded parking lots in commercial or industrial planning districts.

(l) Parking facilities may be shared by users on adjacent parcels if the following standards are met:

(i) One of the parcels has excess parking spaces, considering the present use of the property; the other parcel lacks sufficient area for required parking spaces.

(ii) The total number of parking spaces meets the standards for the sum of the number of spaces which would be separately required for each use.

(iii) Legal documentation, to the satisfaction of the City Attorney, shall be submitted verifying permanent use of the excess parking area on one lot by patrons of the uses deficient in required parking area.

(iv) Physical access between adjoining lots shall be such that functional and reasonable access is actually provided to uses on the parcel deficient in parking spaces.

(v) Adequate directional signs shall be installed specifying the joint parking arrangement.

(vi) Areas in the Natural Resource Protection Overlay District, Other Natural Areas identified in Figure 3-4 of the Parks and Recreation Master Plan, or a Clean Water Services Vegetated Corridor would be better protected.

(m) Joint Use Parking. Joint use of parking spaces may occur where two or more separate developments or multiple uses in a development are able to jointly use some or all of the same required parking spaces because their parking demands occur at different times. Joint use of parking spaces may be allowed if the following standards are met:

(i) There shall be no substantial conflict in the principal operating hours of the buildings or uses for which the joint use parking is proposed. Future change of use, such as expansion of a building or establishment of hours of operation which conflict with or affect a joint use parking agreement are prohibited, unless approval is obtained through the Architectural Review process;

(ii) The joint use parking spaces shall be located no more than 500 feet from a building or use to be served by the joint use parking;

(iii) The number and location of parking spaces, hours of use and changes in operating hours of uses subject to joint use shall be approved through the Architectural Review process;

(iv) Legal documentation, to the satisfaction of the City Attorney, shall be submitted verifying the joint use parking between the separate developments. Joint use parking agreements may include provisions covering maintenance, liability, hours of use and cross easements; and

(v) The City Attorney approved legal documentation shall be recorded by the applicant at the Washington or Clackamas County Recorders Office and a copy of the recorded document submitted to the Planning Department prior to issuance of a building permit.

(vi) Areas in the Natural Resource Protection Overlay District, Other Natural Areas identified in Figure 3-4 of the Parks and Recreation Master Plan, or a Clean Water Services Vegetated Corridor would be better protected.

(n) Bicycle parking facilities shall either be lockable enclosures in which the bicycle is stored, or secure stationary racks which accommodate a bicyclist's lock securing the frame and both wheels.

(o) Each bicycle parking space shall be at least 6 feet long and 2 feet wide, and overhead clearance in covered areas shall be at least 7 feet, unless a lower height is approved through the Architectural Review process.

(p) A paved 5-foot-wide bicycle maneuvering area shall be provided ~~and maintained beside or~~ beside or between each row of bicycle parking. **It shall be constructed of concrete, asphalt or a pervious surface such as pavers or grasscrete, but not gravel or woody material, and be maintained.**

(q) Access to bicycle parking shall be provided by an ~~impervious surface area~~ area at least 3 feet in width. **It shall be constructed of concrete, asphalt or a pervious surface such as pavers or grasscrete, but not gravel or woody material, and be maintained.**

(r) Required bicycle parking shall be located in convenient, secure, and well-lighted locations approved through the Architectural Review process. **Lighting, which may be provided, shall be deflected to not shine or create glare into street rights-of-way or fish and wildlife habitat areas.**

(s) Bicycle parking facilities may be provided inside a building in suitable secure and accessible locations.

(t) Bicycle parking may be provided within the public right-of-way in the Core Area Parking District subject to approval of the City Engineer and provided it meets the other requirements for bicycle parking.

(u) Bicycle parking areas and facilities shall be identified with appropriate signing as specified in the Manual on Uniform Traffic Control Devices (MUTCD) (latest edition). At a minimum, bicycle parking signs shall be located at the main entrance and at the location of the bicycle parking facilities.

(v) Required bicycle parking spaces shall be provided at no cost to the bicyclist, or with only a nominal charge for key deposits, etc. This shall not preclude the operation of private for-profit bicycle parking businesses.

(w) Parking on existing residential, commercial and industrial development may be redeveloped as a transit facility as a way to encourage the development of transit supportive facilities such as bus stops and pullouts, bus shelters and park and ride stations. Parking spaces converted to such uses in conjunction with the transit agency and approved through the Architectural Review process will not be required to be replaced.

(x) Required vanpool and carpool parking shall meet the 9-foot parking stall standards in Figure 73-1 and be identified with appropriate signage.

(2) Off-Street Parking Provisions. No changes to the multiple subsections and multi-page chart of parking space requirements.

Section 34. TDC 73.380 is amended to read as follows:

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

(1) Off-street parking lot design shall comply with the dimensional standards set forth in Figure 73-1 of this section, except for parking structures and underground parking where stall length and width requirements for a standard size stall shall be reduced by .5 feet and vehicular access at the entrance if gated shall be a minimum of 18 feet in width.

(2) Parking stalls for sub-compact vehicles shall not exceed 35 percent of the total parking stalls required by TDC 73.370(2). **Stalls in excess of the number required by TDC 73.370(2) can be sub-compact stalls.**

(3) Off-street parking stalls shall not exceed eight continuous spaces in a row without a landscape separation, except for parking structures and underground parking. For parking lots within the Central Design District that are designed to frame views of the central water feature or identified architectural focal elements as provided in TDC 73.350(3), this requirement shall not apply and the location of parking lot landscape islands shall be determined through the Architectural Review process.

(4) **Parking lot drive aisles shall be constructed of asphalt or concrete, including pervious concrete. Areas used for standing or maneuvering of vehicles Parking stalls shall have paved be constructed of asphalt or concrete, or a pervious surfaces such as pavers or grasscrete, but not gravel or woody material. Drive aisles and parking stalls shall be maintained adequately for all-weather use and so drained as to avoid the flow of water flow across sidewalks. Pervious surfaces such as pervious concrete, pavers and grasscrete, but not gravel or woody material, are encouraged for parking stalls in or abutting the Natural Resource Protection Overlay District, Other Natural Areas identified in Figure 3-4 of the Parks and Recreation Master Plan, or in a Clean Water Services Vegetated Corridor.**

(5) Except for parking to serve residential uses, parking areas adjacent to or within residential planning districts or adjacent to residential uses shall be designed to minimize disturbance of residents.

(6) Artificial lighting, which may be provided, shall be so deflected as not to **not** shine or create glare in any residential planning district, or on any adjacent dwelling, or any street right-of-way in such a manner as to impair the use of such way **or a Natural Resource Protection Overlay District, Other Natural Areas identified in Figure 3-4 of the Parks and Recreation Master Plan, or a Clean Water Services Vegetated Corridor.**

(7) Groups of more than 4 parking spaces shall be so located and served by driveways that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.

(8) Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety **of** pedestrians and vehicular traffic on the site.

(9) Parking bumpers or wheel stops or curbing shall be provided to prevent cars from encroaching on the street right-of-way, adjacent landscaped areas, or adjacent pedestrian walkways.

(10) Disability parking spaces and accessibility shall be provided in accordance with applicable federal and state requirements.

(11) On-site drive aisles without parking spaces, which provide access to parking areas with regular spaces or with a mix of regular and sub-compact spaces, shall have a minimum width of 22 feet for two-way traffic and 12 feet for one-way traffic. On-site drive aisles without parking spaces, which provide access to parking areas with only sub-compact spaces, shall have a minimum width of 20 feet for two-way traffic and 12 feet for one-way traffic.

Section 35. TDC 74.120 is amended to read as follows:

(1) Except as specially provided, all public improvements shall be installed at the expense of the applicant. All public improvements installed by the applicant shall be constructed and guaranteed as to workmanship and material as required by the Public Works Construction Code prior to acceptance by the City. No work shall be undertaken on any public improvement until after the construction plans have been approved by the City Engineer and a Public Works Permit issued and the required fees paid.

(2) In accordance with the Tualatin Basin Program for fish and wildlife habitat the City intends to minimize or eliminate the negative affects of public streets by modifying right-of-way widths and street improvements when appropriate. The City Engineer is authorized to modify right-of-way widths and street improvements to address the negative affects on fish and wildlife habitat.

Section 36. TDC 74.420 is amended to read as follows:

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

(1) For any development proposed within the City, roadway facilities within the right-of-way described in TDC 74.210 shall be improved to standards as set out in the Public Works Construction Code.

(2) The required improvements may include the rebuilding or the reconstruction of any existing facilities located within the right-of-way adjacent to the proposed development to bring the facilities into compliance with the Public Works Construction Code.

(3) The required improvements may include the construction or rebuilding of off-site improvements which are identified to mitigate the impact of the development.

(4) Where development abuts an existing street, the improvement required shall apply only to that portion of the street right-of-way located between the property line of the parcel proposed for development and the centerline of the right-of-way, plus any additional pavement beyond the centerline deemed necessary by the City Engineer to ensure a smooth transition between a new improvement and the existing roadway (half-street improvement). Additional right-of-way and street improvements and off-site right-of-way and street improvements may be required by the City to mitigate the impact of the development. The new pavement shall connect to the existing pavement at the ends of the section being improved by tapering in accordance with the Public Works Construction Code.

(5) If additional improvements are required as part of the Access Management Plan of the City, TDC Chapter 75, the improvements shall be required in the same manner as the half-street improvement requirements.

(6) All required street improvements shall include curbs, sidewalks with appropriate buffering, storm drainage, street lights, street signs, street trees, and, where designated, bikeways and transit facilities.

(7) For subdivision and partition applications, the street improvements required by TDC Chapter 74 shall be completed and accepted by the City prior to signing the final subdivision or partition plat, or prior to releasing the security provided by the applicant to

assure completion of such improvements or as otherwise specified in the development application approval.

(8) For development applications other than subdivisions and partitions, all street improvements required by this section shall be completed and accepted by the City prior to the issuance of a Certificate of Occupancy.

(9) In addition to land adjacent to an existing or proposed street, the requirements of this section shall apply to land separated from such a street only by a railroad right-of-way.

(10) Streets within, or partially within, a proposed development site shall be graded for the entire right-of-way width and constructed and surfaced in accordance with the Public Works Construction Code.

(11) Existing streets which abut the proposed development site shall be graded, constructed, reconstructed, surfaced or repaired as necessary in accordance with the Public Works Construction Code and TDC Chapter 11, Transportation Plan.

(12) ~~Concrete~~ Sidewalks with appropriate buffering shall be constructed along both sides of each internal street and at a minimum along the development side of each external street in accordance with the Public Works Construction Code.

(13) The applicant shall comply with the requirements of the Oregon Department of Transportation (ODOT), Tri-Met, Washington County and Clackamas County when a proposed development site is adjacent to a roadway under any of their jurisdictions, in addition to the requirements of this chapter.

(14) The applicant shall construct any required street improvements adjacent to parcels excluded from development, as set forth in TDC 74.220 of this chapter.

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

(16) The City Engineer may determine that, although concurrent construction and placement of the improvements in (14) and (15) of this section, either individually or collectively, are impractical at the time of development, the improvements will be necessary at some future date. In such a case, the applicant shall sign a written agreement guaranteeing future performance by the applicant and any successors in interest of the property being developed. The agreement shall be subject to the City's approval.

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

Section 37. TDC 74.430 is amended to read as follows:

(1) When, in the opinion of the City Engineer, the construction of street improvements in accordance with TDC 74.420 would result in the creation of a hazard, or

would be impractical, or would be detrimental to the City, the City Engineer may modify the scope of the required improvement to eliminate such hazardous, impractical, or detrimental results. Examples of conditions requiring modifications to improvement requirements include but are not limited to horizontal alignment, vertical alignment, significant stands of trees, **fish and wildlife habitat areas**, the amount of traffic generated by the proposed development, timing of the development or other conditions creating hazards for pedestrian, bicycle or motor vehicle traffic. The City Engineer may determine that, although an improvement may be impractical at the time of development, it will be necessary at some future date. In such cases, a written agreement guaranteeing future performance by the applicant in installing the required improvements must be signed by the applicant and approved by the City.

(2) When the City Engineer determines that modification of the street improvement requirements in TDC 74.420 is warranted pursuant to subsection (1) of this section, the City Engineer shall prepare written findings of modification. The City Engineer shall forward a copy of said findings and description of modification to the applicant, or his authorized agent, as part of the Utility Facilities Review for the proposed development, as provided by TDC 31.072. The decision of the City Engineer may be appealed to the City Council in accordance with TDC 31.076 and 31.077.

(3) To accommodate bicyclists on streets prior to those streets being upgraded to the full standards, an interim standard may be implemented by the City. These interim standards include reduction in motor vehicle lane width to 10 feet [the minimum specified in AASHTO's A Policy on Geometric Design of Highways and Streets (1990)], a reduction of bike lane width to 4-feet (as measured from the longitudinal gutter joint to the centerline of the bike lane stripe), and a paint-stripped separation 2 to 4 feet wide in lieu of a center turn lane. Where available roadway width does not provide for these minimums, the roadway can be signed for shared use by bicycle and motor vehicle travel. When width constraints occur at an intersection, bike lanes should terminate 50 feet from the intersection with appropriate signing.

(4) The Local Commercial-Industrial Street Section, B-CI, may have an interim reduced cross-section as determined by the City Engineer. The interim reduced standard would include 24-28 feet of pavement, 3-foot gravel shoulders, 2:1 side slopes to a drainage ditch and a 5-foot asphalt sidewalk on one side. Development to the full B-CI Standard will be determined subject to required traffic study analysis. See Figure 75-2F for the Interim B-CI Street Standard.

Section 38. TDC 75.200 is amended to read as follows:

(1) Street design standards are based on the functional and operational characteristics of streets such as travel volume, capacity, operating speed, and safety. They are necessary to ensure that the system of streets, as it develops, will be capable of safely and efficiently serving the traveling public while also accommodating the orderly development of adjacent lands.

(2) The proposed street design standards are shown in Figures 75-2A through 75-2G. The typical roadway cross sections comprise the following elements: right-of-way, number of travel lanes, bicycle and pedestrian facilities, and other amenities such as landscape strips. The B-skinny typical street section shows a 46-foot right-of-way with a 4-foot plant strip, but it also could be a 50-foot right-of-way with a 6-foot plant strip.

These figures are intended for planning purposes for new road construction, as well as for those locations where it is physically and economically feasible to improve existing streets. Table 75-1 presents the standards in tabular form. As more than one standard may exist for a given functional class, TDC Chapter 11, Figure 11-1 indicates the standard assigned to each roadway segment.

(3) Where a variable sidewalk width is shown for a particular facility, the greater width is used for sidewalks within the pedestrian district shown on TDC Chapter 11, Figure 11-4, and for sidewalks along streets with potential transit service shown on TDC Chapter 11, Figure 11-6. The greater width may also be appropriate for sidewalks adjacent to significant pedestrian generators such as schools.

(4) In accordance with the Tualatin Basin Program for fish and wildlife habitat it is the intent of Figures 75-2A through 75-2G to allow for modifications to the standards when deemed appropriate by the City Engineer to address fish and wildlife habitat.

INTRODUCED AND ADOPTED this 13 day of November, 2006.

CITY OF TUALATIN, Oregon

BY _____

Mayor

ATTEST:

BY _____

Interim City Recorder