



Oregon  
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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## NOTICE OF ADOPTED AMENDMENT

12/18/2012

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Tigard Plan Amendment  
DLCD File Number 002-12

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. 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: Thursday, January 03, 2013

This amendment was submitted to DLCD for review prior to adoption with less than the required 35-day notice. 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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Sean Farrelly, City of Tigard  
Gordon Howard, DLCD Urban Planning Specialist  
Anne Debbaut, DLCD Regional Representative  
Gary Fish, DLCD Transportation Planner

<paa> YA



FORM 2

DLCD

# Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

☐ In person ☐ electronic ☐ mailed

DATE  
STAMP

DEPT OF  
DEC 14 2012  
LAND CONSERVATION  
AND DEVELOPMENT  
For Office Use Only

Jurisdiction: **City of Tigard**

Local file number: **CPA 2012-00001 / DCA 2012-00002**

Date of Adoption: **12/11/2012**

Date Mailed:

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date:

☒ 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".

To implement special cross sections which provide an enhanced pedestrian environment, a new street classification map for the downtown is being added to the TSP and the new cross sections are being added to Chapter 18.810.

Also amendments to 18.370 to address adjustments to the connectivity requirements and 18.610 to add purpose, applicability and connectivity standards.

Does the Adoption differ from proposal? Yes, Please explain below:

Minor change to street alignments, language to address non-conforming development, and flexible development standards.

Plan Map Changed from: **N/A**

to:

Zone Map Changed from: **N/A**

to:

Location: **MU-CBD**

Acres Involved: **193**

Specify Density: Previous: **N/A**

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to 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

DLCD file No. 002-12 ( 19497) [17275]



Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Tualatin Valley Fire and Rescue, Clean Water Services, Metro, ODOT, Washington County, TriMet

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Local Contact: **Sean Farrelly**

Phone: **(503) 718-2420** Extension:

Address: **13125 Sw Hall Blvd**

Fax Number: **503-718-2748** -

City: **Tigard**

Zip: **97223-**

E-mail Address: **sean@tigard-or.gov**

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## **ADOPTION SUBMITTAL REQUIREMENTS**

**This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)**  
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light **green paper if available**.
3. Send this Form 2 and **one complete paper copy** (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615 ).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845 ).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615 ).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 **green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).



**CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
ORDINANCE NO. 12-13**

AN ORDINANCE ADOPTING COMPREHENSIVE PLAN AMENDMENT CPA 2012-00001 AND DEVELOPMENT CODE AMENDMENT DCA 2012-00002 TO AMEND THE CITY OF TIGARD 2035 TRANSPORTATION SYSTEM PLAN AND TIGARD DEVELOPMENT CODE CHAPTERS 18.370, 18.610, AND 18.810 TO IMPLEMENT STREET CONNECTIVITY AND DESIGN STANDARDS FROM THE DOWNTOWN TIGARD CONCEPTUAL CONNECTIVITY PLAN

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WHEREAS, the applicant, the City of Tigard, has requested approval of amendments to the Tigard 2035 Transportation System Plan and the Tigard Community Development Code to implement street connectivity and design standards from the Tigard Downtown Conceptual Connectivity Plan; and

WHEREAS, notice was provided to the Department of Land Conservation and Development 35 days prior to the first scheduled public hearing; and

WHEREAS, the Tigard Planning Commission held a public hearing on October 15, 2012 which was noticed in accordance with City standards, and recommended with a unanimous vote that Council approve the proposed code amendment, as amended; and

WHEREAS, the Tigard City Council held a public hearing on December 11, 2012 to consider the proposed amendment, and

WHEREAS, the Tigard City Council has considered applicable Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197; any federal or state statutes or regulations found applicable; any applicable Metro regulations; any applicable Comprehensive Plan policies; and any applicable provisions of the City's implementing ordinances; and

WHEREAS, the Tigard City Council has found the following to be the applicable review criteria: Community Development Code Chapters 18.380 and 18.390; Comprehensive Plan Goals 1, Citizen Involvement; 2, Land Use Planning; 9, Economic Development; 11, Public Facilities and Services; 12, Transportation; 13, Energy Conservation; and 15, Special Planning Areas: Downtown; Metro Urban Growth Management Functional Plan Title 6; Metro Regional Transportation Functional Plan Titles 1, 2, and 5; Oregon Administrative Rules Chapter 660, Division 12; Statewide Planning Goals 1, 2, 9, 11, 12, and 13; and

WHEREAS, the Tigard City Council has determined that the proposed comprehensive plan and development code amendments are consistent with the applicable review criteria and approves the request as being in the best interest of the City of Tigard.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The specific text amendments attached as "**EXHIBIT A**" to this Ordinance is hereby approved and adopted by the City Council

SECTION 2: The findings in the November 26, 2012 staff report to the City Council and the Minutes of the October 15, 2012 Planning Commission hearing are hereby adopted in explanation of the Council's decision.

SECTION 3: This ordinance shall be effective 30 days after its passage by the council, signature by the mayor, and posting by the city recorder.

PASSED: By majority vote of all council members present after being read by number and title only, this 17<sup>th</sup> day of December, 2012.

Catherine Wheatley  
Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this 17<sup>th</sup> day of December, 2012.

Gretchen E Buehner  
Gretchen E Buehner, Mayor

Gretchen E Buehner  
Council President

Approved as to form:

Justin R. Rains  
City Attorney

12.11.2012  
Date

## EXHIBIT A

### DRAFT Amendments to 2035 Transportation System Plan Volume 1 of 3

Proposed amendments are shown as follows:

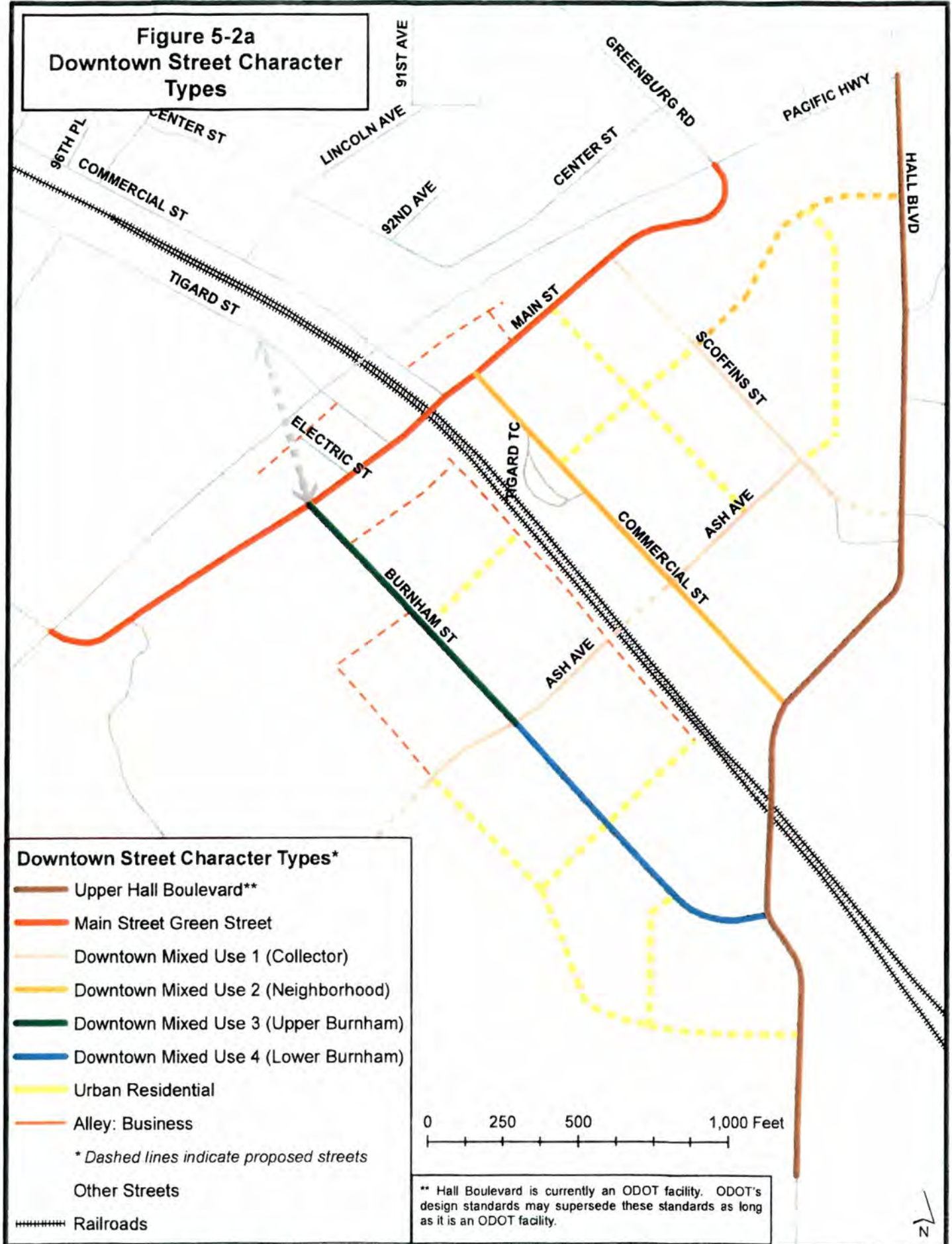
- ♦ Proposed new text is shown in double-underline.
- ♦ Existing text proposed to be deleted is shown in ~~strike-through~~.

#### ***Functional Classifications (page 48)***

The functional classification of a roadway defines the primary role in terms of providing mobility and access. An individual street's classification directs the design and management of the roadway, including right of way needs, the number of travel lanes and other cross-section elements, and access management standards. Figure 5-2 shows the functional classification for each roadway in Tigard. Within the Downtown Mixed Use Central Business District, the functional classification is further refined by the street character types shown on Figure 5-2A. The character types are implemented through special street design standards. In addition, Figure 5-2A identifies future roadways which are intended to provide an enhanced network of pedestrian-friendly streets in the Downtown area.



**Figure 5-2a  
Downtown Street Character  
Types**



### ***Street Design Standards (Cross Sections) (page 52)***

Roadways in Tigard are the primary means of mobility for residents, serving the majority of trips over multiple modes. Pedestrians, bicyclists, public transit, and motorists all use public roads for the vast majority of trips. Therefore, it is increasingly important to plan, design, and build new roadways in a manner that improves multi-modal access and mobility.

The City of Tigard street design standards ensure that all new streets are constructed as “complete streets” and include facilities for pedestrians and bicycles and also provide drainage and landscaping where appropriate. Because they are reviewed and updated periodically, the City of Tigard’s street design standards are located in the city’s Community Development Code ~~section 18.800~~ Chapter 18.810 Street and Utility Improvement Standards.

### ***Special Areas: Downtown (page 95)***

The City of Tigard is committed to creating a downtown that is active, has a compact urban form, and provides multi-modal access and circulation. Public investments and planning activities for downtown are intended to provide a catalyst for economic development. Significant growth in downtown is planned for both employment and housing uses.

Downtown is primarily located south of Pacific Highway between Hall Boulevard and Fanno Creek but also extends north of the Pacific Highway near Greenburg Road and Hall Boulevard. Pacific Highway and Hall Boulevard are the primary access routes to the downtown area. Pacific Highway currently experiences significant peak hour congestion and queuing which also impacts travel on Hall Boulevard. The Pacific Highway viaduct over the railroad tracks creates a grade separation between Pacific Highway and Main Street and limits both access and visibility to the Downtown from the highway.

Downtown Tigard has a transit center which is served by TriMet Routes 12, 45, 64, 76, and 78 connecting it to the Beaverton Transit Center, Sherwood, Lake Oswego, Tualatin, and downtown Portland. The Tigard Transit Center is also served by WES Commuter Rail. The existing transit service available to Downtown Tigard, combined with future plans to enhance WES service and provide high capacity transit along the Pacific Highway corridor, position Downtown to have transit service that can support increased employment and residential growth in the area despite existing congestion along Pacific Highway.

Although Pacific Highway and Hall Boulevard have sidewalks and bicycle lanes (with the exception of a few gaps in the sidewalk system on Hall Boulevard), the lack of local and collector street connectivity and existing roadway geometry within the downtown area do not create a very desirable environment for pedestrians and bicyclists to travel within the downtown.

At the broadest level, options for improving access to the downtown area fall into the following categories:

- Improve local and collector roadway connectivity to and within Downtown.
- Provide better facilities for alternative modes (transit, bicycles, pedestrians, etc.).
- Enhance intersection capacity on Pacific Highway to increase the ability to cross and access Pacific Highway from Walnut Street, Greenburg Road, and Hall Boulevard.

In order to address these issues the City prepared a Downtown Connectivity and Circulation Plan which identified a more complete system of streets and pathways to improve multi-modal access to, from and



within the Downtown Mixed Use Central Business District. Through this effort the following transportation facility design principles were recognized as being of particular importance within the downtown:

- Maximize efficiency and ease of access for all transportation modes and for emergency services. (This principle can be realized, in part, by determining appropriate access spacing and by avoiding off-set intersections.)
- Enhance accessibility for people of all ages and abilities. (Strategies for achieving this objective include keeping block sizes relatively small and providing bike and pedestrian facilities.)
- Create a network with a diversity of human-scaled street types that support urban places and integrate with blocks/buildings.
- Link with city, regional, and national transportation networks. (Achieving this end requires careful integration of this plan with Tigard's TSP and with other local and regional planning efforts.)
- Ensure the economic viability of the blocks that result from the implementation of the new street grid.

In addition, a number of connectivity and circulation improvements, including new road and pathway connections within and adjacent to the downtown area were identified. These improvements are intended to foster creation of smaller block sizes, efficient routes into and within downtown, and new streets to accommodate and encourage downtown development as well as to solve some existing connectivity issues, such as access across railroad tracks

#### **Infrastructure Investment**

Figure 5-14 shows the additional multi-modal improvement projects related to the Downtown area which include Main Street streetscape improvements, a mixed-use trail along the rail corridor, and Ash Street extensions east across the railroad tracks and west and north to Pacific Highway. *Specific project considerations can be found in Technical Memorandum #5 in the Volume 3 Technical Appendix.*

#### **Connectivity Requirements**

In addition to the projects shown on Figure 5-14, the Downtown Connectivity and Circulation Plan identified a more complete system of streets and pathways to improve multi-modal access to, from and within the Downtown Mixed Use Central Business District. These improvements are shown on Figures 5-14A through 5-14I and are subject to the connectivity requirements below. If an alternate alignment is subsequently been approved by the City, the alternate alignment shall supersede the alignment shown on Maps 5-14B – Figure 5-14I.



Figure 5-14A. Connectivity Projects Index Map

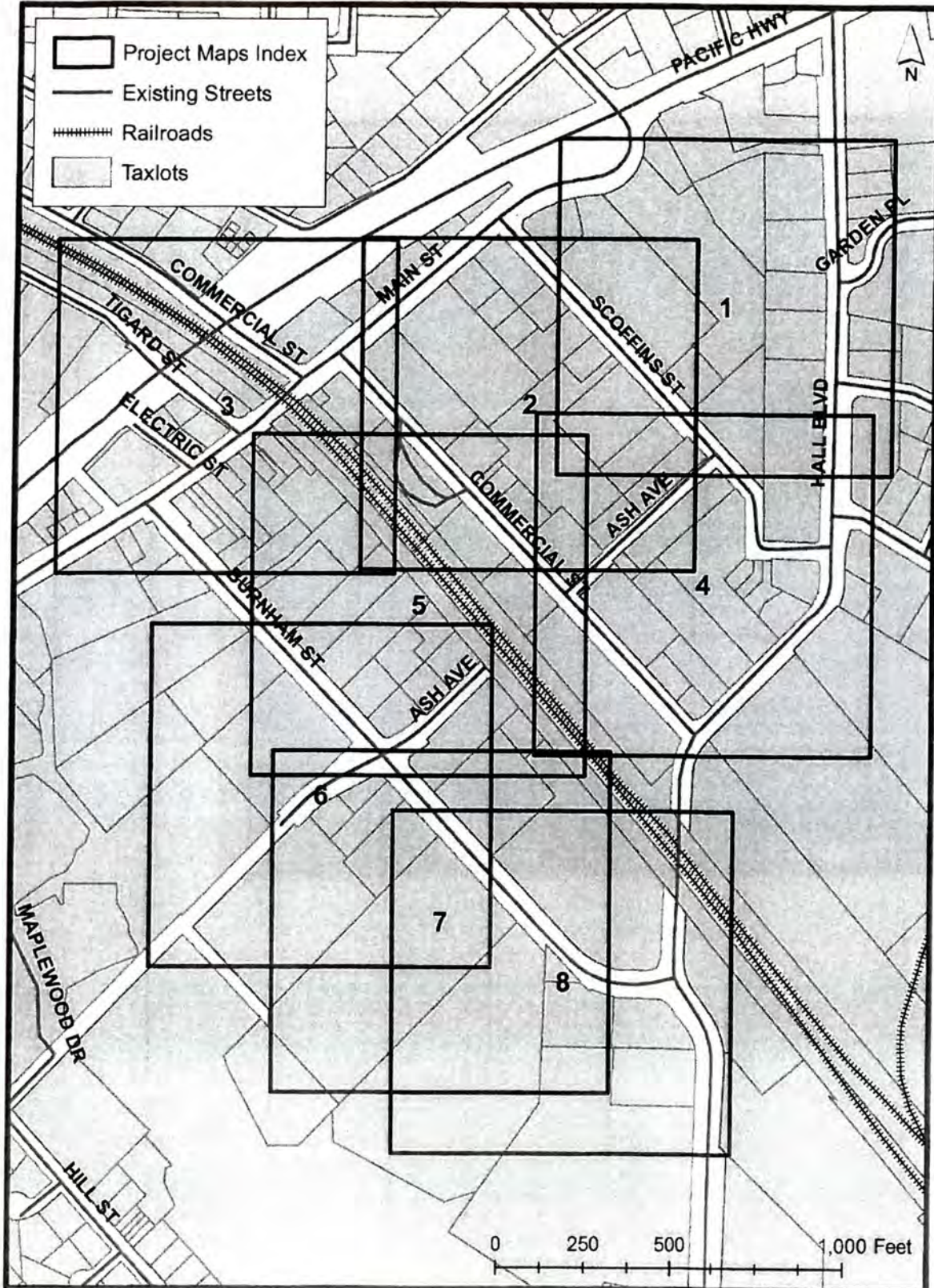




Figure 5-14B. Connectivity Projects Detail Sheet: Map 1

## Change 5

Street Character Type	Future Connectivity Alignment Area
Downtown Mixed Use 1 (Collector)	Required bike/pedestrian connections
Downtown Mixed Use 2 (Local)	Existing Streets
Urban Residential (52'-56')	Taxlots
Alley (20')	

Note: The width of the Future Connectivity Alignment Area is equal to the upper end of the right-of-way range listed for the street character type.

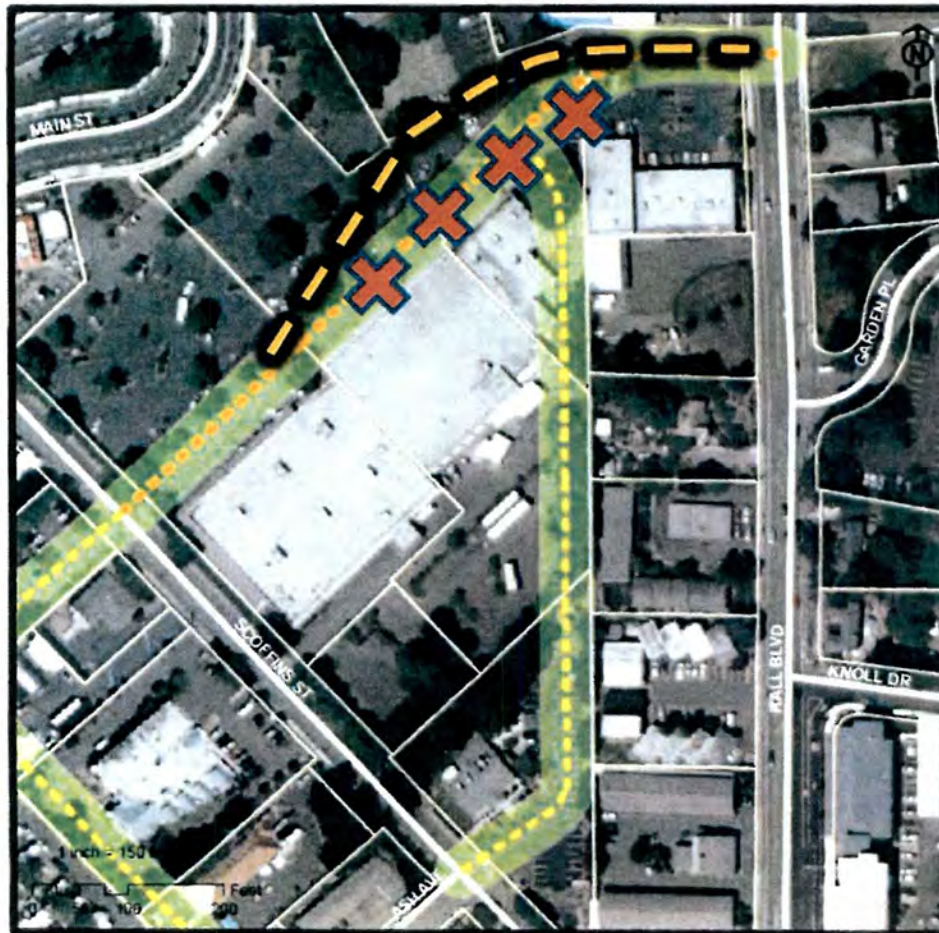




Figure 5-14C. Connectivity Projects Detail Sheet: Map 2

Street Character Type

- Downtown Mixed Use 1 (Collector)
- Downtown Mixed Use 2 (Local)
- Urban Residential (52'-56")
- Alley (20')

Future Connectivity Alignment Area

- ▨ Required bike/pedestrian connections
- Existing Streets
- Taxlots

*Note: The width of the Future Connectivity Alignment Area is equal to the upper end of the right-of-way range listed for the street character type.*





## Change 1

Figure 5-14D. Connectivity Projects Detail Sheet: Map 3

Street Character Type	Future Connectivity Alignment Area
Downtown Mixed Use 1 (Collector)	Required bike/pedestrian connections
Downtown Mixed Use 2 (Local)	Existing Streets
Urban Residential (52'-56')	Taxlots
Alley (20')	

*Note: The width of the Future Connectivity Alignment Area is equal to the upper end of the right-of-way range listed for the street character type.*

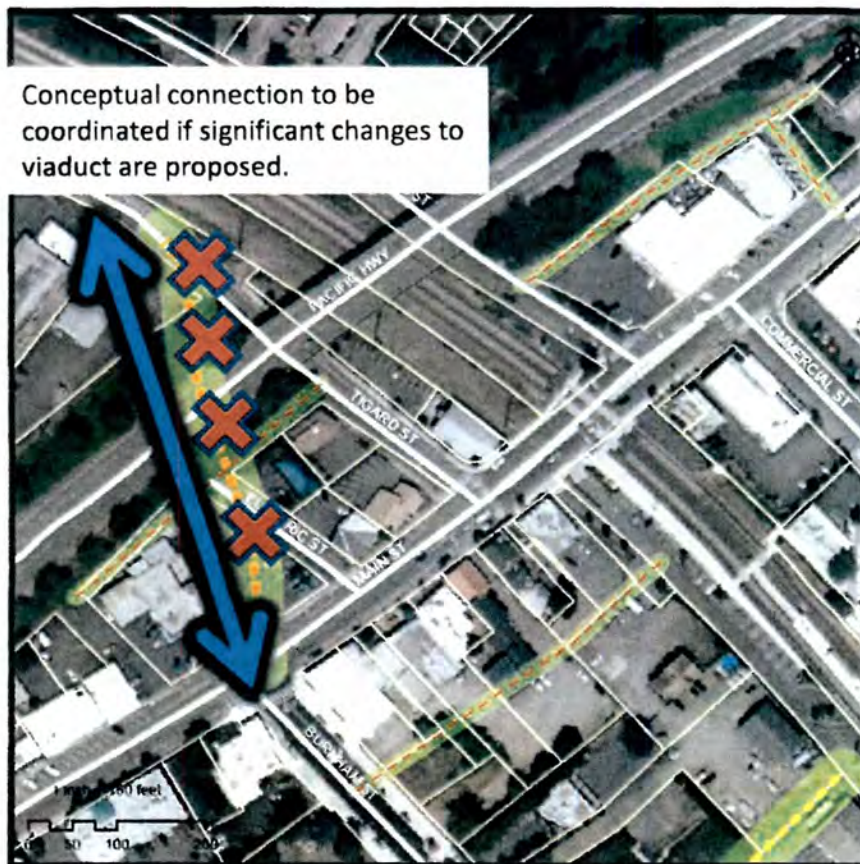




Figure 5-14E. Connectivity Projects Detail Sheet: Map 4

Street Character Type		Future Connectivity Alignment Area	
	Downtown Mixed Use 1 (Collector)		Required bike/pedestrian connections
	Downtown Mixed Use 2 (Local)		Existing Streets
	Urban Residential (52'-56')		Taxlots
	Alley (20')		

*Note: The width of the Future Connectivity Alignment Area is equal to the upper end of the right-of-way range listed for the street character type.*

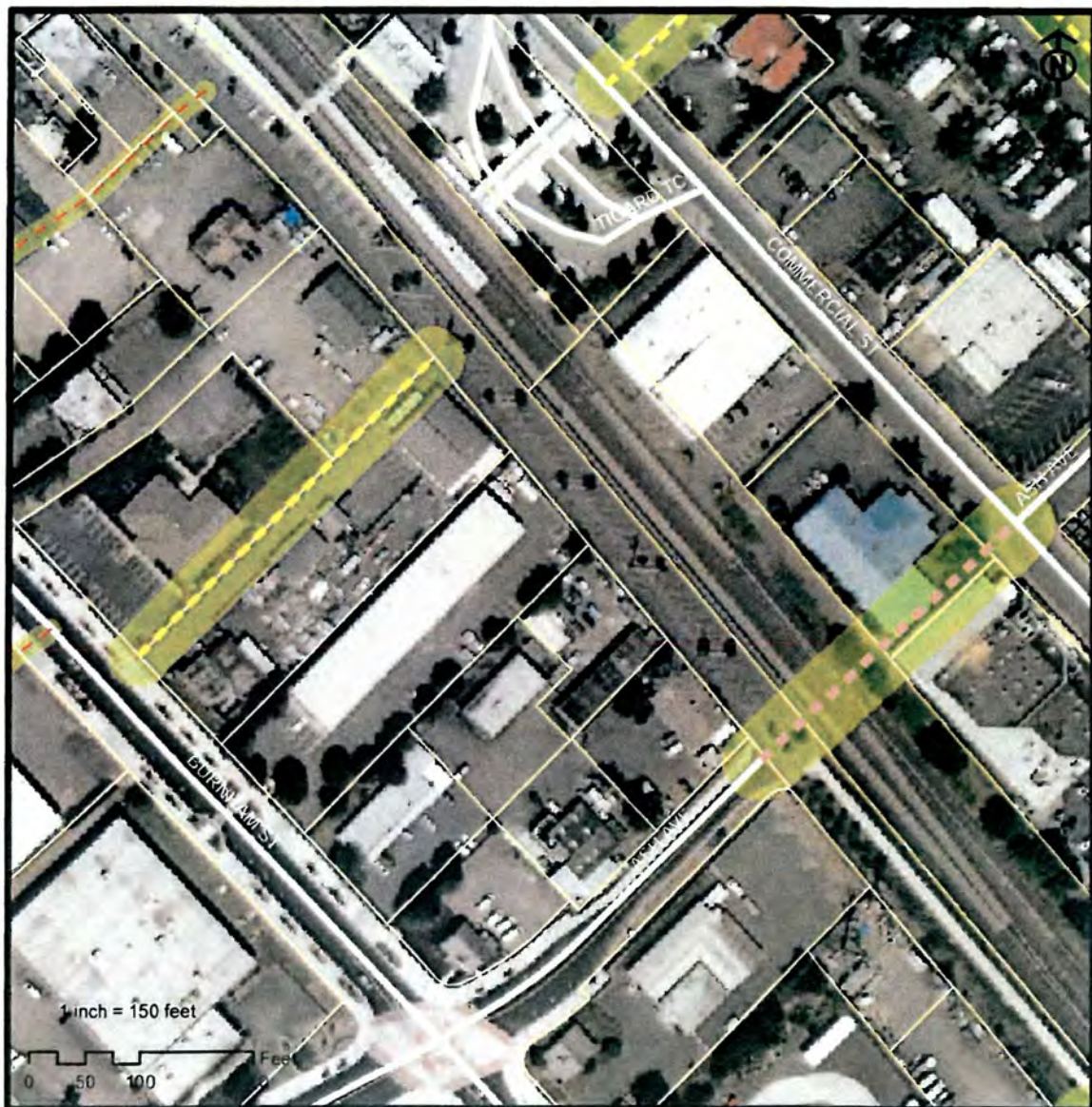




Figure 5-14F. Connectivity Projects Detail Sheet: Map 5

Street Character Type	Future Connectivity Alignment Area
--- Downtown Mixed Use 1 (Collector)	Required bike/pedestrian connections
--- Downtown Mixed Use 2 (Local)	Existing Streets
--- Urban Residential (52'-56')	Taxlots
--- Alley (20')	

*Note: The width of the Future Connectivity Alignment Area is equal to the upper end of the right-of-way range listed for the street character type.*





Change 2 figure 5-14F  
Change 2





Figure 5-14G. Connectivity Projects Detail Sheet: Map 6

Street Character Type	Future Connectivity Alignment Area
--- Downtown Mixed Use 1 (Collector)	Required bike/pedestrian connections
--- Downtown Mixed Use 2 (Local)	Existing Streets
--- Urban Residential (52'-56')	Taxlots
--- Alley (20')	

*Note: The width of the Future Connectivity Alignment Area is equal to the upper end of the right-of-way range listed for the street character type.*

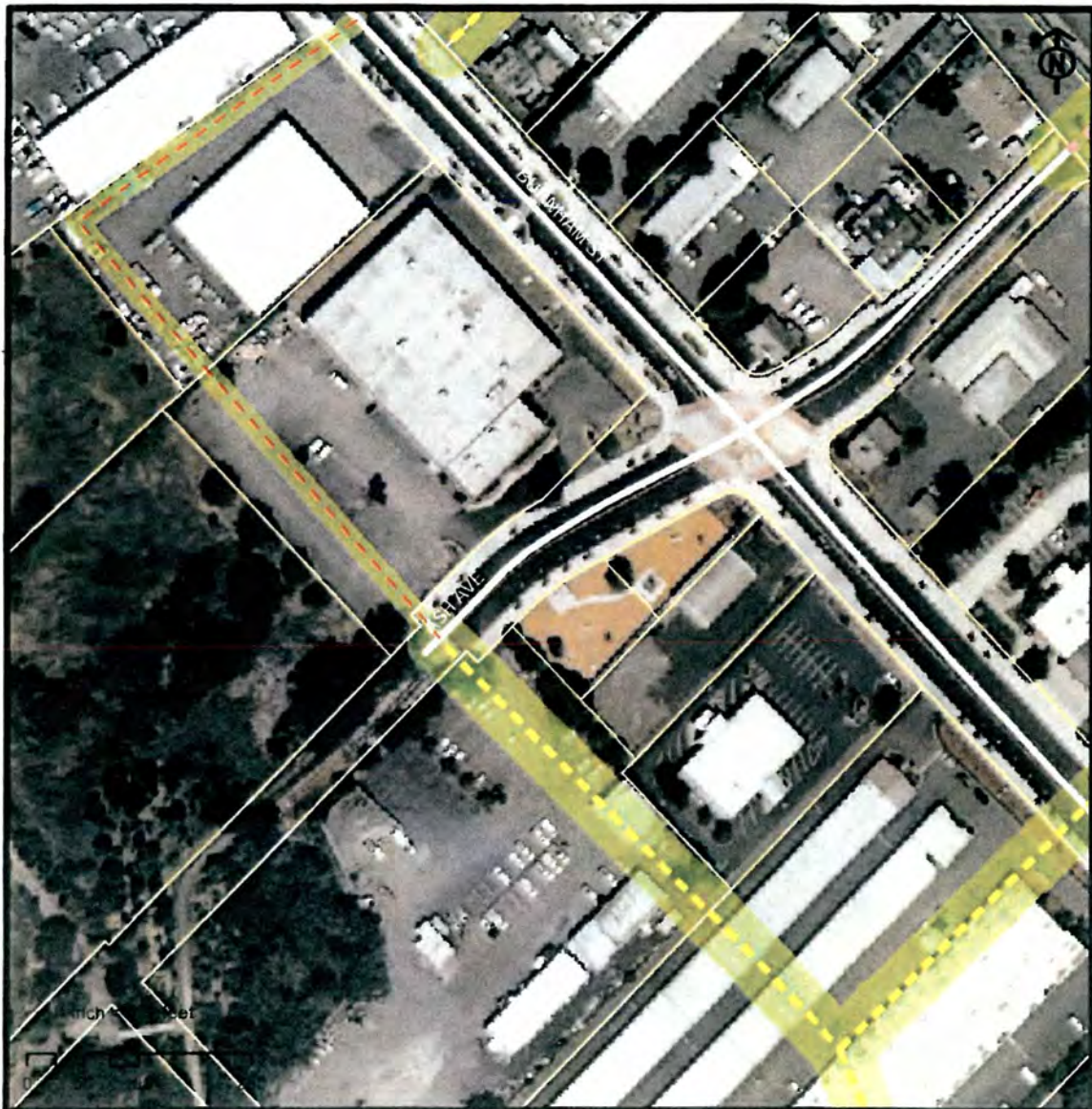




Figure 5-14H. Connectivity Projects Detail Sheet: Map 7

- |  |   |
|--|---|
| Street Character Type  | <span style="background-color: yellow; border: 1px solid black; display: inline-block; width: 20px; height: 10px;"></span> Future Connectivity Alignment Area   |
| <span style="color: orange;">---</span> Downtown Mixed Use 1 (Collector) | <span style="border: 1px solid black; display: inline-block; width: 20px; height: 10px; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px);"></span> Required bike/pedestrian connections |
| <span style="color: orange;">---</span> Downtown Mixed Use 2 (Local)     | Existing Streets  |
| <span style="color: yellow;">---</span> Urban Residential (52'-56')      | Taxlots   |
| <span style="color: red;">---</span> Alley (20')                         |   |

*Note: The width of the Future Connectivity Alignment Area is equal to the upper end of the right-of-way range listed for the street character type.*



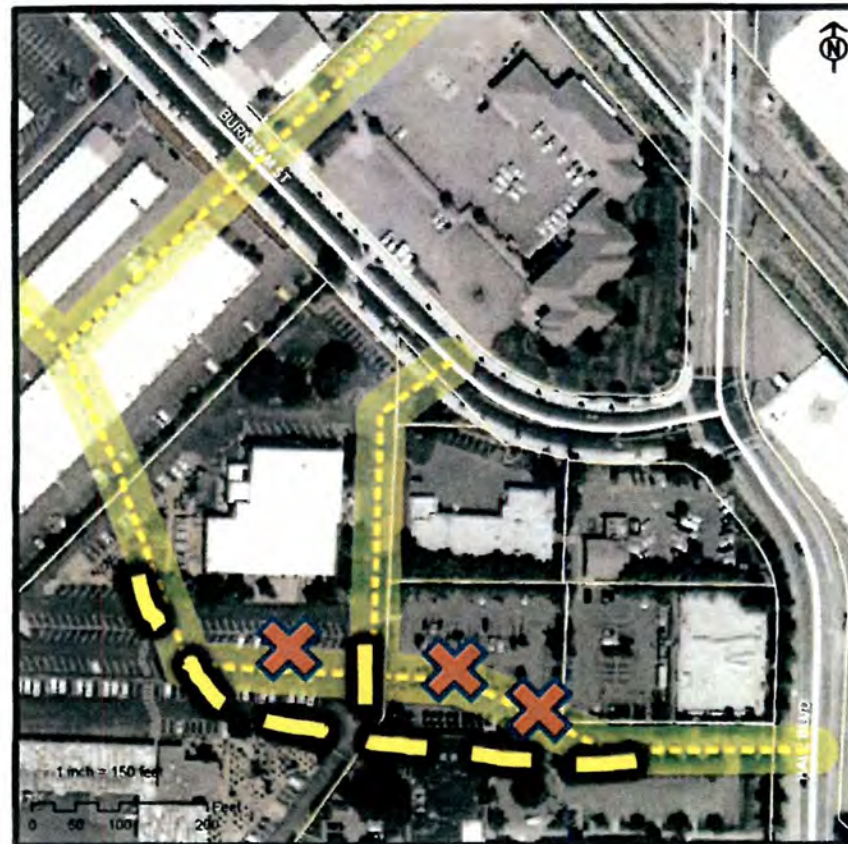


## Change 3

Figure 5-14I. Connectivity Projects Detail Sheet: Map 8

Street Character Type		Future Connectivity Alignment Area
— Downtown Mixed Use 1 (Collector)		Required bike/pedestrian connections
— Downtown Mixed Use 2 (Local)		Existing Streets
— Urban Residential (52'-56')		Taxlots
— Alley (20')		

*Note: The width of the Future Connectivity Alignment Area is equal to the upper end of the right-of-way range listed for the street character type.*



## DRAFT Amendments to the TDC Chapter 18.370 Variances and Adjustments

Proposed amendments are shown as follows:

- ◆ Proposed new text is shown in double-underline.
- ◆ Existing text proposed to be deleted is shown in ~~strike-through~~.
- ◆ Proposed language added at Planning Commission hearing in red underline.

### 18.370.020 Adjustments

A. Purpose. The purpose of this section is to establish two classes of special variances:

1. "Development adjustments" which allow modest variation from required development standards within proscribed limits. Because such adjustments are granted using "clear and objective standards," these can be granted by means of a Type I procedure, as opposed to the more stringent standards of approval and procedure for variances.
2. "Special adjustments" which are variances from development standards which have their own approval criteria as opposed to the standard approval criteria for variances contained in Section 18.370.020.C.

B. Development adjustments.

1. The following development adjustments will be granted by means of a Type I procedure, as governed by Section 18.390.030, using approval criteria contained in Subsection B2 below:
  - a. Front yard setbacks. Up to a 25% reduction of the dimensional standards for the front yard setback required in the base zone. Setback of garages may not be reduced by this provision.
  - b. Interior setbacks. Up to a 20% reduction of the dimensional standards for the side and rear yard setbacks required in the base zone.
  - c. Lot coverage. Up to 5% increase of the maximum lot coverage required in the base zone.
2. Approval criteria. A development adjustment shall be granted if there is a demonstration of compliance with all of the applicable standards:
  - a. A demonstration that the adjustment requested is the least required to achieve the desired effect;
  - b. The adjustment will result in the preservation of trees, if trees are present in the development area;
  - c. The adjustment will not impede adequate emergency access to the site;
  - d. There is not a reasonable alternative to the adjustment which achieves the desired effect.



### C. Special adjustments.

1. Adjustments to development standards within subdivisions (Chapter 18.430). The Director shall consider the application for adjustment at the same time he/she considers the preliminary plat. An adjustment may be approved, approved with conditions, or denied provided the Director finds:

- a. There are special circumstances or conditions affecting the property which are unusual and peculiar to the land as compared to other lands similarly situated;
- b. The adjustment is necessary for the proper design or function of the subdivision;
- c. The granting of the adjustment will not be detrimental to the public health, safety, and welfare or injurious to the rights of other owners of property; and
- d. The adjustment is necessary for the preservation and enjoyment of a substantial property right because of an extraordinary hardship which would result from strict compliance with the regulations of this title.

2. Adjustment to minimum residential density requirements (Chapter 18.510). The Director is authorized to grant an adjustment to the minimum residential density requirements in Section 18.510.040, by means of a Type I procedure, as governed by Section 18.390.030 as follows:

a. For development on an infill site as follows:

(1) In the R-25 zone, sites of .75 acre or smaller.

(2) In the R-40 zone, sites of .75 acre or smaller.

b. For development on sites larger than those contained in 1 above, if the applicant can demonstrate by means of detailed site plan that the site is so constrained that the proportional share of the required minimum density cannot be provided and still meet all of the development standards in the underlying zone.

c. To be granted an adjustment in either Subsections a or b above, the applicant must demonstrate that the maximum number of residential units are being provided while complying with all applicable development standards in the underlying zone. There is nothing in this section which precludes an applicant for applying to a variance to these standards, as governed by Section 18.370.010.

3. For adjustments to density requirements in Washington Square Regional Center, the standards of Section 18.630.020.E apply.

4. For Modifications to dimensional and minimum density requirements for developments within the Washington Square Regional Center that include or abut designated Water Resource overlay areas, the standards of Section 18.630.020.F apply.

5. Adjustment to access and egress standards (Chapter 18.705).

a. In all zoning districts where access and egress drives cannot be readily designed to conform to Code standards within a particular parcel, access with an adjoining property shall be considered. If access in conjunction with another parcel cannot reasonably be achieved, the Director may grant an adjustment to the access requirements of Chapter 18.705 through a Type II procedure, as governed in Section 18.390.030, using approval criteria contained in Subsection 2b below.

b. The Director may approve, approve with conditions, or deny a request for an adjustment from the access requirements contained in Chapter 18.705, based on the following criteria:

- (1) It is not possible to share access;

- (2) There are no other alternative access points on the street in question or from another street;
- (3) The access separation requirements cannot be met;
- (4) The request is the minimum adjustment required to provide adequate access;
- (5) The approved access or access approved with conditions will result in a safe access; and
- (6) The visual clearance requirements of Chapter 18.795 will be met.

6. Adjustments to landscaping requirements (Chapter 18.745).

a. Adjustment to use of existing trees as street trees. By means of a Type I procedure, as governed by Section 18.390.030, the Director shall approve, approve with conditions, or deny a request for the use of existing trees to meet the street tree requirements in Section 18.745.030 providing there has been no cutting and filling around the tree during construction which may lead to its loss, unless the following can be demonstrated:

- (1) The ground within the drip-line is altered merely for drainage purposes; and
- (2) It can be shown that the cut or fill will not damage the roots and will not cause the tree to die.

b. Adjustment for street tree requirements. By means of a Type I procedure, as governed by Section 18.390.030, the Director shall approve, approve with conditions, or deny a request for the adjustments to the street tree requirements in Section 18.745.030, based on the following approval criteria:

- (1) If the location of a proposed tree would cause potential problems with existing utility lines;
- (2) If the tree would cause visual clearance problems; or
- (3) If there is not adequate space in which to plant street trees.

7. Adjustments to parking standards (Chapter 18.765).

a. Reduction from minimum parking requirements. By means of a Type II procedure, as governed by Section 18.390.040, the Director may authorize up to a 20% reduction in the total minimum vehicle parking spaces required in Section 18.765.070.H when an applicant for a development permit can demonstrate in a parking study prepared by a traffic consultant or in parking data from comparable sites that:

- (1) Use of transit, demand management programs, and/or special characteristics of the customer, client employee or resident population will reduce expected vehicle use and parking space demand for this development, as compared to standards Institute of Transportation Engineers (ITE) vehicle trip generation rates and minimum city parking requirements, and
- (2) A reduction in parking will not have an adverse impact on adjacent uses.

b. Reductions in minimum parking requirements in new developments for transit improvements. The Director may authorize up to a 20% reduction in the total minimum vehicle parking spaces required in Section 18.765.070.H by means of a Type II procedure, as governed by Section 18.390.040, when the applicant:

- (1) Incorporates transit-related facilities such as bus stops and pull-outs, bus shelters, transit-oriented developments and other transit-related development; and
- (2) Documents operational characteristics indicating the number of transit users, or number of non-auto users for a particular facility.

c. Reductions in minimum parking requirements in existing developments for transit improvements. The Director may authorize up to a 10% reduction in the total minimum vehicle parking spaces required in Section 18.765.070.H at a conversion ratio of one



space per 100 square feet of transit facility by means of a Type I procedure as governed by Section 18.390.030, when the applicant:

- (1) Incorporates transit-related facilities such as bus stops and pull-outs, bus shelters, transit-oriented developments and other transit-related development; and
- (2) Meets the following requirements:

- (a) A transit facility must be located adjacent to a street with transit service. The facility should be located between the building and front property line, within 20 feet of an existing transit stop, or the facility may include a new transit stop if approved by Tri-Met.

- (b) A transit facility shall include a covered waiting or sitting area.

d. Increases in the maximum parking requirements. The Director may approve off-street parking in excess of the maximum allowed parking spaces in Section 18.765.070G by means of a Type II procedure, as governed by Section 18.390.040, when the applicant can demonstrate that all of the following criteria are met:

- (1) The individual characteristics of the use at that location requires more parking than is generally required for a use of this type and intensity;
- (2) The need for additional parking cannot be reasonably met through provision of on-street parking or shared parking with adjacent or nearby uses; and
- (3) The site plan shall indicate how the additional parking can be redeveloped to more intensive transit-supportive use in the future.

e. Reduction in required bicycle parking. The Director may approve a reduction of required bicycle parking per Section 18.765.050.E by means of Type II procedure, as governed by Section 18.390.040, if the applicant can demonstrate that the proposed use by its nature would be reasonably anticipated to generate a lesser need for bicycle parking.

f. Use of alternative parking garage layout. By means of a Type II procedure, as governed by Section 18.390.040, the Director may approve an alternative design of parking garage which differs from the dimensional standards contained in Figure 18.765.2 when it can be shown that 1) the proposed structure meets design guidelines of the Urban Land Institute's (ULI) Dimension of Parking, Current Edition; or 2) a similar structure functions efficiently using proposed modified layout, circulation and dimensions.

g. Reduction in length of stacking lane. By means of a Type I procedure, as governed by 18.390.030, the Director may allow a reduction in the amount of vehicle stacking area required in Section 18.765.040.D.2 if such a reduction is deemed appropriate after analysis of the size and location of the development, limited services available and other pertinent factors.

#### 8. Adjustments to sign code (Chapter 18.780).

a. By means of a Type II procedure, as governed by Section 18.390.040, the Director shall approve, approve with conditions, or deny a request for an adjustment to the sign code based on findings that at least one of the following criteria are satisfied:

- (1) The proposed adjustment to the height limits in the sign code is necessary to make the sign visible from the street because of the topography of the site, and/or a conforming building or sign on an adjacent property would limit the view of a sign erected on the site in conformance with Chapter 18.780, Signs;
- (2) A second freestanding sign is necessary to adequately identify a second entrance to a business or premises that is oriented towards a different street frontage;
- (3) Up to an additional 25% of sign area or height may be permitted when it is determined that the increase will not deter from the purpose of Chapter 18.780,

Signs. This increase should be judged according to specific needs and circumstances which necessitate additional area to make the sign sufficiently legible. The increase(s) shall not conflict with any other non-dimensional standards or restrictions of this chapter;

(4) The proposed sign is consistent with the criteria set forth in Section 18.780.130.G;

(5) The proposed exception for a second freestanding sign on an interior lot which is zoned commercial or industrial is appropriate because all of the following apply:

(a) The combined height of both signs shall not exceed 150% of the sign height normally allowed for one freestanding sign in the same zoning district; however, neither shall exceed the height normally allowed in the same zoning district;

(b) Neither sign will pose a vision clearance problem or will project into the public right-of-way; and

(c) Total combined sign area for both signs shall not exceed 150% of what is normally allowed for one freestanding sign in the same zoning district; however, neither shall exceed the height normally allowed in the same zoning district.

b. In addition to the criteria in Subsection a above, the Director shall review all of the existing or proposed signage for the development and its relationship to the intent and purpose of Chapter 18.780, Signs. As a condition of approval of the adjustment, the Director may require:

(1) Removal or alteration of nonconforming signs to achieve compliance with the standards contained in Chapter 18.780, Signs;

(2) Removal or alteration of conforming signs to establish a consistent sign design throughout the development; and

(3) Application for sign permits for signs erected without permits or removal of such illegal signs.

9. Adjustments to setbacks to reduce tree removal (Chapter 18.790). By means of a Type I procedure, as governed by Section 18.390.030, the Director may grant a modification from applicable setback requirements of this Code for the purpose of preserving a tree or trees on the site of proposed development. Such modification may reduce the required setback by up to 50%, but shall not be more than is necessary for the preservation of trees on the site. The setback modification described in this section shall supersede any special setback requirements or exceptions set out elsewhere in this title, including but not limited to Chapter 18.730, except Section 18.730.040.

10. Adjustments to wireless communication facilities (Chapter 18.798).

a. By means of a Type II procedure, as governed by Section 18.390.040, the Director shall approve, approve with conditions, or deny a request for an adjustment to the requirement that a wireless communication tower be set back at least the height of the tower from any off-site residence based on findings that at the following criteria are satisfied:

(1) The proposed location of the tower complies with the setback requirements for the underlying zone in which the property is located;



- (2) A structural engineer certifies that the tower is designed to collapse within itself;
  - (3) Because of topography, vegetation, building orientation and/or other factor, a site closer to an off-site residence will equally or better reduce the visual impacts associated with the tower upon the off-site residence.
- b. By means of a Type I procedure, as governed by Section 18.390.030, the Director shall approve, approve with conditions, or deny a request for an adjustment to the requirement that a wireless communication tower be located 2,000 feet from another tower in a residential zone or 500 feet from another tower in a non-residential zone based on findings that the following criteria are satisfied:
- (1) The applicant has fully complied with the collocation protocol as provided in Section 18.798.080; and
  - (2) A registered radio engineer certifies that a more distant location is not technically feasible and/or sites at a more appropriate location are not available; or
  - (3) A location closer than the required separation will reduce visual or other impacts on surrounding uses better than sites beyond the required separation.

11. Adjustments for street improvement requirements (Chapter 18.810). By means of a Type II procedure, as governed by Section 18.390.040, the Director shall approve, approve with conditions, or deny a request for an adjustment to the street improvement requirements, based on findings that the following criterion is satisfied: Strict application of the standards will result in an unacceptably adverse impact on existing development, on the proposed development, or on natural features such as wetlands, bodies of water, significant habitat areas, steep slopes or existing mature trees. In approving an adjustment to the standards, the Director shall determine that the potential adverse impacts exceed the public benefits of strict application of the standards. (Ord. 06-20)

12. Adjustments to Downtown Connectivity Standards (Chapter 18.610.025). This adjustment applies to the location of required connections; adjustments to the design of the required improvement are subject to 18.370.020.C.11. By means of a Type II procedure, as governed by Section 18.390.040, the Director shall approve, approve with conditions, or deny a request for an adjustment to the connectivity standards, based on findings that the following criteria are satisfied:

- a. Granting the adjustment will equally or better meet downtown design principles outlined in the Transportation System Plan;
- b. Application of the Downtown Connectivity Standards would preclude all reasonable economic use of the site;
- c. Any adjustment of the street and pedestrian connectivity improvement designations will, at a minimum, preserve the potential for a future connectivity improvements; and
- d. Granting the adjustment would not result in an adverse impact on natural features such as wetlands, bodies of water, significant habitat areas, steep slopes, or existing mature trees.

## DRAFT Amendments to TDC Chapter 18.610 Tigard Downtown District Development and Design Standards

Proposed amendments are shown as follows:

- ♦ Proposed new text is shown in double-underline.
- ♦ Existing text proposed to be deleted is shown in ~~strike-through~~.
- ♦ Proposed language added at Planning Commission hearing in red underline.

### Sections:

18.610.010	<b>Purpose and Procedures</b>
18.610.015	<b>Pre-Existing Uses and Developments within the Downtown District</b>
18.610.020	<b>Building and Site Development Standards</b>
18.610.025	<b>Street Connectivity</b>
18.610.030	<b>Building and Site Design Standards</b>
18.610.035	<b>Additional Standards</b>
18.610.040	<b>Special Requirements for Development Bordering Urban Plaza</b>
18.610.045	<b>Exceptions to Standards</b>
18.610.050	<b>Building and Site Design Objectives (to be used with Track 3 Approval Process)</b>
18.610.055	<b>Signs</b>
18.610.060	<b>Off-Street Parking and Loading Requirements</b>

### 18.610.010 Purpose and Procedures

- A. Purpose. The objectives of the Tigard Downtown Development and Design Standards are to implement the Comprehensive Plan, Tigard Downtown Improvement Plan, and Urban Renewal Plan and ensure the quality, attractiveness, and special character of the Downtown. The regulations are intended to:
1. Facilitate the development of an urban village by promoting the development of a higher density, economically viable, and aesthetically pleasing pedestrian-oriented downtown where people can live, work, play and shop for their daily needs without relying on the automobile. The quality and scale of the downtown urban environment shall foster social interaction and community celebration.
  2. Encourage the integration of natural features and the open space system into Downtown by promoting development sensitive to natural resource protection and enhancement; addressing the relationship to Fanno Creek Park; and promoting opportunities for the creation of public art and use of sustainable design.



3. Enhance the street level as an inviting place for pedestrians by guiding the design of the building "walls" that frame the right-of-way (the "public realm") to contribute to a safe, high quality pedestrian-oriented streetscape. Building features will be visually interesting and human-scaled, such as storefront windows, detailed façades, art and landscaping. The impact of parking on the pedestrian system will also be limited. The downtown streetscape shall be developed at a human scale and closely connected to the natural environment through linkages to Fanno Creek open space and design attention to trees and landscapes.
  4. Promote Tigard's Downtown as a desirable place to live and do business. Promote development of high-quality high density housing and employment opportunities in the Downtown.
  5. Provide a clear and concise guide for developers and builders by employing greater use of graphics to explain community goals and desired urban form to applicants, residents and administrators.
- B. Conflicting standards. The following standards and land use regulations apply to all development within the Downtown Mixed Use Central Business District. With the exception of public facility ~~and street~~ requirements, if a design standard found in this section conflicts with another standard in the Development Code, the standards in this section shall govern, even if less restrictive than other areas of the code.
- C. Applicability.
1. New buildings and redevelopment: All applicable Design Standards apply to new buildings and related site improvements.
  2. Expansion, modification and site improvements to existing development: An addition, expansion, enlargement, modification, and/or site improvements associated with such lawfully preexisting uses and structures shall be allowed, provided the application for such proposed project moves toward compliance with the applicable Development Code standards. Only those Downtown Building and Site Design Standards applicable to the proposed expansion, modification or site improvements to the existing development shall be applicable.
  3. Design standards do not apply to the following projects:
    - a. Maintenance and repair of a building, structure, or site in a manner that is consistent with previous approvals and/or necessary for safety;
    - b. Projects undertaken to bring an existing development into compliance with the Americans with Disabilities Act;
    - c. Exterior painting;
    - d. Any exterior project that doesn't require a building permit;
    - e. Interior remodeling;
    - f. Temporary structures/uses (as defined in Chapter 18.785);

- g. Any project involving a pre-existing single-family residential building or duplex (that is not being or already been converted to a nonresidential use).

D. Downtown design review approval process.

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E. Procedures.

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F. Downtown design review submittal requirements.

...

G. Approval period.

...

H. Extension.

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I. Phased development.

1. If the development of a site takes more than one year, the applicant shall submit a phased development time schedule for approval by the Director. In no case shall the total time period for all phases be greater than seven years without reapplying for design review.
2. The criteria for approving a phased development proposal is that all of the following are satisfied:
  - a. The public facilities are constructed in conjunction with or prior to each phase;
  - b. The development and occupancy of any phase is not dependent on the use of temporary public facilities. A temporary public facility is any facility not constructed to the applicable City or district standard;
  - c. The phased development shall not result in requiring the City or other property owners to construct public facilities that were required as part of the approved development proposal; and
  - d. The Director's decision may be appealed as provided by Section 18.390.040.G. No notice need be given of the Director's decision.

J. Bonding and assurances.

1. Performance Bonds for Public Improvements. On all projects where public improvements are required the Director shall require a bond in an amount not greater than 100% or other adequate assurances as a condition of approval of the plan in order to ensure the completed project is in conformance with the approved plan; and
2. Release of Performance Bonds. The bond shall be released when the Director finds the completed project conforms to the approved plan and all conditions of approval are satisfied.
3. Completion of Landscape Installation. Landscaping shall be installed prior to issuance of occupancy permits, unless security equal to the cost of the landscaping as determined by the



Director is filed with the City Recorder assuring such installation within six months after occupancy:

- a. Security may consist of a faithful performance bond payable to the City, cash, certified check or such other assurance of completion approved by the City Attorney; and
- b. If the installation of the landscaping is not completed within the six-month period, the security may be used by the City to complete the installation.

K. Business tax filing.

...

**18.610.015 Pre-Existing Uses and Developments within the Downtown District**

A. Applicability. Notwithstanding the provisions of Section 18.760.040 (Criteria for Nonconforming Situations), land uses and associated development in the MU-CBD District that were lawfully in existence at the time of adoption of these standards may continue as lawful uses and developments.

1. Land uses and associated development that were in existence at the time of the adoption of the MU-CBD District and Chapter 18.610 may continue on the property. Additions, expansions, or enlargements to such uses or developments, shall be limited to the property area of said use or development lawfully in existence at the time of adoption of this ordinance, January 26, 2010.
2. If a pre-existing structure or use is destroyed by fire, earthquake or other act of God, or otherwise abandoned then the use will retain its pre-existing status under this provision so long as it is substantially reestablished within one year of the date of the loss. The new structure would have to conform to the code.

B. Standards for projects involving existing single-family and duplex dwellings.

1. Existing single-family buildings and duplexes used for residential purposes are exempt from the standards.
2. For projects involving preexisting housing units used for nonresidential uses the applicable standards are: Section 18.610.020, Building and Site Development Standards, including the applicable sub-area from Map 610.A; Section 18.610.030, Building Design Standards for Nonresidential Buildings and Section 18.610.035, Additional Standards.

C. Existing nonconforming industrial structures. Existing nonconforming industrial structures at the following locations may continue to be utilized for I-P Industrial uses after the nonconforming use limit of six months: Map 2S 1 2AA tax lot 4700, Map 2S 1 2AC tax lots 100 and 202, Map 2 1 2AD tax lot 1203, Map 2S 1 2DB tax lot 100, and Map 2S 1 2DA tax lot 300. (Ord. 10-02 § 2)

**18.610.020 Building and Site Development Standards**

A. Sub-areas.

...

- B. **Development standards.** Development standards apply to all new development in the MU-CBD zone, including developments utilizing the Track 3 approval process. Variances or adjustments may be granted if the criteria found in Chapter 18.370 is satisfied.

1. Development Standards Matrix. See Table 18.610.1 and Map 18.610.A.

**Table 18.610.1**  
**MU-CBD Development Standards Matrix**<sup>1, 2, 3</sup>

STANDARD	SUB-AREAS			
	Main Street (MS)	99W/Hall Corridor (99H)	Scoffins/Commercial (SC)	Fanno/Burnham (FB)
Front setback				
Minimum	0 ft.	0.5 ft. (5 ft. for frontage on 99W)	0 ft.	0 ft.
Maximum	10 ft.	25 ft.	20 ft.	20 ft.
Side facing street on corner and through lots				
Minimum	0 ft.	0 ft.	0 ft.	0 ft.
Maximum	10 ft.	N/A	N/A	N/A
Sidyard				
Minimum/maximum	N/A	N/A	N/A	N/A
Rear setback				
Minimum	0 ft.	5 ft.	5 ft.	5 ft.
Maximum	N/A	N/A	N/A	N/A
Building height				
Minimum	20 ft.	20 ft.	20 ft.	20 ft.
Maximum (stories/feet)	3 stories (45 ft.)	3 stories (45 ft.)	6 stories (80 ft.)	6 stories (80 ft.) <sup>7</sup>
Ground floor height minimum	15 ft.	15 ft.	None	None
Site coverage maximum	100%	90%	90%	80%
Minimum landscaping <sup>4</sup>	0% <sup>5</sup>	10%	10%	20%
Minimum building frontage	50%	50%	50%	50%
Residential density (units per acre)				
Minimum <sup>6</sup>	25	25	25	15
Maximum	50	50	50 <sup>6</sup>	50 <sup>6</sup>

<sup>1</sup> This table does not apply to existing development. All new buildings in the district must meet these development standards, including projects using the Track 3 approval process.

<sup>2</sup> For standards for development surrounding the future public plaza see Section 18.610.040, Special Requirements for Development Bordering Urban Plaza.

<sup>3</sup> See also Section 18.610.045, Exceptions to Standards in the MU-CBD zone.

<sup>4</sup> In the MU-CBD zone, required landscaping can be provided on roofs or within the right-of-way where the applicant is required to provide landscaping as part of a street improvement in accordance with Section 18.610.075.

<sup>5</sup> Landscaping/screening requirements for parking lots must be met.

18.610.025

<sup>6</sup> Station Area Overlay permits a maximum of 80 units per acre (see Map 18.610A).

<sup>7</sup> 3 stories/45 feet within 200 feet of Fanno Creek Park boundary (see Map 610.A) or within 50 feet of low or medium density residential district.

<sup>8</sup> Minimum density applies to residential-only development (not mixed use).

2. Parking Location. ...

3. Rooftop Features/Equipment Screening. ...



4. Other Exterior Mechanical Equipment. ...

**18.610.025 Street Connectivity**

~~Section to be reserved until completion of Downtown Circulation Plan. (Ord. 10-02 § 2)~~

- A. Purpose Statement. The purpose of this section is to implement the *City of Tigard 2035 Transportation System Plan* which describes a more complete system of streets and pathways to improve multi-modal access to, from and within the Downtown Mixed Use Central Business District. The standards in this section are intended to execute connectivity improvement projects that will foster creation of smaller block sizes, efficient routes into and within downtown, and new streets to accommodate and encourage downtown development. The standards are also intended to solve some existing connectivity issues, such as access across railroad tracks.
- B. Applicability. The connectivity standards in this section apply only to those properties with designated streets or alleys as shown on Figures 5-14A through 5-14I of the *City of Tigard 2035 Transportation System Plan*. Development on properties with designated streets or alleys is subject to the connectivity requirements below.
- C. Required New Street and Alley Connections. Required new street and alley connections shall be provided as follows.
1. New development and major redevelopment. For new development and for major redevelopment valued at more than 60% of its total current value as assessed by the Washington County assessor, the applicant shall comply with subsections (a) and (b), below.
    - (a) Dedicate the required right-of-way. The applicant shall dedicate the amount of right-of-way necessary to construct the required street or alley consistent with the designated street cross-section.
      - i. As an alternative, the City Engineer may approve the dedication of a public easement in lieu of a portion of the public right-of-way in accordance with TDC 18.810.030.C.
    - (b) Construct the required improvements. The applicant shall construct the full street or alley improvements as shown in the designated street cross-section.
  2. All other projects. For projects other than new development and major redevelopment, the applicant shall comply with sections (a) and (b) below:
    - (a) Preserve the potential for a future connectivity improvement. No new buildings shall be located within the area identified as future street or alley alignment. Surface parking, landscaping, temporary structures, driveways and similar types of development are allowed within the future alignment.
    - (b) Sign a non-remonstrance to future Local Improvement District (LID). The property owner shall sign a non-remonstrance agreement for formation of a future LID to pay for the identified street or alley improvement.
- D. Required New Pedestrian Pathway. For new development and for major redevelopment valued at more than 60% of its total current value as assessed by the Washington County assessor that is

within the area designated for required multi-use pathway, the applicant shall comply with subsection (1) below:

1. Provide multi-use pathway on public easements or right-of-ways through the block in a manner which ensures that connections through the block are provided at least every 330 feet. The required pathway shall provide direct connection through the block and be ~~ADA accessible~~, subject to the requirements of 18.810.110.

E. Adjustments to the connectivity standards are subject to TDC 18.370.020.

F. Replacement of a pre-existing structure that is destroyed by fire, earthquake or other cause beyond the control of the owner, shall not be considered a major redevelopment for the purposes of 18.610.025.C and of 18.610.025.D.

**18.610.030 Building and Site Design Standards**

...

**18.610.035 Additional Standards**

...

**18.610.040 Special Requirements for Development Bordering Urban Plaza**

...

**18.610.045 Exceptions to Standards**

- A. Exceptions to setback requirements. ...
- B. Exceptions to parking requirements. ...
- C. Exceptions for private or shared outdoor area. ...
- D. Exceptions to landscaping requirements. ...

**18.610.050 Building and Site Design Objectives (to be used with Track 3 Approval Process)**

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**18.610.055 Signs**

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**18.610.060 Off-Street Parking and Loading Requirements**

...



## DRAFT Amendments to TDC Chapter 18.810 Street and Utility Improvement Standards

Proposed amendments are shown as follows:

- ♦ Proposed new text is shown in double-underline.
- ♦ Existing text proposed to be deleted is shown in ~~strike-through~~.

### Sections:

18.810.010	Purpose
18.810.020	General Provisions
18.810.030	Streets
18.810.040	Blocks
18.810.050	Easements
18.810.060	Lots
18.810.070	Sidewalks
18.810.080	Public Use Areas
18.810.090	Sanitary Sewers
18.810.100	Storm Drainage
18.810.110	Bikeways and Pedestrian Pathways
18.810.120	Utilities
18.810.130	Cash or Bond Required
18.810.140	Monuments—Replacement Required.
18.810.150	Installation Prerequisite
18.810.160	Installation Conformation
18.810.170	Plan Check
18.810.180	Notice to City
18.810.190	City Inspection of Improvements
18.810.200	Engineer's Written Certification Required
18.810.210	Completion Requirements

#### 18.810.010 Purpose

- A. Purpose. The purpose of this chapter is to provide construction standards for the implementation of public and private facilities and utilities such as streets, sewers, and drainage.

#### 18.810.020 General Provisions

- A. When standards apply. Unless otherwise provided, construction, reconstruction or repair of streets, sidewalks, curbs and other public improvements shall occur in accordance with the standards of this title. No development may occur and no land use application may be approved unless the public facilities related to development comply with the public facility requirements established in this section and adequate public facilities are available. Applicants may be required to dedicate land and build required public improvements only when the required exaction is directly related to and roughly proportional to the impact of the development.

- B. Standard specifications. The city engineer shall establish standard specifications consistent with the application of engineering principles.
- C. Chapter 7.40 applies. The provision of Chapter 7.40 of the Tigard Municipal Code shall apply to this chapter.
- D. Adjustments. Adjustments to the provisions in this chapter related to street improvements may be granted by means of a Type II procedure, as governed by Section 18.390.040, using approval criteria in Section 18.370.020.C.11 ~~18.370.030.C.9~~. (Ord. 99-22)
- E. Except as provided in Section 18.810.030.S, as used in this chapter, the term “streets” shall mean “public streets” unless an adjustment under Section 18.810.020.D is allowed. (Ord. 99-22)

#### **18.810.030 Streets**

##### **A. Improvements.**

1. No development shall occur unless the development has frontage or approved access to a public street.
2. No development shall occur unless streets within the development meet the standards of this chapter.
3. No development shall occur unless the streets adjacent to the development meet the standards of this chapter, provided, however, that a development may be approved if the adjacent street does not meet the standards but half-street improvements meeting the standards of this title are constructed adjacent to the development.
4. Any new street or additional street width planned as a portion of an existing street shall meet the standards of this chapter.
5. If the city could and would otherwise require the applicant to provide street improvements, the city engineer may accept a future improvements guarantee in lieu of street improvements if one or more of the following conditions exist:
  - a. A partial improvement is not feasible due to the inability to achieve proper design standards;
  - b. A partial improvement may create a potential safety hazard to motorists or pedestrians;
  - c. Due to the nature of existing development on adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide a significant improvement to street safety or capacity;
  - d. The improvement would be in conflict with an adopted capital improvement plan;
  - e. The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets; or
  - f. Additional planning work is required to define the appropriate design standards for the street and the application is for a project which would contribute only a minor portion of the anticipated future traffic on the street.

6. The standards of this chapter include the standard specifications adopted by the city engineer pursuant



to Section 18.810.020.B.

7. The approval authority may approve adjustments to the standards of this chapter if compliance with the standards would result in an adverse impact on natural features such as wetlands, bodies of water, significant habitat areas, steep slopes, or existing mature trees. The approval authority may also approve adjustments to the standards of this chapter if compliance with the standards would have a substantial adverse impact on existing development or would preclude development on the property where the development is proposed. In approving an adjustment to the standards, the approval authority shall balance the benefit of the adjustment with the impact on the public interest represented by the standards. In evaluating the impact on the public interest, the approval authority shall consider the criteria listed in Section 18.810.030.E.1. An adjustment to the standards may not be granted if the adjustment would risk public safety.
- B. Creation of rights-of-way for streets and related purposes. Rights-of-way shall be created through the approval of a final subdivision plat or major partition; however, the council may approve the creation of a street by acceptance of a deed, provided that such street is deemed essential by the council for the purpose of general traffic circulation.
1. The council may approve the creation of a street by deed of dedication without full compliance with the regulations applicable to subdivisions or major partitions if any one or more of the following conditions are found by the council to be present:
    - a. Establishment of a street is initiated by the council and is found to be essential for the purpose of general traffic circulation, and partitioning or subdivision of land has an incidental effect rather than being the primary objective in establishing the road or street for public use; or
    - b. The tract in which the road or street is to be dedicated is an isolated ownership of one acre or less and such dedication is recommended by the commission to the council based on a finding that the proposal is not an attempt to evade the provisions of this title governing the control of subdivisions or major partitions.
    - c. The street is located within the Downtown Mixed Use Central Business District and has been identified on Figures 5-14A through 5-14I of the City of Tigard 2035 Transportation System Plan as a required connectivity improvement.
  2. With each application for approval of a road or street right-of-way not in full compliance with the regulations applicable to the standards, the proposed dedication shall be made a condition of subdivision and major partition approval.
    - a. The applicant shall submit such additional information and justification as may be necessary to enable the commission in its review to determine whether or not a recommendation for approval by the council shall be made.
    - b. The recommendation, if any, shall be based upon a finding that the proposal is not in conflict with the purpose of this title.
    - c. The commission in submitting the proposal with a recommendation to the council may attach conditions which are necessary to preserve the standards of this title.
  3. All deeds of dedication shall be in a form prescribed by the city and shall name "the public" as grantee.

C. Creation of access easements. ...

D. Street location, width and grade. Except as noted below, the location, width and grade of all streets shall conform to an approved street plan and shall be considered in their relation to existing and planned streets, to topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed use of the land to be served by such streets:

1. Street grades shall be approved by the city engineer in accordance with subsection N below; and
2. Where the location of a street is not shown in an approved street plan, the arrangement of streets in a development shall either:
  - a. Provide for the continuation or appropriate projection of existing streets in the surrounding areas, or
  - b. Conform to a plan adopted by the commission, if it is impractical to conform to existing street patterns because of particular topographical or other existing conditions of the land. Such a plan shall be based on the type of land use to be served, the volume of traffic, the capacity of adjoining streets and the need for public convenience and safety.

E. Minimum rights-of-way and street widths. Unless otherwise indicated on an approved street plan, or as needed to continue an existing improved street or within the Downtown District, street right-of-way and roadway widths shall not be less than the minimum width described below. Where a range is indicated, the width shall be determined by the decision-making authority based upon anticipated average daily traffic (ADT) on the new street segment. (The City Council may adopt by resolution, design standards for street construction and other public improvements. The design standards will provide guidance for determining improvement requirements within the specified ranges.) These are presented in Table 18.810.1.

1. The decision-making body shall make its decision about desired right-of-way width and pavement width of the various street types within the subdivision or development after consideration of the following:
  - a. The type of road as set forth in the comprehensive plan transportation chapter - functional street classification.
  - b. Anticipated traffic generation.
  - c. On-street parking needs.
  - d. Sidewalk and bikeway requirements.
  - e. Requirements for placement of utilities.
  - f. Street lighting.
  - g. Drainage and slope impacts.
  - h. Street tree location.
  - i. Planting and landscape areas.
  - j. Safety and comfort for motorists, bicyclists, and pedestrians.
  - k. Access needs for emergency vehicles.



**Table 18.810.1**  
**Minimum Widths for Street Characteristics and Downtown Street Character Types**

Type of Street	Right-of-Way Width	Paved Width	Number of Lanes	Min. Lane Width	On-street Parking Width	Bike Lane Width	Sidewalk Width	Landscape Strip Width (exclusive of curb)	Median Width
Arterial	64'—128'	Varies	2—7 (Refer to TSP)	12'	N/A	6' (New Streets) 5'—6' (Existing Streets)	8' (Res. & Ind. Zones) 10' (Comm. Zones)	5'	12' <sup>(1)</sup>
Collector	58'—96'	Varies	2—5 (Refer to TSP)	11'	8' <sup>(4)</sup>	6' (New Streets) <sup>(5)</sup> 5'—6' (Existing Streets) <sup>(5)</sup>	6' (Res. & Ind. Zones) 8' (Comm. Zones)	5'	12' <sup>(1)</sup>
Neighborhood Route	50'—58'	28'—36'	2	10'	8'	5'—6'	5'—6' <sup>(2)</sup>	5'	N/A
Local: Industrial/Commercial	50'	36'	2			N/A	5'—6' <sup>(2)</sup>	5'	N/A
Local: Residential									N/A
• Under 1500 ADT	54'/50' <sup>(3)</sup>	32'/28' <sup>(3)</sup>	2		8' (both sides)	N/A	5'—6' <sup>(2)</sup>	5'	
• Under 500 ADT	50'/46' <sup>(3)</sup>	28'/24' <sup>(3)</sup>	2		8' (one side)	N/A			
• Under 200 ADT	46'/42' <sup>(3)</sup>	24'/20' <sup>(3)</sup>	2		(No Parking)	N/A			
Cul-de-sac bulbs in Industrial and Commercial Zones	50' radius	42' radius	N/A	N/A		N/A			N/A
Cul-de-sac bulbs in Residential Zones	47' radius	40' radius	N/A	N/A		N/A		N/A	N/A
Upper Hall Boulevard <sup>(6)</sup>	94'	64'	3	11'	8'	6'	10.5'	4'	14'
Main Street Green Street	TBD <sup>(7)</sup>	TBD <sup>(7)</sup>	TBD <sup>(7)</sup>	TBD <sup>(7)</sup>	TBD <sup>(7)</sup>	TBD <sup>(7)</sup>	TBD <sup>(7)</sup>	TBD <sup>(7)</sup>	TBD <sup>(7)</sup>
Downtown Mixed Use 1 – Downtown Collector	66'–70'	46'	2	10'	8'	5'	6–8'	4'	N/A
Downtown Mixed Use 2 – Downtown Neighborhood	58'–62'	38'	2	11'	8'	N/A	6–8'	4'	N/A
Downtown Mixed Use 3 – Upper Burnham	62'–74'	38'	2	11'	8'	N/A	6–8'	5.5–9.5'	N/A
Downtown Mixed Use 4 – Lower Burnham	68'–72'	48'	2	10'	8'	N/A	6–8'	4'	12'

<u>Downtown – Urban Residential</u>	<u>52'-56'</u>	<u>32'</u>	<u>1</u>	<u>18'</u>	<u>7'</u>	<u>N/A</u>	<u>6-8'</u>	<u>4'</u>	<u>N/A</u>
Alley: Residential	16'	16'			N/A	N/A	N/A	N/A	N/A
Alley: Business	20'	20'			N/A	N/A	N/A	N/A	N/A

<sup>1</sup> Medians required for five- and seven-lane roadways. They are optional for three-lane roadways.

<sup>2</sup> Sidewalk widths for these streets shall be five feet with landscape strip; six feet if against curb (if permitted in accordance with Section 18.810.070.C).

<sup>3</sup> "Skinny street" roadway widths are permitted where cross section and review criteria are met. Refer to corresponding cross sections (Figures 18.810.3, 18.810.4 and 18.810.5) for details and conditions.

<sup>4</sup> Parking is allowed on collectors within the Downtown Urban Renewal District.

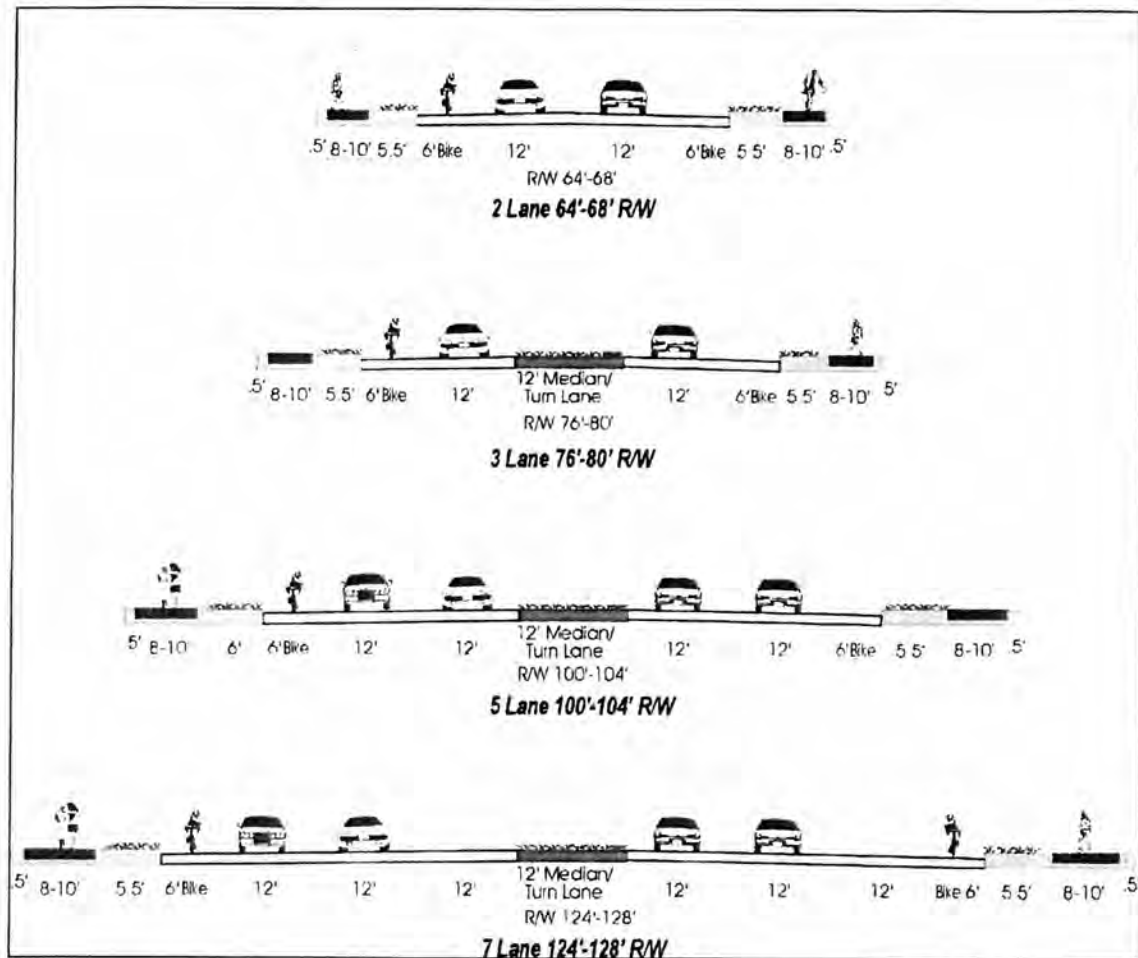
<sup>5</sup> Bicycle lane requirements on collectors within the Downtown Urban Renewal District shall be determined by the city engineer.

<sup>6</sup> SW Hall Boulevard is currently an ODOT facility. The 2035 Tigard Transportation System Plan recommends that a corridor plan be completed for the SW Hall Boulevard Corridor. The street character standards for Upper Hall Boulevard shall not be considered final until the corridor plan is complete.

<sup>7</sup> Main Street Green Street standards are currently being developed through a separate process.

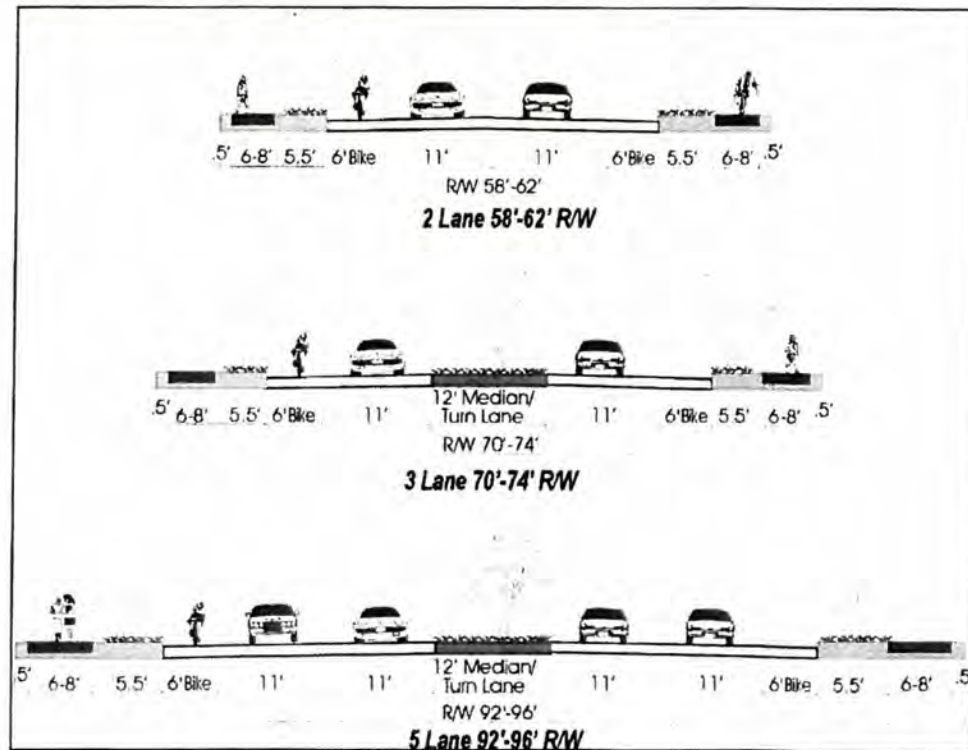


**Figure 18.810.1**  
**Arterials Sample Cross Sections**



(Ord. 02-33)

**Figure 18.810.2**  
**Collector Sample Cross Sections <sup>(1)</sup>**

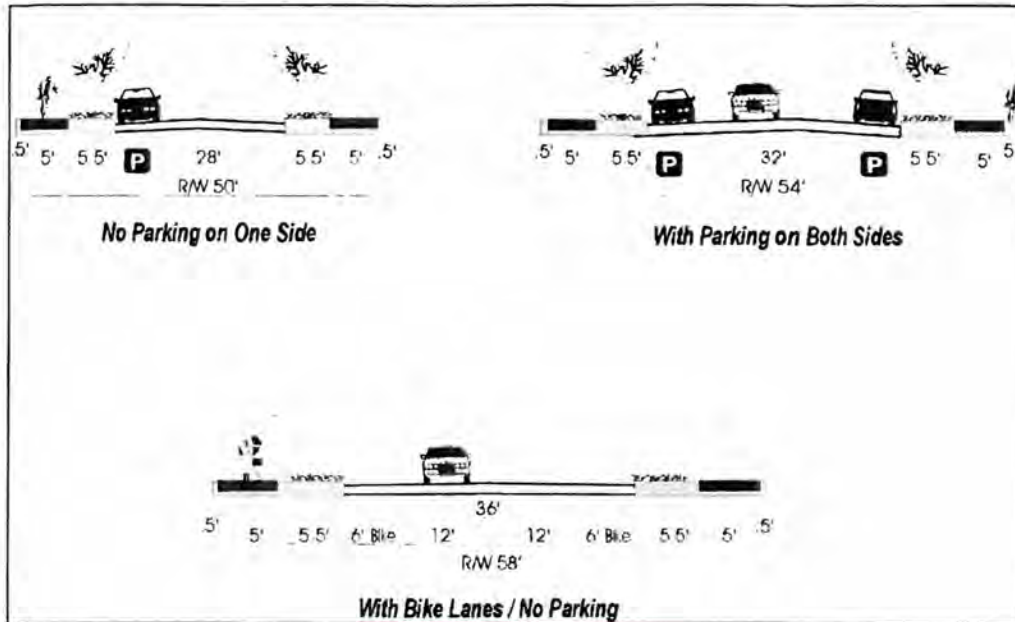


<sup>1</sup> Parking is allowed on collectors within the Downtown Urban Renewal District. Bike lane requirements on these same collectors shall be determined by the city engineer.

(Ord. 09-09 § 3 (Exh. B); Ord. 02-33)

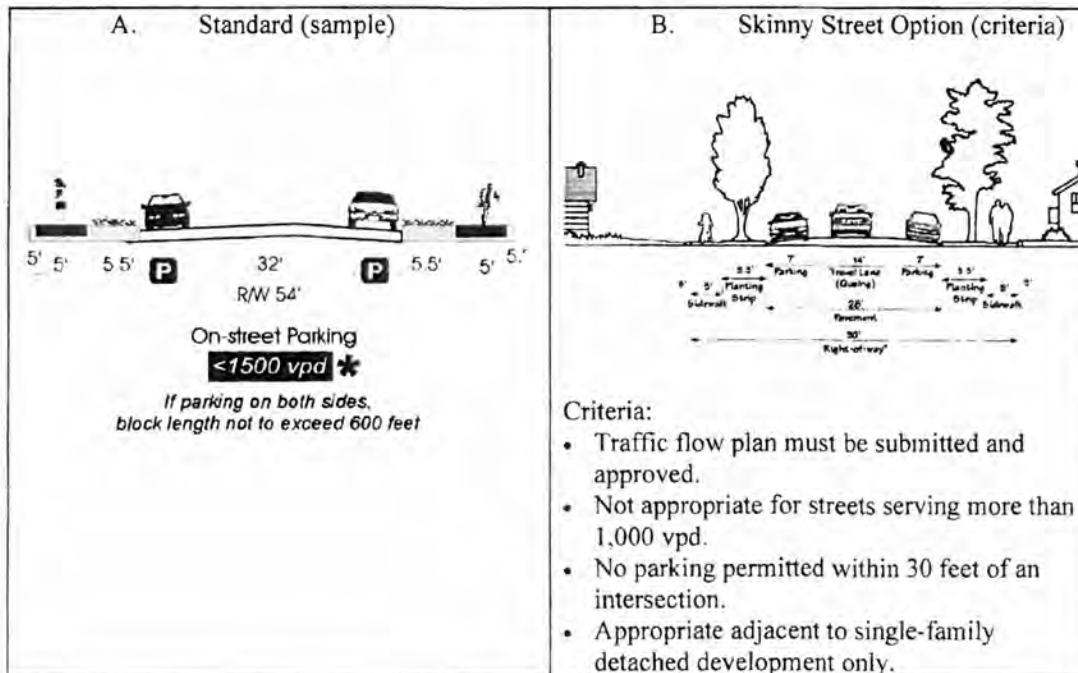


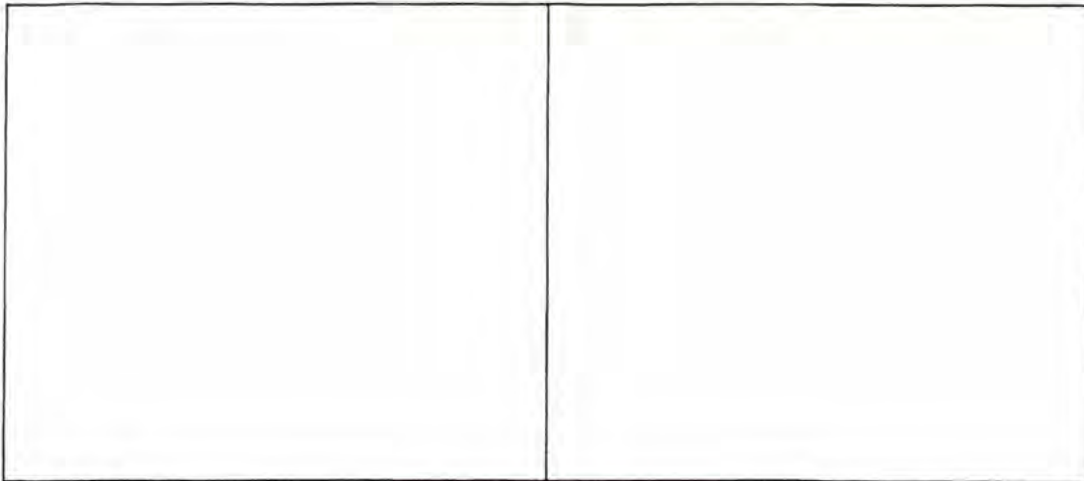
**Figure 18.810.3**  
**Neighborhood Routes Sample Cross Sections**



(Ord. 02-33)

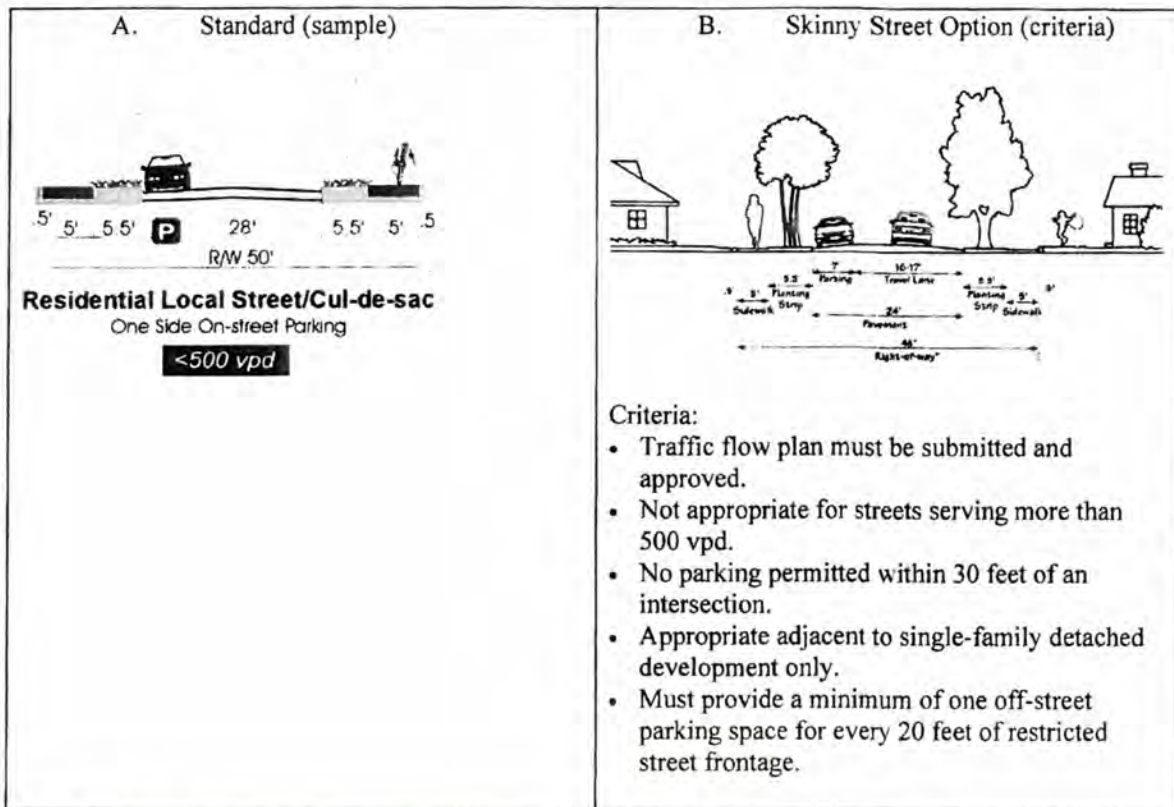
**Figure 18.810.4**  
**Local Residential Streets - <1,500 vpd**





(Ord. 02-33)

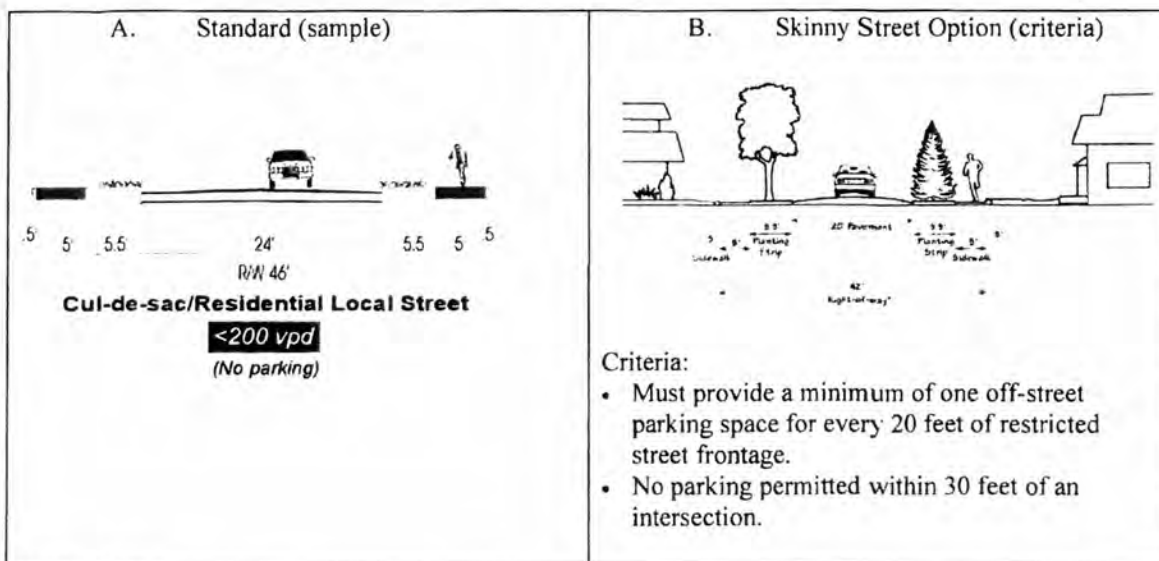
**Figure 18.810.5**  
**Local Residential Streets < 500 vpd**



(Ord. 02-33)

**Figure 18.810.6**  
**Local Residential Street < 200 vpd**





(Ord.02-33)

**Figure 18.810.7**  
**Upper Hall Boulevard**



Note: SW Hall Boulevard is currently an ODOT facility. The 2035 Tigard Transportation System Plan recommends that a corridor plan be completed for the SW Hall Boulevard Corridor. The street character standards for Upper Hall Boulevard shall not be considered final until the corridor plan is complete.

**Figure 18.810.8**  
**Downtown Mixed Use 1 – Downtown Collector**



**Figure 18.810.9**  
**Downtown Mixed Use 2 – Downtown Neighborhood**





**Figure 18.810.10**  
**Downtown Mixed Use 3 – Upper Burnham**



**Figure 18.810.11**  
**Downtown Mixed Use 4 – Lower Burnham**



**Figure 18.810.12**  
**Downtown – Urban Residential**



**Figure 18.810.12**  
**Alley: Business**



Note: Permeable pavers are optional.

F. Future street plan and extension of streets.

...

G. Street spacing and access management.

...

H. Street alignment and connections.

1. Full street connections with spacing of no more than 530 feet between connections is required except where prevented by barriers such as topography, railroads, freeways, pre-existing developments, lease provisions, easements, covenants or other restrictions existing prior to May 1, 1995 which preclude street connections. A full street connection may also be exempted due to



a regulated water feature if regulations would not permit construction.

2. All local, neighborhood routes and collector streets which abut a development site shall be extended within the site to provide through circulation when not precluded by environmental or topographical constraints, existing development patterns or strict adherence to other standards in this code. A street connection or extension is considered precluded when it is not possible to redesign or reconfigure the street pattern to provide required extensions. Land is considered topographically constrained if the slope is greater than 15% for a distance of 250 feet or more. In the case of environmental or topographical constraints, the mere presence of a constraint is not sufficient to show that a street connection is not possible. The applicant must show why the constraint precludes some reasonable street connection.
  3. Proposed street or street extensions shall be located to provide direct access to existing or planned transit stops, commercial services, and other neighborhood facilities, such as schools, shopping areas and parks.
  4. All developments should provide an internal network of connecting streets that provide short, direct travel routes and minimize travel distances within the development.
- I. Intersection angles. ...
- J. Existing rights-of-way. Whenever existing rights-of-way adjacent to or within a tract are of less than standard width, additional rights-of-way shall be provided at the time of subdivision or development.
- K. Partial street improvements. Partial street improvements resulting in a pavement width of less than 20 feet, while generally not acceptable, may be approved where essential to reasonable development when in conformity with the other requirements of these regulations, and when it will be practical to require the improvement of the other half when the adjoining property developed.
- L. Culs-de-sacs. ...
- M. Street names. ...
- N. Grades and curves.  
...
- O. Curbs, curb cuts, ramps, and driveway approaches. ...
- P. Streets adjacent to railroad right-of-way. ...
- Q. Access to arterials and collectors. ...
- R. Alleys, public or private.
1. Alleys shall be no less than 20 feet in width. In commercial and industrial districts, alleys shall be provided unless other permanent provisions for access to off-street parking and loading facilities are made.
  2. While alley intersections and sharp changes in alignment shall be avoided, the corners of necessary alley intersections shall have a radius of not less than 12 feet.

- S. Survey monuments. ...
- T. Private streets.  
...
- U. Railroad crossings. Where an adjacent development results in a need to install or improve a railroad crossing, the cost for such improvements may be a condition of development approval, or another equitable means of cost distribution shall be determined by the public works director and approved by the commission.
- V. Street signs. ...
- W. Mailboxes. ...
- X. Traffic signals. ...
- Y. Street light standards. ...
- Z. Street name signs. ...
- AA. Street cross-sections. ...
- BB. Traffic calming. ...
- CC. Traffic study. ...

#### **18.810.040 Blocks**

- A. Block design. The length, width and shape of blocks shall be designed with due regard to providing adequate building sites for the use contemplated, consideration of needs for convenient access, circulation, control and safety of street traffic and recognition of limitations and opportunities of topography.
- B. Sizes.
  - 1. The perimeter of blocks formed by streets shall not exceed 2,000 feet measured along the centerline of the streets except:
    - a. Where street location is precluded by natural topography, wetlands, significant habitat areas or bodies of water, or pre-existing development; or
    - b. For blocks adjacent to arterial streets, limited access highways, collectors or railroads.
    - c. For nonresidential blocks in which internal public circulation provides equivalent access.
  - 2. Bicycle and pedestrian connections on public easements or right-of-ways shall be provided when full street connection is exempted by subsection B.1 of this section. Spacing between connections shall be no more than 330 feet, except where precluded by environmental or topographical constraints, existing development patterns, or strict adherence to other standards in the code. (Ord. 06-20; Ord. 02-33)



**18.810.050 Easements**

...

**18.810.060 Lots**

...

**18.810.070 Sidewalks**

- A. Sidewalks. All industrial streets and private streets shall have sidewalks meeting city standards along at least one side of the street. All other streets shall have sidewalks meeting city standards along both sides of the street. A development may be approved if an adjoining street has sidewalks on the side adjoining the development, even if no sidewalk exists on the other side of the street.
- B. Requirement of developers.
1. As part of any development proposal, or change in use resulting in an additional 1,000 vehicle trips or more per day, an applicant shall be required to identify direct, safe (1.25 x the straight line distance) pedestrian routes within 1/2 mile of their site to all transit facilities and neighborhood activity centers (schools, parks, libraries, etc.). In addition, the developer may be required to participate in the removal of any gaps in the pedestrian system off-site if justified by the development.
  2. If there is an existing sidewalk on the same side of the street as the development within 300 feet of a development site in either direction, the sidewalk shall be extended from the site to meet the existing sidewalk, subject to rough proportionality (even if the sidewalk does not serve a neighborhood activity center).
- C. Planter strip requirements. A planter strip separation of at least five feet between the curb and the sidewalk shall be required in the design of streets, except where the following conditions exist: there is inadequate right-of-way; the curbside sidewalks already exist on predominant portions of the street; it would conflict with the utilities; there are significant natural features (large trees, water features, significant habitat areas, etc.) that would be destroyed if the sidewalk were located as required; ~~or~~ where there are existing structures in close proximity to the street (15 feet or less); or where the standards in Table 18.810.1 specify otherwise. Additional consideration for exempting the planter strip requirement may be given on a case-by-case basis if a property abuts more than one street frontage.
- D. ~~Sidewalks in Central Business District. In the Central Business District, sidewalks shall be 10 feet in width, and:~~
- ~~1. All sidewalks shall provide a continuous unobstructed path; and~~
  - ~~2. The width of curbside sidewalks shall be measured from the back of the curb.~~
- E. Maintenance. ...
- F. Application for permit and inspection. ...
- G. Council initiation of construction. ... (Ord. 06-20; Ord. 02-33; Ord. 99-22)

**18.810.080 Public Use Areas**

...

**18.810.090 Sanitary Sewers**

...

**18.810.100 Storm Drainage**

...

**18.810.110 Bikeways and Pedestrian Pathways**

A. Bikeway extension.

1. As a standard, bike lanes shall be required along all arterial and collector routes and where identified on the city's adopted bicycle plan in the transportation system plan (TSP). Bike lane requirements along collectors within the Downtown Urban Renewal District shall be determined by the city engineer unless specified in Table 18.810.1.
2. Developments adjoining proposed bikeways identified on the city's adopted pedestrian/bikeway plan shall include provisions for the future extension of such bikeways through the dedication of easements or rights-of-way, provided such dedication is directly related to and roughly proportional to the impact of the development.
3. Any new street improvement project shall include bicycle lanes as required in this document and on the adopted bicycle plan.

- B. Cost of construction. Development permits issued for planned unit developments, conditional use permits, subdivisions and other developments which will principally benefit from such bikeways shall be conditioned to include the cost of construction of bikeway improvements in an amount roughly proportional to the impact of the development.

C. Minimum width.

1. The minimum width for bikeways within the roadway is five feet per bicycle travel lane.
2. The minimum width for multi-use paths separated from the road and classified as regional or community trails in the Greenway Trail System Master Plan is 10 feet. The width may be reduced to eight feet if there are environmental or other constraints.
3. The minimum width for off-street paths classified as neighborhood trails, according to the Greenway Trail System Master Plan, is three feet.
4. Design standards for bike and pedestrian-ways shall be determined by the city engineer. (Ord. 11-04 §2; Ord. 09-09 § 3; Ord. 02-33; Ord. 99-22)

**18.810.120 Utilities**

...

**18.810.130 Cash or Bond Required**



- ...
- 18.810.140      Monuments—Replacement Required.**
- ...
- 18.810.150      Installation Prerequisite**
- ...
- 18.810.160      Installation Conformation**
- ...
- 18.810.170      Plan Check**
- ...
- 18.810.180      Notice to City**
- ...
- 18.810.190      City Inspection of Improvements**
- ...
- 18.810.200      Engineer's Written Certification Required**
- ...
- 18.810.210      Completion Requirements (To be completed.) ■**

City of Tigard

Plan

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Tigard, Oregon 97226

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