

**Chapter 18.360**  
**SITE DEVELOPMENT REVIEW**

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**18.360.010 Purpose**

- A. Promote general welfare. The purpose and intent of site development review is to promote the general welfare by directing attention to site planning, and giving regard to the natural environment and the elements of creative design to assist in conserving and enhancing the appearance of the city.
- B. General purposes. It is in the public interest and necessary for the promotion of the health, safety and welfare, convenience, comfort and prosperity of the citizens of the City of Tigard:
  - 1. To implement the City of Tigard’s Comprehensive Plan and other approval standards in this title;
  - 2. To preserve and enhance the natural beauties of the land and of the man-made environment, and enjoyment thereof;
  - 3. To maintain and improve the qualities of and relationships between individual buildings, structures and the physical developments which best contribute to the amenities and attractiveness of an area or neighborhood;
  - 4. To protect and ensure the adequacy and usefulness of public and private developments as they relate to each other and to the neighborhood or area; and
  - 5. To ensure that each individual development provides for a quality environment for the citizens utilizing that development as well as the community as a whole.
- C. Environmental enhancement. To prevent the erosion of natural beauty, the lessening of environmental amenities, the dissipation of both usefulness and function, and to encourage additional landscaping, it is necessary:
  - 1. To stimulate harmonious design for individual buildings, groups of buildings and structures, and other physical developments;
  - 2. To encourage the innovative use of materials, methods and techniques and flexibility in building placement; and

3. To integrate the function, appearance and location of buildings and improvements so as to best achieve a balance between private prerogatives and preferences, and the public interest and welfare.

#### **18.360.020      Applicability of Provisions**

- A. Applicability and exemptions. Site development review shall be applicable to all new developments and major modification of existing developments, as provided in Section 18.360.050, except it shall not apply to:
  1. Single-family detached dwellings;
  2. Manufactured homes on individual lots;
  3. A duplex, which is not being reviewed as part of any other development;
  4. Minor modifications as provided in Section 18.360.030.B;
  5. Any proposed development which has a valid conditional use approved through the conditional use permit application process;
  6. Mobile home parks and mobile home subdivisions;
  7. Family day care;
  8. Home occupation;
  9. Temporary use; or
  10. Accessory structures.

#### **18.360.030      Approval Process**

- A. New developments and major modifications. Site development review for a new development or major modification of an approved plan or existing development, as defined in 18.360.020.A, shall be processed by means of a Type II procedure, as governed by Section 18.390.040, using approval criteria contained in Section 18.360.090.
- B. Minor modifications. Minor modifications of an approved plan or existing developments, as defined in Section 18.360.060, shall be processed as a Type I procedure, as governed by Section 18.390.030, using approval criteria contained in Section 18.360.060.
- C. Approval period. Site development review approval by the director shall be effective for a period of 1-1/2 years from the date of approval. The site development review approval by the director shall lapse if:
  1. Substantial construction of the approved plan has not begun within a 1-1/2 year period; or
  2. Construction on the site is a departure from the approved plan.

D. Extension.

1. The director shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed one year; provided that:
  - a. No changes are made on the original site development review plan as approved by the director;
  - b. The applicant can show intent of initiating construction on the site within the one-year extension period; and
  - c. There have been no changes to the applicable comprehensive plan policies and ordinance provisions on which the approval was based.
2. Approval periods for site development review lapsing between July 1, 2008 and December 31, 2011 shall be automatically extended through December 31, 2012. No further extensions will be granted.

E. Phased development.

1. The director shall approve a time schedule for developing a site in phases over a period of time of one year, but in no case shall the total time period for all phases be greater than three years without reapplying for site development review.
2. The criteria for approving a phased site development review 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.
3. The director may waive or modify the approval period for projects within the Washington Square Regional Center in accordance with 18.630.020.C. (Ord. 10-07 §1; Ord. 09-13)

**18.360.040 Bonding and Assurances**

- A. 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 site development plan in order to ensure the completed project is in conformance with the approved plan; and

- B. Release of performance bonds. The bond shall be released when the director finds the completed project conforms to the approved site development plan and all conditions of approval are satisfied.
- C. 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:
  - 1. 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
  - 2. 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.
- D. Business tax filing. The applicant shall ensure that all occupants of the completed project, whether permanent or temporary, shall apply for and receive a City of Tigard business tax prior to initiating business.

#### **18.360.050 Major Modification(s) to Approved Plans or Existing Development**

- A. Determination request. An applicant may request approval of a modification to an approved plan or existing development by:
  - 1. Providing the director with three copies of the proposed modified site development plan; and
  - 2. A narrative which indicates the rationale for the proposed modification addressing the changes listed in subsection B of this section.
- B. Evaluation criteria. The director shall determine that a major modification(s) will result if one or more of the following changes are proposed. There will be:
  - 1. An increase in dwelling unit density, or lot coverage for residential development;
  - 2. A change in the ratio or number of different types of dwelling units;
  - 3. A change that requires additional on-site parking in accordance with Chapter 18.765;
  - 4. A change in the type of commercial or industrial structures as defined by the Uniform Building Code;
  - 5. An increase in the height of the building(s) by more than 20%;
  - 6. A change in the type and location of accessways and parking areas where off-site traffic would be affected;
  - 7. An increase in vehicular traffic to and from the site and the increase can be expected to exceed 100 vehicles per day;
  - 8. An increase in the floor area proposed for a nonresidential use by more than 10% excluding expansions under 5,000 square feet;

9. A reduction in the area reserved for common open space and/or usable open space which reduces the open space area below the minimum required by this code or reduces the open space area by more than 10%;
  10. A reduction of project amenities below the minimum established by this code or by more than 10% where specified in the site plan:
    - a. Recreational facilities;
    - b. Screening; and/or
    - c. Landscaping provisions.
  11. A modification to the conditions imposed at the time of site development review approval which are not the subject of paragraphs 1 through 10 of this subsection.
- C. When the determination is made. Upon determining that the proposed modification to the site development plan is a major modification, the applicant shall submit a new application in accordance with Sections 18.360.030 and 18.360.070 for site development review prior to any issuance of building permits.

**18.360.060 Minor Modification(s) to Approved Plans or Existing Development**

- A. Minor modification defined. Any modification which is not within the description of a major modification as provided in Section 18.360.050 shall be considered a minor modification.
- B. Process. An applicant may request approval of a minor modification in accordance with 18.360.030.B and as follows:
  1. Providing the director with three copies of the proposed modified site development plan; and
  2. A narrative which indicates the rationale for the proposed modification addressing the changes listed in 18.360.050.B.
- C. Approval criteria. A minor modification shall be approved, approved with conditions or denied following the director's review based on the finding that:
  1. The proposed development is in compliance with all applicable requirements of this title; and
  2. The modification is not a major modification.

**18.360.070 Submission Requirements**

- A. General submission requirements. The applicant shall submit an application containing all of the general information required for a Type II procedure, as governed by Section 18.390.040.
- B. Additional information. In addition to the submission requirements required in Chapter 18.390, Decision-Making Procedures, an application for the conceptual development plan must include the following additional information in graphic, tabular and/or narrative form. The director shall provide a list of the specific information to be included in each of the following:

1. An existing site conditions analysis;
2. A site plan;
3. A grading plan;
4. A landscape plan;
5. An urban forestry plan consistent with Chapter 18.790;
6. Architectural elevations of all structures; and
7. A copy of all existing and proposed restrictions or covenants. (Ord. 12-09 §1)

### **18.360.080 Exceptions to Standards**

- A. Exceptions to setback requirements. The director may grant an exception to the yard setback requirements in the applicable zone based on findings that the approval will result in the following:
1. An exception which is not greater than 20% of the required setback;
  2. No adverse effect to adjoining properties in terms of light, noise levels and fire hazard;
  3. Safe vehicular and pedestrian access to the site and on-site;
  4. A more efficient use of the site which would result in more landscaping; and
  5. The preservation of natural features which have been incorporated into the overall design of the project.
- B. Exceptions to parking requirements. The director may grant an exception or deduction to the off-street parking dimensional and minimum number of space requirements in the applicable zoning district based on the following findings:
1. The application is for a use designed for a specific purpose which is intended to be permanent in nature; e.g., senior citizen housing, and which has a demonstrated low demand for off-street parking;
  2. There is an opportunity for shared parking and there is written evidence that the property owners have entered into a binding agreement to share parking; or
  3. There is community interest in the preservation of particular natural feature(s) on the site, public transportation is available to the site, and reducing the standards will not adversely affect adjoining uses, therefore the public interest is not adversely affected by the granting of the exception.
- C. Exceptions for private or shared outdoor area. The director may grant an exception or deduction to the private outdoor area and shared outdoor recreation areas requirements, provided the application is for a use designed for a specific purpose which is intended to be permanent in nature (for example,

senior citizen housing) and which can demonstrate a reduced demand for a private outdoor recreational area based on any one or more of the following findings:

1. There is direct access by a pedestrian path, not exceeding 1/4 mile, from the proposed development to public open space or recreation areas which may be used by residents of the development;
2. The development operates a motor vehicle which is available on a regular basis to transport residents of the development to public open space or recreation areas; or
3. The required square footage of either the private outdoor area or the shared outdoor recreation area may be reduced if together the two areas equal or exceed the combined standard for both.

D. Exceptions to landscaping requirements. The director may grant an exception to the landscaping requirements of this code, 18.360.070.B.4, upon finding that the overall landscape plan provides for at least 20% of the gross site to be landscaped. (Ord. 09-13)

### **18.360.090 Approval Criteria**

The director shall make a finding with respect to each of the following criteria when approving, approving with conditions, or denying an application:

A. Compliance with all of the applicable requirements of this title, including Chapter 18.810, Street and Utility Standards;

B. Relationship to the natural and physical environment—Nonresidential development.

1. Buildings shall be:

- a. Located to preserve existing trees, topography and natural drainage where possible based upon existing site conditions;
- b. Located in areas not subject to ground slumping or sliding;
- c. Located to provide adequate distance between adjoining buildings for adequate light, air circulation, and fire-fighting; and
- d. Oriented with consideration for sun and wind.

2. Innovative methods and techniques to reduce impacts to site hydrology and fish and wildlife habitat shall be considered based on surface water drainage patterns, identified per Section 18.810.100.A.3 and the City of Tigard “Significant Habitat Areas Map.” Methods and techniques for consideration may include, but are not limited to the following:

- a. Water quality facilities (for infiltration, retention, detention and/or treatment);
- b. Pervious pavement;
- c. Soil amendment;
- d. Roof runoff controls;

- e. Fencing to guide animals toward safe passageways;
- f. Re-directed outdoor lighting to reduce spill-off into habitat areas;
- g. Preservation of existing vegetative and canopy cover.

C. Exterior elevations.

1. Along the vertical face of single-family attached and multiple-family structures, offsets shall occur at a minimum of every 30 feet by providing any two of the following:
  - a. Recesses, e.g., decks, patios, entrances, floor area, of a minimum depth of eight feet;
  - b. Extensions, e.g., decks, patios, entrances, floor area, of a minimum depth of eight feet, a maximum length of an overhang shall be 25 feet; and
  - c. Offsets or breaks in roof elevations of three or more feet in height.

D. Buffering, screening and compatibility between adjoining uses—Nonresidential development.

1. Nonresidential development shall provide buffering between different types of land uses—for example, between commercial and industrial uses and residential and commercial uses—and the following factors shall be considered in determining the adequacy of the type and extent of the buffer:
  - a. The purpose of the buffer, for example to decrease noise levels, absorb air pollution, filter dust, or to provide a visual barrier;
  - b. The size of the buffer required to achieve the purpose in terms of width and height;
  - c. The direction(s) from which buffering is needed;
  - d. The required density of the buffering; and
  - e. Whether the viewer is stationary or mobile.
2. On-site screening from view from adjoining properties of such things as service areas, storage areas, parking lots, and mechanical devices on roof tops, i.e., air cooling and heating systems, shall be provided and the following factors will be considered in determining the adequacy of the type and extent of the screening:
  - a. What needs to be screened;
  - b. The direction from which it is needed;
  - c. How dense the screen needs to be;
  - d. Whether the viewer is stationary or mobile; and

e. Whether the screening needs to be year around.

E. Private outdoor area—Multifamily use.

1. Private open space such as a patio or balcony shall be provided and shall be designed for the exclusive use of individual units and shall be at least 48 square feet in size with a minimum width dimension of four feet; and
  - a. Balconies used for entrances or exits shall not be considered as open space except where such exits or entrances are for the sole use of the unit, and
  - b. Required open space may include roofed or enclosed structures such as a recreation center or covered picnic area;
2. Wherever possible, private outdoor open spaces should be oriented toward the sun; and
3. Private outdoor spaces shall be screened or designed to provide privacy for the users of the space.

F. Shared outdoor recreation areas—Multifamily use.

1. In addition to the requirements of subsection E of this section, usable outdoor recreation space shall be provided in residential developments for the shared or common use of all the residents in the following amounts:
  - a. Studio up to and including two-bedroom units, 200 square feet per unit; and
  - b. Three or more bedroom units, 300 square feet per unit.
2. The required recreation space may be provided as follows:
  - a. It may be all outdoor space; or
  - b. It may be part outdoor space and part indoor space; for example, an outdoor tennis court, and indoor recreation room; or
  - c. It may be all public or common space; or
  - d. It may be part common space and part private; for example, it could be an outdoor tennis court, indoor recreation room and balconies on each unit; and
  - e. Where balconies are added to units, the balconies shall not be less than 48 square feet.
3. Shared outdoor recreation space shall be readily observable to promote crime prevention and safety.

G. Where landfill and/or development for a nonresidential use is allowed within and adjacent to the 100-year floodplain, the city shall require consideration of the dedication of sufficient open land area for greenway adjoining and within the floodplain. This area shall include portions at a suitable elevation

for the construction of a pedestrian/bicycle pathway within the floodplain in accordance with the adopted pedestrian/bicycle plan.

H. Demarcation of public, semi-public and private spaces for crime prevention—Nonresidential development.

1. The structures and site improvements shall be designed so that public areas such as streets or public gathering places, semi-public areas and private outdoor areas are clearly defined to establish persons having a right to be in the space, to provide for crime prevention and to establish maintenance responsibility; and
2. These areas may be defined by, but not limited to:
  - a. A deck, patio, low wall, hedge, or draping vine,
  - b. A trellis or arbor,
  - c. A change in elevation or grade,
  - d. A change in the texture of the path material,
  - e. Sign, or
  - f. Landscaping.

I. Crime prevention and safety—Nonresidential development.

1. Windows shall be located so that areas vulnerable to crime can be surveyed by the occupants;
2. Interior service areas shall be located in a way that they can be observed by others;
3. Mailboxes shall be located in lighted areas having vehicular or pedestrian traffic;
4. The exterior lighting levels shall be selected and the angles shall be oriented towards areas vulnerable to crime; and
5. Light fixtures shall be provided in areas having heavy pedestrian or vehicular traffic and in potentially dangerous areas such as parking lots, stairs, ramps and abrupt grade changes. Fixtures shall be placed at a height so that light patterns overlap at a height of seven feet which is sufficient to illuminate a person.

J. Public transit.

1. Provisions within the plan shall be included for providing for transit if the development proposal is adjacent to or within 500 feet of existing or proposed transit route;
2. The requirements for transit facilities shall be based on:
  - a. The location of other transit facilities in the area, and

- b. The size and type of the proposal;
- 3. The following facilities may be required after city and Tri-Met review:
  - a. Bus stop shelters,
  - b. Turnouts for buses, and
  - c. Connecting paths to the shelters.

K. Landscaping.

- 1. All landscaping shall be designed in accordance with the requirements set forth in Chapters 18.745 and 18.790;
- 2. In addition to the open space and recreation area requirements of subsections E and F of this section, a minimum of 20% of the gross area including parking, loading and service areas shall be landscaped; and
- 3. A minimum of 15% of the gross site area shall be landscaped.

L. Drainage. All drainage plans shall be designed in accordance with the criteria in the adopted 1981 master drainage plan.

M. Provision for the disabled. All facilities for the disabled shall be designed in accordance with the requirements set forth in ORS Chapter 447.

N. All of the provisions and regulations of the underlying zone shall apply unless modified by other sections or this title; e.g., Planned Developments, Chapter 18.350, or a variance or adjustment granted under Chapter 18.370. (Ord. 13-08 §3; Ord. 12-09 §1; Ord. 06-20; Ord. 02-33) ■