

**Chapter 18.715  
ADJUSTMENTS**

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**18.715.010 Purpose**

The purpose of this chapter is to provide an appropriate and efficient review process for granting relief from the specific requirements of this title to allow reasonable development or prevent undue hardship. Adjustments are intended to provide limited flexibility for development to address the requirements of this title through alternative or innovative means. (Ord. 18-28 §1)

**18.715.020 Applicability**

- A. Applicability. This chapter applies to all proposals to adjust an existing requirement of this title. All requirements, such as development or design standards, may be adjusted except as provided in Subsection 18.715.020.B or where specifically provided for elsewhere in this title, such as in Chapter 18.660, Tigard Triangle Plan District.
- B. Prohibited adjustments. Adjustments are prohibited in the following situations:
  - 1. To allow a primary or accessory use that is prohibited;
  - 2. To change or eliminate a regulation that contains an express prohibition;
  - 3. To change or eliminate a threshold for a review;
  - 4. To change or eliminate any part of an approval process, including approval periods;
  - 5. To change a definition, a method of measurement, or the description of a use category;
  - 6. To change or eliminate any regulations in Chapter 18.510, Sensitive Lands; or
  - 7. To change the required density for a housing type in a residential zone. (Ord. 18-28 §1)

**18.715.030 General Provisions**

- A. An applicant may seek relief from the specific requirements of this title through one of two types of adjustments. An applicant may either demonstrate that a proposed adjustment will result in development that is in substantial compliance with this title or that a hardship exists and a proposed adjustment is necessary to preclude all reasonable economic use of the property.
- B. Multiple adjustment proposals will be processed concurrently. (Ord. 18-28 §1)

#### **18.715.040 Approval Process**

An application for an adjustment is processed through a Type II procedure as provided in Section 18.710.060, using approval criteria in Section 18.715.050. (Ord. 18-28 §1)

#### **18.715.050 Approval Criteria**

The approval authority will approve or approve with conditions an adjustment application when all of the criteria in either Subsection 18.715.050.A or B are met.

##### **A. Criteria for demonstrating substantial compliance.**

1. The proposed adjustment results in development that is generally consistent with the purpose of the development standard to be adjusted;
2. If more than one adjustment is proposed, the cumulative effect of the adjustments results in development that is generally consistent with the existing development pattern of the surrounding area and the overall purpose of the base zone;
3. The proposed adjustment utilizes innovative design, results in sustainable development, or addresses a site constraint or unusual situation;
4. The proposed adjustment does not have a greater impact on city-designated sensitive lands than would otherwise occur if the adjustment was not approved; and
5. Any impacts from the proposed adjustment are mitigated to the extent practicable.

##### **B. Criteria for demonstrating hardship.**

1. Application of the development standard proposed for adjustment would preclude all reasonable economic use of the property;
2. The need for the proposed adjustment is the result of conditions or circumstances outside the control of the applicant or property owner;
3. The proposed adjustment results in development that equally or better meets the purpose of the development standard to be modified; and
4. Any impacts from the proposed adjustment are mitigated to the extent practicable. (Ord. 18-28 §1) ■