

CITY OF TIGARD  
PARKS ZONE PROJECT (DCA2013-00003)  
PLANNING COMMISSION RECOMMENDATION  
NOVEMBER 18, 2013

Staff Contact:  
John Floyd, Associate Planner  
13125 SW Hall Blvd, Tigard, OR 97223  
503-718-2429 / [johnfl@tigard-or.gov](mailto:johnfl@tigard-or.gov)

## Staff Commentary

This document is intended to be read in book format, with proposed text amendments on the right hand page and staff commentary on those amendments on the left. The comments are intended to provide both clarity and future documentation as to legislative intent.

The proposed development code amendment would remove existing development standards for community recreation and parks from the conditional use chapter, and would replace them in a new Chapter (18.540) as set forth below. Proposed changes are indicated by the use of ~~strikethroughs~~ to indicate language to be removed.

# Proposed Text Amendments

## CHAPTER 18.330 CONDITIONAL USE

### Sections:

- 18.330.010 Purpose
- 18.330.020 Approval Process
- 18.330.030 Approval Standards and Conditions of Approval
- 18.330.040 Additional Submission Requirements
- 18.330.050 Additional Development Standards for Conditional Use Types

18.330.010 Purpose

[No change proposed.]

18.330.020 Approval Process

[No change proposed.]

18.330.030 Approval Standards and Conditions of Approval

[No change proposed.]

18.330.040 Additional Submission Requirements

[No change proposed.]

18.330.050 Additional Development Standards for Conditional Use Types

B. Additional development standards. The additional dimensional requirements and approval standards for conditional use are as follows:

~~5. Community Recreation and Parks:~~

~~a. All building setbacks shall be a minimum of 30 feet from any property line;~~

~~b. There are no off-street parking requirements, except that five automobile parking spaces are required for a dog park or off-leash area with a fenced area of one acre or more, along with an approved parking plan for anticipated peak use periods. Off-site peak use or overspill parking shall require a signed agreement with the landowner providing the additional parking. Three automobile parking spaces are required for a dog park or off-leash area with a fenced area of less than one acre, along with an approved parking plan for anticipated peak use periods. Off-site peak use or overspill parking shall require a signed agreement with the landowner providing the additional parking.~~

## Staff Commentary

The proposed development amendment would result in a new chapter of the Tigard Development Code to create a Parks and Recreation Zone, as set forth below. New language to be inserted into the code is marked by the use of underlining.

Proposed text amendments included on the opposite page include the purpose of the zone, its short name for use on the zoning map, and where the zone is applied.

Language proposed in 18.540.030 (Where the Zone is Applied) reflects the intended purpose of the zone, namely acknowledgement that the land is in public ownership and intended for development of parks and other community recreation facilities, and is not intended as a general open space zone to be applied to public and private property. As proposed, the zone is not intended or allowed on privately owned property.

CHAPTER 18.540  
PARKS AND RECREATION ZONE

Sections:

- 18.540.010 Purpose
- 18.540.020 Short Name
- 18.540.030 Where the Zone is Applied
- 18.540.040 Other Zoning Regulations
- 18.540.050 Use Regulations
- 18.540.060 Development Standards

18.540.010 Purpose

The Parks and Recreation Zone is intended to preserve and enhance publicly owned open space and natural and improved parkland within the City. This zone is intended to serve many functions including:

- A. Providing opportunities for both active and passive recreational facilities to meet neighborhood, community and regional needs;
- B. Providing contrast to the built environment;
- C. Providing opportunities to strengthen community identity, improve public health, and foster interactions between citizens;
- D. Providing economic development by creating a desirable public image and robust quality of life;
- E. Recognizing that publicly owned parks have a special relationship to the community and are an important resource;
- F. Providing flexibility in the use and development of recreational facilities as the City responds to changes in demographics, program needs, and external regulatory requirements; and
- G. Allowing for the efficient implementation of plans and improvements to parks, recreational facilities and open areas with appropriate reviews where compatibility issues may arise;

18.540.020 Short Name

The short name and map symbol of the Parks and Recreation Zone is PR.

18.540.030 Where the Zone is Applied

The Parks and Recreation Zone is applicable to all city owned lands intended as parks, open space, and recreational facilities and may be applied within all Comprehensive Plan Designations. City owned parks, open space, and recreational facilities located in a plan district may retain or receive other than a Parks & Recreation Zone designation if it better furthers the goals of the plan district. In addition, other public agencies may request a Parks and Recreation designation for areas that meet the purpose of the zone. See Chapter 18.380 Zoning Map and Text Amendments.

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Table 18.540.1 establishes the use regulations for the new zone, and is consistent with the stated purpose set forth in sections 18.540.010.

## Proposed Text Amendments

### 18.540.040 Other Zoning Regulations

The regulations within this Chapter state the allowed uses and development standards for the base zone. Sites with overlay zones, plan districts, inventoried hazards, and/or sensitive lands are subject to additional regulations. Specific uses or development types may also be subject to regulations as set forth elsewhere in this title.

### 18.540.050 Use Regulations

A. Types of uses. For the purposes of this chapter, there are three types of use:

1. A permitted (P) use is a use which is permitted outright, but subject to all of the applicable provisions of this title.
2. A conditional use (C) is a use the approval of which is at the discretion of the hearings officer. The approval process and criteria are set forth in Chapter 18.330 (Conditional Use).
3. A prohibited (N) use is one that is not permitted in a zoning district under any circumstances.

B. Use table. A list of permitted, conditional and prohibited uses in the Parks & Recreation Zone is presented in Table 18.540.1.

TABLE 18.540.1  
USE TABLE: PARKS & RECREATION ZONE

<u>Land Use Category</u>	<u>Use Type</u>
<u>RESIDENTIAL</u>	
<u>Household Living</u>	<u>N</u>
<u>Group Living</u>	<u>N</u>
<u>Transitional Housing</u>	<u>N</u>
<u>Home Occupation</u>	<u>N</u>
<u>CIVIC</u>	
<u>Basic Utilities</u>	<u>C</u>
<u>Colleges</u>	<u>N</u>
<u>Community Recreation</u>	<u>P/C<sup>1</sup></u>
<u>Cultural Institutions</u>	<u>C</u>
<u>Day Care</u>	<u>N</u>
<u>Emergency Services</u>	<u>N</u>
<u>Medical Centers</u>	<u>N</u>
<u>Postal Service</u>	<u>N</u>
<u>Religious Institutions</u>	<u>N</u>
<u>Schools</u>	<u>C<sup>2,3</sup></u>
<u>Social/Fraternal Clubs/Lodges</u>	<u>N</u>

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Table 18.540.1 establishes the use regulations for the new zone, and is consistent with the stated purpose set forth in sections 18.540.010.

While the zone is intended primarily for community recreation land uses, outdoor sales and eating and drinking establishments are proposed as conditional land uses with restrictions, in order to allow limited concessions within a city park. This would include things like food and beverages and recreational equipment rentals.

## Proposed Text Amendments

<u>COMMERCIAL</u>	
<u>Commercial Lodging</u>	<u>N</u>
<u>Custom Arts and Crafts</u>	<u>N</u>
<u>Eating and Drinking Establishments</u>	<u>C<sup>3</sup></u>
<u>Major Event Entertainment</u>	<u>C</u>
<u>Outdoor Entertainment</u>	<u>N</u>
<u>Indoor Entertainment</u>	<u>N</u>
<u>Adult Entertainment</u>	<u>N</u>
<u>Sales-Oriented</u>	<u>C<sup>3</sup></u>
<u>Personal Services</u>	<u>N</u>
<u>Repair-Oriented</u>	<u>N</u>
<u>Bulk Sales</u>	<u>N</u>
<u>Outdoor Sales</u>	<u>C<sup>3</sup></u>
<u>Animal-Related</u>	<u>N</u>
<u>Motor Vehicle Sales/Rental</u>	<u>N</u>
<u>Motor Vehicle Servicing/Repair</u>	<u>N</u>
<u>Vehicle Fuel Sales</u>	<u>N</u>
<u>Office</u>	<u>C<sup>3</sup></u>
<u>Self-Service Storage</u>	<u>N</u>
<u>Non-Accessory Parking</u>	<u>N</u>
<u>INDUSTRIAL</u>	
<u>Industrial Services</u>	<u>N</u>
<u>Light Industrial</u>	<u>N</u>
<u>General Industrial</u>	<u>N</u>
<u>Heavy Industrial</u>	<u>N</u>
<u>Railroad Yards</u>	<u>N</u>
<u>Research and Development</u>	<u>N</u>
<u>Warehouse/Freight Movement</u>	<u>N</u>
<u>Waste-Related</u>	<u>N</u>
<u>Wholesale Sales</u>	<u>N</u>
<u>OTHER</u>	
<u>Agriculture / Horticulture</u>	<u>P/C<sup>1</sup></u>
<u>Cemeteries</u>	<u>N</u>
<u>Detention Facilities</u>	<u>N</u>
<u>Heliports</u>	<u>N</u>
<u>Mining</u>	<u>N</u>
<u>Wireless Communication Facilities</u>	<u>P/C<sup>4</sup></u>
<u>Rail Lines / Utility Corridors</u>	<u>C</u>

P=Permitted                      C=Conditional Use                      N=Not Permitted

## Staff Commentary

The proposed development amendment would result in a new chapter of the Tigard Development Code to create a Parks and Recreation Zone, as set forth below. New language to be inserted into the code is marked by the use of underlining.

The text amendments on this page constitute one of the biggest changes from existing regulations. In contrast to present regulations where community recreation is a conditional use in almost all zones, the proposed amendments would exempt a series of clear and objective development types from conditional use permit review and site development review, provided they met all applicable development standards. These development types can be broadly construed as “passive recreation facilities” and by themselves do not have a high likelihood of creating off-site impacts.

The size threshold for small structures (600 square feet) was chosen as it is approximately the same size limit as that applied to accessory structures on residentially zoned lots (528 square feet). These structures would be required to adhere to stricter setbacks than residential accessory structures, when adjoining a residentially zoned lot (see proposed development standards in 18.540.060 below). According to the Parks Department, most small structures are under 500 square feet in size. The code proposes 600 square feet to provide flexibility in future park programming.

A picnic area designed to accommodate groups of less than 25 would be defined as open area with either a hard or soft surface pad that accommodates up to two or maybe three picnic tables – depending on size.

## Proposed Text Amendments

- [1] See Subsection 18.540.050.C-D for use type determination.
  - [2] Restricted to activities and facilities focused on environmental education.
  - [3] Permitted only when accessory to a Community Recreation land use.
  - [4] See Chapter 18.798, Wireless Communication Facilities.
- C. Development Permitted Outright. When associated with a Community Recreation land use, the following types of development are allowed outright if they comply with the development standards and other regulations of this title. Site Development Review is not required for the uses listed below. All other applicable land use reviews apply.
1. Park furnishings such as play equipment, picnic tables, benches, bicycle racks, public art, trash receptacles and other improvements of a similar nature.
  2. Fences.
  3. Off-street, multi-use trails.
  4. Structures up to 600 square feet in size, and no more than 15 feet high.
  5. Picnic areas designed to accommodate groups of less than 25.
  6. Outdoor recreational fields, courts, arenas and other structures when not illuminated and not designed or intended for organized sports and competitions.
  7. Community gardens up to 5,000 square feet in size.
  8. Routine maintenance or replacement of existing facilities.

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Proposed text amendments on the opposite page establish development types subject to Conditional Use Permit review. These types can be generally described as more “active recreational facilities” which are likely to generate off-site impacts and require additional review on a site-by-site basis.

In response to a comment letter from the Bonneville Power Administration, development within a high voltage transmission line right-of-way has been made a conditional use to ensure they are notified of the proposed development and have an opportunity to comment.

## Proposed Text Amendments

D. Development Subject to Conditional Use Review. The following types of development are allowed subject to Conditional Use Permit approval, as set forth in Chapter 18.330 Conditional uses.

1. Pools and aquatic centers, both indoor and outdoor.
2. Community and Senior Centers providing a focus for recreational, social, education and cultural activities. These may include gymnasiums, indoor tracks and fitness areas, meeting rooms, office and kitchen space and other amenities designed for community use.
3. Picnic areas designed to accommodate groups of 25 or more.
4. Boat Ramps.
5. Off-street parking areas.
6. Recreational fields, courts, arenas and associated structures for organized sports and competitions.
7. Stages and Amphitheaters.
8. Dog parks.
9. Community gardens in excess 5,000 square feet.
10. Structures in excess of 600 square feet, and/or more than 15 feet high.
11. Outdoor amplified sound systems.
12. Illuminated athletic fields, courts, and other outdoor recreational facilities intended to be used after sunset.
13. Camping, unless associated with an approved temporary or seasonal event as set forth in 18.785 Temporary Uses.
14. Golf courses, including club houses and driving ranges.
15. Development within a high voltage transmission line right of way.

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The proposed text amendments on this page establish new development standards for the Parks and Recreation Zone. At present, development within parks is subject to a uniform 30 foot setback for all structures, and a variety of base zone regulations for things like lot size, width, coverage, height limits, and so forth.

The new standards are intended to provide greater flexibility in park programming, while providing enhanced setbacks for certain development types adjacent to residential zones. For example, small shelters may be built closer to adjoining residential development than currently permitted, while bathrooms and illuminated playgrounds must adhere to stricter setbacks than currently required.

## Proposed Text Amendments

### 18.540.060 Development Standards

Development within the zone must comply with the following development standards, except where the applicant has obtained variances or adjustments in accordance with Chapters 18.370.

- A. Minimum Lot Size. None.
- B. Minimum Lot Width. None.
- C. Maximum Structure Height. None, except structures within 100' of a residential zone are subject to the maximum height limit for the abutting residential zone.
- D. Minimum Structure Setbacks. None, except where abutting a residential zone. In such cases structures must be setback a minimum distance of one foot for each foot of building height.
- E. Outdoor Recreation Facility Setbacks. Non-illuminated playgrounds must be set back a minimum of 25 feet from adjoining residentially zoned properties. Illuminated playgrounds and other constructed recreational facilities such as swimming pools, skate parks, basketball courts, soccer fields, and group picnic areas must be setback 50 feet from adjoining residentially zoned properties. Where the outdoor facility abuts a school use, the setback is reduced to zero. Outdoor recreation facilities not meeting minimum setbacks set forth in this subsection may be considered through conditional use review as set forth in 18.330.
- F. Bathrooms and Concessions. Bathrooms and concession stands shall be setback a minimum distance of 50 feet from adjoining residential zones. Where a bathroom or concession stand abuts a school use on a residentially zoned property, the setback is reduced to zero.

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Parking requirements for dog parks were transferred unchanged from existing CUP approval criteria, with the exception of dog parks less than ½ acre in size.

## Proposed Text Amendments

- G. Parking. Development shall comply with Chapter 18.765 (Off Street Parking & Loading Requirements) with the following exceptions:
1. Minimum parking requirements shall only apply to conditional uses in this zone. Outright permitted uses are exempt from minimum parking requirements.
  2. Dog parks shall provide the following:
    - a. Dog parks or off-leash areas with a fenced area of one-acre or more shall provide a minimum of five vehicle parking spaces, and a parking plan for anticipated peak use periods.
    - b. Dog parks or off-leash areas with a fenced area of less than one-acre shall provide a minimum of three off-street parking spaces, and a parking plan for anticipated peak use periods.
    - c. Dog parks or off-leash areas with a fenced area of less than one-half acre are exempt from minimum parking requirements.
- H. Signs. Signs in the Parks & Recreation Zone shall comply with the regulations applicable to non-residential land uses in residential zones, as set forth in Subsections 18.780.130.A and B of this Title.
- I. Lights & Amplified Sound Systems. Lights and amplified sounds systems shall comply with Chapter 18.725 (Environmental Performance Standards). In addition, glare sources shall be hooded, shielded, or otherwise located to avoid direct or reflected illumination in excess of 0.5 foot candles, as measured at the site boundary or at the furthest boundary of adjacent industrially-zoned properties.