



# Clear & Objective Code Update

June 17, 2026 – Planning Commission Work Session



# Agenda



- Recap: project purpose & status
- Overview of the draft code amendments
- Report back on January 2026 work session direction
- Policy questions for discussion



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# *Project Purpose*



Audit and Update Tualatin Development Code (TDC) to create an adoptable code that meets Oregon Revised Statutes (ORS) 197A.400

**Establish a clear and objective (C&O) approval pathway for housing development**

Funded by State Planning Grant through Oregon Dept. of Land Conservation and Development (DLCD)



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# Project Tasks & Timeline



2025

July Aug Sept Oct Nov Dec

Project Kickoff

Code Audit & Code Concepts

Stakeholder Engagement  
Planning Commission  
City Council



2026

Jan Feb Mar Apr May June July Aug Sept Oct Nov Dec

Draft Code Update

Revised Code Update

Adoption

Focus groups



Meetings on  
May 20 & June 2

We are here

# Overview of Draft Code Updates



- **Review procedures** — revised procedures for multifamily housing and created a new “design departure” process, reflecting 2026 changes to state law.
- **Use categories and allowed uses** — clarified retirement housing and congregate care distinctions; made targeted changes to where multifamily and retirement housing is allowed.
- **Multifamily design standards** – revised standards to be C&O and added purpose and applicability statements.
- **Other development & design standards** — revised setbacks, parking, and access provisions to be measurable and enforceable.
- **Definitions & cleanups** — revised definitions, partition/subdivision connectivity criteria, and other technical corrections.

***Today’s focus: policy questions flagged for Planning Commission and City Council discussion and direction.***



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# Report Back: January 2026 Policy Direction

# Report Back: January 2026 Direction



## Housing Review Processes (Two-Track System)

We asked the Planning Commission and City Council about the code’s “two-track system” of C&O and discretionary approval standards.

Single-family and middle housing review already has two tracks, but multifamily housing currently only has one track (one set of design standards).

### PC and CC generally agreed that:

- Applicants should have options for flexibility and discretion;
- Avoiding an “all or nothing” approach is preferred – applicants shouldn’t be forced to choose either fully C&O or fully discretionary criteria;
- Applicants generally prefer to limit uncertainty, and therefore are more likely to choose the C&O path; and
- Multifamily development needs new options for flexibility.

C&O Track

Discretionary Track

C&O Standards

Discretionary Guidelines

C&O Approval Criteria

Discretionary Approval Criteria

# How the Draft Responds



- Revises multifamily design standards (TDC 73A.100) to be fully C&O.
- Adds purpose statements for each design standard.
- Creates new **design departure framework** (TDC 33.020 Architectural Review)
  - Similar to modifications or adjustments. **Unlike variances, no need to demonstrate hardship.**
  - Allows applicant to request discretionary modification to a standard, provided the proposal still meets the purpose of the standard.
  - Per PC/CC direction, design departures are limited to multifamily applications, but could be expanded in the future.

# Design Departure Example

## TDC 73A.100(6) Children's Play Areas for Multifamily Development

**Purpose.** To ensure that multifamily development provides safe, usable, and appropriately scaled outdoor play areas for children that support active recreation and contribute to overall site livability.

### Standards:

- The children's play area must be a minimum of 150 square feet per dwelling unit;
- [...]
- The children's play area must include at least two different children's play amenities/equipment approved for use in a public playground.

**Departure:** Applicant proposes a smaller play area that doesn't include two types of playground equipment... instead, they propose an innovative nature-play area integrated into the landscape.

### Applicant must demonstrate:

- 1) The departure equally or better meets the purpose of the standard; and
- 2) Any negative impacts are mitigated.



# Report Back: January 2026 Direction



## Multifamily & Retirement Housing in the RL Zone

In the Low Density Residential (RL) zone, multifamily housing and retirement housing require conditional use approval. Code needs to either allow these housing types by-right or prohibit them.

### **PC and CC direction:**

- Code should support senior housing options.
- Code should regulate retirement housing the same as other types of comparable housing. Congregate care (e.g., assisted living facilities) should be regulated differently.
- Prohibit multifamily housing (including multifamily retirement housing) in the RL zone.
- Revisiting broader zoning and retirement housing strategies in a future, more comprehensive planning process.

# How the Draft Responds



## Retirement Housing vs. Congregate Care

- Separates Retirement Housing Facilities from Congregate Care Facilities and clarifies definitions.
- Allows retirement housing where comparable multifamily housing is allowed.
- Retains Conditional Use for congregate care

## Multifamily in the RL Zone

- Multifamily Structure: Changed from Conditional Use to Not Permitted
- Retirement Housing Facility: Changed from Conditional Use to Not Permitted



# Policy Questions for Discussion

# Multifamily Review Procedures



## Overview of Tualatin's land use review types

### **Type I Ministerial**

- Staff decision
- No discretion or judgment (C&O review standards)
- No public notice
- No opportunity for local appeal

### **Type II Administrative**

- Staff decision
- Limited discretion OK
- Public notice within 1,000 ft and to Citizen Involvement Orgs
- Appeals to ARB, PC, or Council

### **Type III Quasi-Judicial**

- Decision by ARB or PC at a public hearing
- Discretionary review
- Public notice within 1,000 ft and to Citizen Involvement Orgs
- Appeals to Council

(there are also  
Type IV-A and Type  
IV-B reviews)

# Multifamily Review Procedures



In the current code, multifamily projects are reviewed through either:

- Smaller projects (under 100 units) – **Type II review** (staff decision with public notice) or
- Larger projects (100+ units) – **Type III review** (ARB decision at a public hearing)

The draft amendments make multifamily design standards **fully C&O**.

Recent changes to state law (**HB 4037, 2026**) affect how those applications can be processed.

- **New requirement:** For housing reviewed under C&O standards...
  - Local government may provide limited public notice,
  - Public hearing cannot be required, and
  - Only the applicant may appeal the decision
- **Effect:**
  - City cannot require Type II or Type III review for C&O applications.
  - Must either apply a Type I review (ministerial) or adopt a **modified administrative procedure**.

# Multifamily Review Procedure



Potential modified administrative procedure, per HB 4037 (ORS 197A.400(5)):

## Type II Administrative

- Staff decision
- Limited discretion OK
- Public notice within 1,000 ft and to Citizen Involvement Orgs
- Appeals to ARB, PC, or Council

## “Type IIx” Administrative

- Staff decision
- No discretion (C&O review standards)
- Public notice within 100 ft, or 500 ft for project with 20+ units
- Only the applicant may appeal (no third-party appeals)

# Multifamily Review Procedure



## Policy Question 1: What review type(s) should apply to multifamily projects reviewed under C&O standards?

### Option 1 – Size-based notice (shown in the draft):

- Under 20 units = Type I review (ministerial decision – similar to single-family and middle housing)
- 20+ units = Type IIx (modified administrative decision)

### Option 2 – Uniform notice for all MF:

- All MF developments = Type IIx review, regardless of size.  
*Provides notice to neighbors for every project while still complying with state limits on hearings and third-party appeals.*

For both options, where applicants request **discretionary design departures**, Type II or III procedure applies:

- Up to 4 departures – **Type II** (staff review, notice, third-party appeals)
- 5 or more departures – **Type III** (public hearing with ARB)

# Housing in the CR Zone (Roamer's Rest)



## **Policy Question 2: Should multifamily housing and manufactured dwelling parks be permitted by right in the Recreational Commercial (CR) zone, or prohibited?**

The CR zone (TDC Chapter 52) applies to the Roamer's Rest area between the Tualatin River and Highway 99-W.

It currently allows Multifamily Structures and Manufactured Dwelling Parks only as conditional uses, which is not C&O.

### **Purpose of CR zone:**

*The purpose of this district is to recognize the unique and valuable physical, scenic, cultural, and historic character of the Roamer's Rest area located between the Tualatin River and Pacific Highway (99-W) north of the highway's intersection with Tualatin Road. It is intended to preserve that area by allowing and encouraging commercial and related uses that are oriented to the traveler on the highway or that are oriented toward and relate well with the river.*





# Conclusion



**Any other questions or discussion?**

## Next Steps

- City Council work session on July 13
- Incorporate PC & Council direction on policy questions
- Revise draft code amendments
- Public review and adoption hearings (fall 2026)





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