



June 8, 2020

**Analysis and Findings for
PTA 20 -0001 PMA 20-0001**

Project:	Mixed Use Commercial District Updates
Applicant:	City of Tualatin

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I. INTRODUCTION

A. Applicable Criteria

Applicable Statewide Planning Goals; Divisions 9 and 12 of the Oregon Administrative Rules; applicable Goals and Policies from the City of Tualatin Comprehensive Plan; applicable Sections of the City of Tualatin Development Code, including Section 33.070 (Plan Amendments).

B. Project Description

The City requests consideration of a Plan Text and Map Amendment (PTA 20-0001/PMA 20-0001) that would establish a Mixed Use Commercial District, which would be applied in the Durham Quarry Area, also known as the Bridgeport Village Area, which is currently subject to the provisions of the Mixed Use Commercial Overlay Zone (Chapter 57 of the Development Code). The updates also include a maximum building height increase from 70 to 100 feet in a limited geographic area, further limited to mixed use commercial/commercial lodging uses. The District would be applied to all lots eligible for the existing MUCOD designation. This area is located to the south and east of the boundary shared with Tigard, west of Interstate 5, and north of SW Lower Boones Ferry Road. The proposed amendments would facilitate development of vacant land and foster economic growth in the Bridgeport area.

C. Site Description and Surrounding Uses

Surrounding uses include a variety of commercial and residential uses:

North: City of Tigard

- Movie theater

South: General Commercial (CG)

- SW Lower Boones Ferry Road
- Providence Medical Group- Center for Medical Imaging

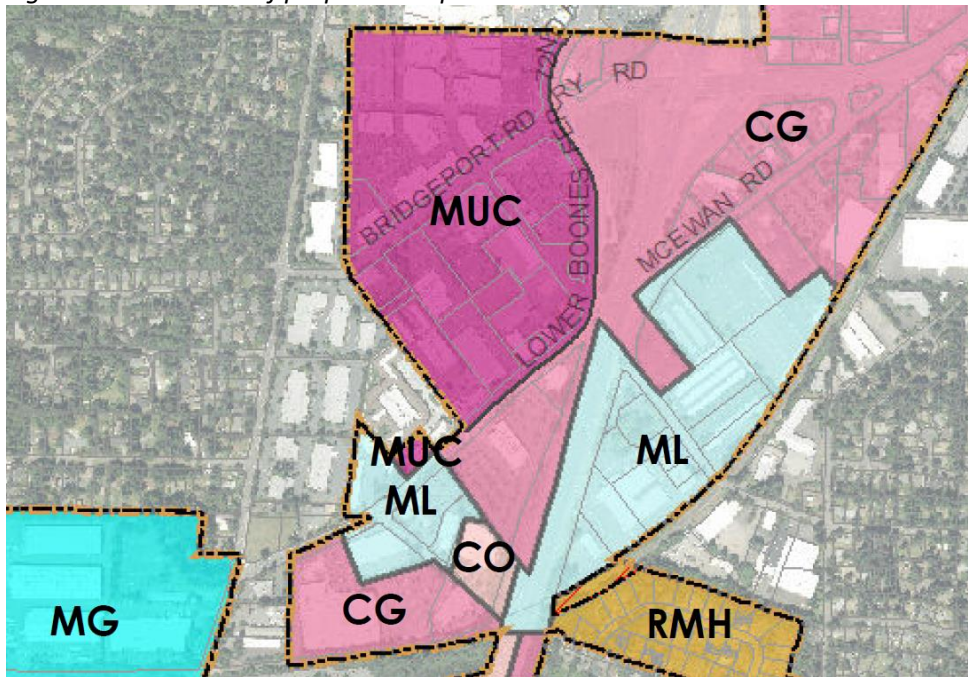
West: City of Tigard

- Business Parks

East: General Commercial (CG)

- Trimet Park and Ride
- Interstate 5

Figure 1: Aerial view of proposed map amendment area



D. Exhibit List

1. Transportation Planning Rule (TPR) Memorandum

II. FINDINGS

A. Oregon Statewide Planning Goals

Goal 1 – Citizen Involvement

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Finding:

The Tualatin Planning Commission held a public meeting on May 21, 2020, at which, an opportunity for public input was provided. The Planning Commission considered the proposed amendments, and forwarded a recommendation of approval of said amendments. The Planning Commission is an advisory body to the City Council, which was created to satisfy Goal 1 Public Involvement requirements. The Tualatin City Council will hold a hearing on the proposed amendments on June 8, 2020, at which an additional opportunity for public input will be provided. The proposed amendments conform to Goal 1.

Goal 2 – Land Use Planning

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

[...]

Finding:

The proposed amendments has been reviewed pursuant to the City's established land use planning process and procedures, including its acknowledged Comprehensive Plan, and adopted Development Code. The proposed amendments conform to Goal 2.

Goal 5 – Open Spaces, Scenic and Historic Area, and Natural Resource

Finding:

Applicability of Goal 5 to post-acknowledgment plan amendments is governed by OAR 660- 023-0250. The proposed amendments do not modify the acknowledged Goal 5 resource list, or a policy that addresses specific requirements of Goal 5. The proposed amendments do not allow uses that would conflict with a particular Goal 5 resource site on an acknowledged resource list. The proposed amendments conform to Goal 5.

Goal 6 – Air, Water and Land Resources Quality

Finding:

The proposed Plan Amendments will establish a new Mixed Use Commercial District that will bring compatible land uses closer together to make more efficient use of land and urban services. Permitted uses in the Mixed Use Commercial zone include housing, commercial, and offices uses. Development of needed housing close to jobs and services allows for reduced vehicle trips and greenhouse gas emissions. These changes will continue to preserve environmentally sensitive lands. The Oregon Department of Environmental Quality (DEQ) regulates air, water and land with Clean Water Act (CWA) Section 401 Water Quality, Water Quality Certificate, State 303(d) listed waters, Hazardous Wastes, Clean Air Act (CAA), and Section 402 NPDES Construction and Stormwater Permits. The Oregon Department of State Lands and the U.S. Army Corps of Engineers regulate jurisdictional wetlands and

CWA Section 404 water of the state and the country respectively. Clean Water Services (CWS) coordinates storm water management, water quality and stream enhancement projects throughout the city. Future development will still need to comply with these state, national and regional regulations and protections for air, water and land resources. The proposed amendments conform to Goal 6.

Goal 7 – Areas Subject to Natural Disasters and Hazards

Finding:

The proposed amendments do not affect policies associated with Goal 7 established by the Comprehensive Plan. Approval of the proposed amendments will not eliminate the requirement for future development to meet the requirements of the Chapters 70 and 72 of the Tualatin Development Code, which address development in hazard areas, such as the FEMA floodplain. The proposed amendments conform to Goal 7.

Goal 9 – Economy of the State

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

[...]

Finding:

The proposed amendments would facilitate compact development with multiple compatible uses commonly found within main streets, downtowns, and neighborhood commercial centers which will facilitate an increase in economic opportunities. The proposed amendments conform to Goal 9.

Goal 10 – Housing

Finding:

The proposed amendments would add multifamily residential development (25 minimum dwelling units per acre) as a permitted use. This density is comparable to the High Density/High Rise (26-30 units an acre) district and will permit the greatest density in Tualatin. Additionally the amendments support the key findings and goals of the Housing Needs Analysis that was adopted on December 9, 2019 which calls for an additional 456 multi-family units (or 45% of supply) by 2040. Tualatin currently has a small deficit of land for higher density single-family and multifamily housing; therefore the proposed amendments will support and conform to Goal 10.

Goal 11 – Public Facilities and Services

Finding:

Land within the City of Tualatin is adequately served by public facilities and services. The amendments encourage compact development and efficient use of existing urban services and facilities, as an alternative to extending new facilities. The proposed amendments conform to Goal 11.

Goal 12 – Transportation

To provide and encourage a safe, convenient and economic transportation system.

Finding:

Goal 12 requires the provision and encouragement of a safe, convenient, multimodal and economic transportation system. The proposed amendments will foster compact, pedestrian oriented

development and are consistent with the City's acknowledged policies and strategies for the provision of transportation facilities and services as required by Goal 12 the Transportation Planning Rule (TPR), the findings for which are found under Oregon Administrative Rules Chapter 660, Division 12. The proposed amendments conform to Goal 12.

B. Oregon Administrative Rules

OAR Chapter 660 Division 7 (Metropolitan Housing)

[...]

660-007-0030

New Construction Mix

(1) Jurisdictions other than small developed cities must either designate sufficient buildable land to provide the opportunity for at least 50 percent of new residential units to be attached single family housing or multiple family housing or justify an alternative percentage based on changing circumstances. Factors to be considered in justifying an alternate percentage shall include, but need not be limited to:

(a) Metro forecasts of dwelling units by type;

(b) Changes in household structure, size, or composition by age;

(c) Changes in economic factors impacting demand for single family versus multiple family units; and

(d) Changes in price ranges and rent levels relative to income levels.

(2) The considerations listed in section (1) of this rule refer to county-level data within the UGB and data on the specific jurisdiction.

[...]

660-007-0035

Minimum Residential Density Allocation for New Construction

The following standards shall apply to those jurisdictions which provide the opportunity for at least 50 percent of new residential units to be attached single family housing or multiple family housing:

[...]

(2) Clackamas and Washington Counties, and the cities of Forest Grove, Gladstone, Milwaukie, Oregon City, Troutdale, Tualatin, West Linn and Wilsonville must provide for an overall density of eight or more dwelling units per net buildable acre.

[...]

Finding:

The proposed amendments would add multifamily residential development (25 minimum dwelling units per acre) as a permitted use. Tualatin's 2019 HNA identified a deficit of capacity for about 101 dwelling units of high density residential zoning, which the proposed amendments would help to address. Detached single-family residential is a prohibited use in the existing MUCOD and proposed MUC District. These criteria are met.

OAR 660 Division 12 (Transportation Planning)

[...]

660-012-0060

Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule,

unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

(2) If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in (a) through (e) below, unless the amendment meets the balancing test in subsection (2)(e) of this section or qualifies for partial mitigation in section (11) of this rule. A local government using subsection (2)(e), section (3), section (10) or section (11) to approve an amendment recognizes that additional motor vehicle traffic congestion may result and that other facility providers would not be expected to provide additional capacity for motor vehicles in response to this congestion.

(a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.

(b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.

(c) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.

(d) Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.

(e) Providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other locations, if:

- (A) The provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, even though the improvements would not result in consistency for all performance standards;**
- (B) The providers of facilities being improved at other locations provide written statements of approval; and**
- (C) The local jurisdictions where facilities are being improved provide written statements of approval.**
- (3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:**
- (a) In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;**
- (b) Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;**
- (c) The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and**
- (d) For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (c) of this section.**
- (4) Determinations under sections (1)–(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.**
- (a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.**
- (b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:**
- (A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.**
- (B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.**

(C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.

(D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.

(E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.

(c) Within interstate interchange areas, the improvements included in (b)(A)–(C) are considered planned facilities, improvements and services, except where:

(A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or

(B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.

(d) As used in this section and section (3):

(A) Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;

(B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and

(C) Interstate interchange area means:

(i) Property within one-quarter mile of the ramp terminal intersection of an existing or planned interchange on an Interstate Highway; or

(ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.

(e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements and services identified in paragraphs (b)(A)–(C) to determine whether there is a significant effect that requires application of the remedies in section (2).

(5) The presence of a transportation facility or improvement shall not be a basis for an exception to allow residential, commercial, institutional or industrial development on rural lands under this division or OAR 660-004-0022 and 660-004-0028.

(6) In determining whether proposed land uses would affect or be consistent with planned transportation facilities as provided in sections (1) and (2), local governments shall give full credit for potential reduction in vehicle trips for uses located in mixed-use, pedestrian-friendly centers, and neighborhoods as provided in subsections (a)–(d) below;

(a) Absent adopted local standards or detailed information about the vehicle trip reduction benefits of mixed-use, pedestrian-friendly development, local governments shall assume that uses located within

a mixed-use, pedestrian-friendly center, or neighborhood, will generate 10% fewer daily and peak hour trips than are specified in available published estimates, such as those provided by the Institute of Transportation Engineers (ITE) Trip Generation Manual that do not specifically account for the effects of mixed-use, pedestrian-friendly development. The 10% reduction allowed for by this section shall be available only if uses which rely solely on auto trips, such as gas stations, car washes, storage facilities, and motels are prohibited;

(b) Local governments shall use detailed or local information about the trip reduction benefits of mixed-use, pedestrian-friendly development where such information is available and presented to the local government. Local governments may, based on such information, allow reductions greater than the 10% reduction required in subsection (a) above;

(c) Where a local government assumes or estimates lower vehicle trip generation as provided in subsection (a) or (b) above, it shall assure through conditions of approval, site plans, or approval standards that subsequent development approvals support the development of a mixed-use, pedestrian-friendly center or neighborhood and provide for on-site bike and pedestrian connectivity and access to transit as provided for in OAR 660-012-0045(3) and (4). The provision of on-site bike and pedestrian connectivity and access to transit may be accomplished through application of acknowledged ordinance provisions which comply with 660-012-0045(3) and (4) or through conditions of approval or findings adopted with the plan amendment that assure compliance with these rule requirements at the time of development approval; and

(d) The purpose of this section is to provide an incentive for the designation and implementation of pedestrian-friendly, mixed-use centers and neighborhoods by lowering the regulatory barriers to plan amendments which accomplish this type of development. The actual trip reduction benefits of mixed-use, pedestrian-friendly development will vary from case to case and may be somewhat higher or lower than presumed pursuant to subsection (a) above. The Commission concludes that this assumption is warranted given general information about the expected effects of mixed-use, pedestrian-friendly development and its intent to encourage changes to plans and development patterns. Nothing in this section is intended to affect the application of provisions in local plans or ordinances which provide for the calculation or assessment of systems development charges or in preparing conformity determinations required under the federal Clean Air Act.

(7) Amendments to acknowledged comprehensive plans and land use regulations which meet all of the criteria listed in subsections (a)–(c) below shall include an amendment to the comprehensive plan, transportation system plan the adoption of a local street plan, access management plan, future street plan or other binding local transportation plan to provide for on-site alignment of streets or accessways with existing and planned arterial, collector, and local streets surrounding the site as necessary to implement the requirements in OAR 660-012-0020(2)(b) and 660-012-0045(3):

(a) The plan or land use regulation amendment results in designation of two or more acres of land for commercial use;

(b) The local government has not adopted a TSP or local street plan which complies with OAR 660-012-0020(2)(b) or, in the Portland Metropolitan Area, has not complied with Metro's requirement for street connectivity as contained in Title 6, Section 3 of the Urban Growth Management Functional Plan; and

(c) The proposed amendment would significantly affect a transportation facility as provided in section (1).

(8) A "mixed-use, pedestrian-friendly center or neighborhood" for the purposes of this rule, means:

(a) Any one of the following:

- (A) An existing central business district or downtown;**
- (B) An area designated as a central city, regional center, town center or main street in the Portland Metro 2040 Regional Growth Concept;**
- (C) An area designated in an acknowledged comprehensive plan as a transit oriented development or a pedestrian district; or**
- (D) An area designated as a special transportation area as provided for in the Oregon Highway Plan.**
- (b) An area other than those listed in subsection (a) above which includes or is planned to include the following characteristics:**
 - (A) A concentration of a variety of land uses in a well-defined area, including the following:**
 - (i) Medium to high density residential development (12 or more units per acre);**
 - (ii) Offices or office buildings;**
 - (iii) Retail stores and services;**
 - (iv) Restaurants; and**
 - (v) Public open space or private open space which is available for public use, such as a park or plaza.**
 - (B) Generally include civic or cultural uses;**
 - (C) A core commercial area where multi-story buildings are permitted;**
 - (D) Buildings and building entrances oriented to streets;**
 - (E) Street connections and crossings that make the center safe and conveniently accessible from adjacent areas;**
 - (F) A network of streets and, where appropriate, accessways and major driveways that make it attractive and highly convenient for people to walk between uses within the center or neighborhood, including streets and major driveways within the center with wide sidewalks and other features, including pedestrian-oriented street crossings, street trees, pedestrian-scale lighting and on-street parking;**
 - (G) One or more transit stops (in urban areas with fixed route transit service); and**
 - (H) Limit or do not allow low-intensity or land extensive uses, such as most industrial uses, automobile sales and services, and drive-through services.**
- (9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.**
 - (a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;**
 - (b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and**
 - (c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.**
- (10) Notwithstanding sections (1) and (2) of this rule, a local government may amend a functional plan, a comprehensive plan or a land use regulation without applying performance standards related to motor vehicle traffic congestion (e.g. volume to capacity ratio or V/C), delay or travel time if the amendment meets the requirements of subsection (a) of this section. This section does not exempt a proposed amendment from other transportation performance standards or policies that may apply including, but not limited to, safety for all modes, network connectivity for all modes (e.g. sidewalks,**

bicycle lanes) and accessibility for freight vehicles of a size and frequency required by the development.

(a) A proposed amendment qualifies for this section if it:

(A) Is a map or text amendment affecting only land entirely within a multimodal mixed-use area (MMA); and

(B) Is consistent with the definition of an MMA and consistent with the function of the MMA as described in the findings designating the MMA.

(b) For the purpose of this rule, “multimodal mixed-use area” or “MMA” means an area:

(A) With a boundary adopted by a local government as provided in subsection (d) or (e) of this section and that has been acknowledged;

(B) Entirely within an urban growth boundary;

(C) With adopted plans and development regulations that allow the uses listed in paragraphs (8)(b)(A) through (C) of this rule and that require new development to be consistent with the characteristics listed in paragraphs (8)(b)(D) through (H) of this rule;

(D) With land use regulations that do not require the provision of off-street parking, or regulations that require lower levels of off-street parking than required in other areas and allow flexibility to meet the parking requirements (e.g. count on-street parking, allow long-term leases, allow shared parking); and

(E) Located in one or more of the categories below:

(i) At least one-quarter mile from any ramp terminal intersection of existing or planned interchanges;

(ii) Within the area of an adopted Interchange Area Management Plan (IAMP) and consistent with the IAMP; or

(iii) Within one-quarter mile of a ramp terminal intersection of an existing or planned interchange if the mainline facility provider has provided written concurrence with the MMA designation as provided in subsection (c) of this section.

(c) When a mainline facility provider reviews an MMA designation as provided in subparagraph (b)(E)(iii) of this section, the provider must consider the factors listed in paragraph (A) of this subsection.

(A) The potential for operational or safety effects to the interchange area and the mainline highway, specifically considering:

(i) Whether the interchange area has a crash rate that is higher than the statewide crash rate for similar facilities;

(ii) Whether the interchange area is in the top ten percent of locations identified by the safety priority index system (SPIS) developed by ODOT; and

(iii) Whether existing or potential future traffic queues on the interchange exit ramps extend onto the mainline highway or the portion of the ramp needed to safely accommodate deceleration.

(B) If there are operational or safety effects as described in paragraph (A) of this subsection, the effects may be addressed by an agreement between the local government and the facility provider regarding traffic management plans favoring traffic movements away from the interchange, particularly those facilitating clearing traffic queues on the interchange exit ramps.

(d) A local government may designate an MMA by adopting an amendment to the comprehensive plan or land use regulations to delineate the boundary following an existing zone, multiple existing zones, an urban renewal area, other existing boundary, or establishing a new boundary. The designation must be accompanied by findings showing how the area meets the definition of an MMA. Designation of an MMA is not subject to the requirements in sections (1) and (2) of this rule.

(e) A local government may designate an MMA on an area where comprehensive plan map designations or land use regulations do not meet the definition, if all of the other elements meet the definition, by concurrently adopting comprehensive plan or land use regulation amendments necessary to meet the definition. Such amendments are not subject to performance standards related to motor vehicle traffic congestion, delay or travel time.

(11) A local government may approve an amendment with partial mitigation as provided in section (2) of this rule if the amendment complies with subsection (a) of this section, the amendment meets the balancing test in subsection (b) of this section, and the local government coordinates as provided in subsection (c) of this section.

(a) The amendment must meet paragraphs (A) and (B) of this subsection or meet paragraph (D) of this subsection.

(A) Create direct benefits in terms of industrial or traded-sector jobs created or retained by limiting uses to industrial or traded-sector industries.

(B) Not allow retail uses, except limited retail incidental to industrial or traded sector development, not to exceed five percent of the net developable area.

(C) For the purpose of this section:

(i) "Industrial" means employment activities generating income from the production, handling or distribution of goods including, but not limited to, manufacturing, assembly, fabrication, processing, storage, logistics, warehousing, importation, distribution and transshipment and research and development.

(ii) "Traded-sector" means industries in which member firms sell their goods or services into markets for which national or international competition exists.

(D) Notwithstanding paragraphs (A) and (B) of this subsection, an amendment complies with subsection (a) if all of the following conditions are met:

(i) The amendment is within a city with a population less than 10,000 and outside of a Metropolitan Planning Organization.

(ii) The amendment would provide land for "Other Employment Use" or "Prime Industrial Land" as those terms are defined in OAR 660-009-0005.

(iii) The amendment is located outside of the Willamette Valley as defined in ORS 215.010.

(E) The provisions of paragraph (D) of this subsection are repealed on January 1, 2017.

(b) A local government may accept partial mitigation only if the local government determines that the benefits outweigh the negative effects on local transportation facilities and the local government receives from the provider of any transportation facility that would be significantly affected written concurrence that the benefits outweigh the negative effects on their transportation facilities. If the amendment significantly affects a state highway, then ODOT must coordinate with the Oregon Business Development Department regarding the economic and job creation benefits of the proposed amendment as defined in subsection (a) of this section. The requirement to obtain concurrence from a provider is satisfied if the local government provides notice as required by subsection (c) of this section and the provider does not respond in writing (either concurring or non-concurring) within forty-five days.

(c) A local government that proposes to use this section must coordinate with Oregon Business Development Department, Department of Land Conservation and Development, area commission on transportation, metropolitan planning organization, and transportation providers and local governments directly impacted by the proposal to allow opportunities for comments on whether the proposed amendment meets the definition of economic development, how it would affect

transportation facilities and the adequacy of proposed mitigation. Informal consultation is encouraged throughout the process starting with pre-application meetings. Coordination has the meaning given in ORS 197.015 and Goal 2 and must include notice at least 45 days before the first evidentiary hearing. Notice must include the following:

(A) Proposed amendment.

(B) Proposed mitigating actions from section (2) of this rule.

(C) Analysis and projections of the extent to which the proposed amendment in combination with proposed mitigating actions would fall short of being consistent with the function, capacity, and performance standards of transportation facilities.

(D) Findings showing how the proposed amendment meets the requirements of subsection (a) of this section.

(E) Findings showing that the benefits of the proposed amendment outweigh the negative effects on transportation facilities.

[...]

Finding:

As identified in the provided Transportation Planning Rule (TPR) memorandum (Exhibit 1), the trip generation potential for application of the Mixed Use Commercial zoning district to the Bridgeport area was calculated using site redevelopment assumptions for a reasonable worst-case use and ITE trip generation rates. Applying the reasonable worst case scenario to the proposed MUC zoning site, the proposed text and map amendments would have the potential to add an increase of approximately 49 p.m. peak hour vehicle trips. The location and accessibility of the proposed zoning district from various existing roads that connect to the broader transportation system (Bridgeport Road, Lower Boones Ferry Road, Upper Boones Ferry Road) and trip distribution to each, would not likely add more than 20 trips to an individual movement during the weekday p.m. peak hour. Given this potential degree of change, the amendments are not likely to create a significant effect on the transportation system and TPR requirements are addressed. Future application of the MUC zone to additional lands would be subject to a plan map amendment and transportation planning rule analysis to evaluate the impacts to the existing transportation system. These criteria are met.

D. Tualatin Comprehensive Plan

Chapter 11. Transportation

Section 11.610. Transportation Goals and Objectives

(2) Goal 1: Mobility and access

Maintain and enhance the transportation system to reduce travel times, provide travel-time reliability, provide a functional and smooth transportation system, and promote access for all users.

Finding:

As addressed in the finding above and in Exhibit 1, the reasonable worst case scenario of the proposed text and map amendments would have the potential to add an increase of approximately 49 p.m. peak hour vehicle trips and would not likely add more than 20 trips to an individual movement during the weekday p.m. peak hour. Given this potential degree of change, the amendments are deemed to not create a "significant" effect on the adjacent transportation system and, therefore, TPR requirements are addressed. Future application of the MUC zone to additional lands would be subject to a plan map amendment and corresponding transportation planning rule analysis to evaluate the impacts to the

existing transportation system. The proposed amendments have been determined to be in compliance with OAR Chapter 660 Division 12 and therefore, comply with the above goal. This criterion is met.

(3) Goal 2: Safety, improve safety for all users, all modes, all ages, and all abilities within the City of Tualatin.

Finding:

The proposed amendments include design standards that promote human scale building development for aesthetic appeal and comfort. The amendments also encourage the development of multifaceted environments by permitting a variety of uses including housing alongside office centers, shopping, parks and entertainment amenities that generate a community presence throughout the day and thereby creating opportunities for people to observe the space around them for their own safety and the protection of others. This criterion is met.

(4) Goal 3: Vibrant Community. Allow for a variety of alternative transportation choices for citizens of and visitors to Tualatin to support a high quality of life and community livability.

Finding:

The proposed amendments include standards that support compatible uses, human scale development, buildings and entrances oriented to street sidewalks, weather protection, and provide maximum setbacks to create desirable pedestrian experience. The amendments also include standards for transit stop amenities in designated areas. The area is also adjacent to the planned terminus of the SW Corridor Light Rail Line. The development of compatible land uses close together will encourage shorten trips and facilitate alternative modes of transportation, such as walking, bicycling and public transportation. This criterion is met.

(5) Goal 4: Equity. Consider the distribution of benefits and impacts from potential transportation options, and work towards fair access to transportation facilities for all users, all ages, and all abilities.

Finding:

The proposed text amendments include standards that orient building entrances to street sidewalks, break up large areas of surface parking with pathways and landscaping, and provide direct, safe, and comfortable access to buildings for walking and wheelchairs. Further, the existing and future mix of pedestrian, bicycle, transit, ridesharing, and vehicular modes of transportation are also supportive of equity in that they provide the opportunity for equitable access to the area, which includes entertainment, recreation, employment, and housing opportunities. This criterion is met.

(6) Goal 5: Economy. Support local employment, local businesses, and a prosperous community while recognizing Tualatin's role in the regional economy.

Finding:

The proposed amendments allow for a mix of complimentary land uses including housing, retail, offices, commercial services, and civic uses to create economic and social vitality. Co-locating residential uses on or adjacent to employment lands both provides built-in local business customers that will support the district's economic base, as well as nearby potential business owners, sole proprietors, and employees. This criterion is met.

(7) Goal 6: Health/Environment. Provide active transportation options to improve the health of citizens in Tualatin. Ensure that transportation does not adversely affect public health or the environment.

Finding:

The proposed text amendments include standards that orient building entrances to street sidewalks, break up large areas of surface parking with pathways and landscaping, and provide direct, safe, and comfortable access to buildings for walking and wheelchairs. As discussed above, the area is also served by both pedestrian and bicycle facilities, which provide for active transportation options. This criterion is met.

(8) Goal 7: Ability to Be Implemented. Promote potential options that are able to be implemented because they have community and political support and are likely to be funded.

Finding:

The proposed amendments have been duly noticed to the affected property owners, the public, and partner agencies and governments via the means proscribed in the Tualatin Development Code, as well as having been posted to the City's website. The Tualatin Planning Commission, the advisory body to the City Council, have reviewed the proposed amendments and have forwarded a recommendation of approval of said amendments. Lastly, the proposed amendments have been presented in draft form to the Tualatin City Council, which has provided its support. This criterion is met.

E. Tualatin Development Code

Chapter 33: Applications and Approval Criteria

Section 33.070 Plan Amendments

[...]

(2) Applicability. [...] Legislative amendments may only be initiated by the City Council.

(3) Procedure Type.

(b) Map or text amendment applications which are legislative in nature are subject to Type IV-B Review in accordance with TDC [Chapter 32](#).

Finding:

The proposed text and map amendments are legislative in nature and will be processed consistent with the Type IV-B procedures in Chapter 32. City Council directed staff to proceed with the subject amendments at the February 24, 2020 work session. A pre-adoption noticed was filed with DLCD on April 30, 2020, 39 days before the scheduled hearing. Measure 56 notices were mailed to affected property owners on May 4, 2020, 35 days before the scheduled hearing. Public notice was mailed on May 25, 2020, 14 days before the scheduled hearing and published in The Times 14 calendar days before the hearing. This criterion is met.

[...]

(5) Approval Criteria.

(a) Granting the amendment is in the public interest.

Finding:

The Tualatin Comprehensive Plan and Development Code implement the Oregon Statewide Planning Goal 2. These documents help create predictable development outcomes. Creating a Mixed Use Commercial District (MUC) will provide development standards to foster vibrant, pedestrian-friendly areas within Tualatin that permit a variety of housing, commercial, and entertainment options. Approval of the proposed amendments would facilitate mixed-use development opportunities, which will increase economic opportunities and the property tax base. The proposed increase in maximum building height, within a limited area of the District, limited to mixed use commercial/commercial lodging uses is in the public interest due to the fact the members of the public and the City Council have supported such a change. The aforementioned limited area is uniquely located such that it has been deemed to have adequate transportation access due to its location with adequate existing or planned public sidewalk facilities and being at the intersection of multiple street intersections that have capacity for an increase in maximum development (see Exhibit 1). Similarly, the limit on proposed uses is necessary to ensure that the transportation system is not unduly burdened. Therefore, these changes are in the public interest by both supporting vibrant, pedestrian-friendly areas while at the same time ensuring that the transportation system is adequate for multiple modes of transportation. In sum, the proposed Plan Text and Map Amendment to establish the MUC District is therefore consistent with the public interest. This criterion is met.

(b) The public interest is best protected by granting the amendment at this time.

Finding:

As stated in previous findings, the proposed amendments will benefit the Tualatin community and public interest. In summary, the proposed Mixed Use Commercial District and corresponding design standards encourage efficient use of land resources by permitting compatible uses at a human scale design that is pedestrian friendly. Presently, Tualatin does not have a zoning district that permits both multifamily residential and commercial uses outright, without the use of an overlay zone. Mixed use residential development as a present need is supported by the community, Planning Commission, and City Council, as well as by the Housing Needs Analysis done in 2019. Due to the fact that private development would be the final step in realization of these uses, which can take several years from concept to construction, granting the proposed amendments at this time is necessary to facilitate mixed use development as soon as possible, in the future. This criterion is met.

(c) The proposed amendment is in conformity with the applicable objectives of the Tualatin Community Plan.

Finding:

Below is a summary of how the proposed amendments to create a Mixed Use Commercial zoning district conform to applicable objectives of the Tualatin Community Plan:

Chapter 4 of the Tualatin Community Plan speaks to General Growth Objectives: encourage the highest quality physical design for future development, adopt measures protecting life and property from natural hazards, and arrange the various land uses in a manner that is energy efficient. All development in Tualatin is subject to an Architectural Review process to ensure community objectives and standards are fulfilled. The proposed amendments include standards to promote quality, efficient, and safe land development in support of Chapter 4.

Chapter 5 speaks to Residential Growth Objectives: provide for the housing needs of existing and future City residents, provide housing opportunities for residents with varied income levels, and develop specific and enforceable design standards for multi-family developments. The proposed amendments permit multi-family housing at a high density with corresponding design standards in support of Chapter 5.

Chapter 6 speaks to Commercial Planning Objectives: provide shopping opportunities for surrounding communities, locate and design commercial areas to minimize traffic congestion and maximize access, and continue to utilize specific and enforceable architectural and landscape design standards for commercial development. The proposed amendments permit both multi-family housing and commercial uses in the zoning district to provide shopping for local residents. Pedestrian friendly design standards are also included for the site, building, and landscaping.

Chapter 10 speaks to Community Design Objectives: encourage originality, flexibility and innovation in site planning and development, and achieve the beneficial influence of pleasant environments for living and working and thus decrease the cost of governmental service. The proposed amendments support efficient land development while providing flexible design standards. This criterion is met.

(d) The following factors were consciously considered:

(i) The various characteristics of the areas in the City;

Finding:

The proposed amendments create a Mixed Use Commercial District that would be suitable for application near commercial cores, transit corridors, and in areas with existing multi-family housing as a compliment to existing City characteristics, as found in the proposed area. The standards encourage the development of compatible uses, such the development of multi-family housing above or adjacent to retail, office, and entertainment uses. The standards also encourage an environment that is pedestrian friendly. Lastly, provisions are included, such that substantial improvements to existing development may be brought into conformance with the Mixed Use Commercial standards, when the zone is applied to future areas. This criterion is met.

(ii) The suitability of the areas for particular land uses and improvements in the areas;

Finding:

The proposed amendments create a Mixed Use Commercial District that would be suitable for application near commercial cores, transit corridors, and in areas with existing multi-family housing. This zone will be applied to the Bridgeport area, where the Mixed Use Commercial Overlay District is currently applied or is eligible for application. The Bridgeport area is developed with strong commercial cores, such as the Bridgeport Village and the Point; is well served by transit and has been identified as the terminus for the future SW Corridor Light Rail project; and has existing multi-family housing such as the Eddyline Apartments. As discussed above, the proposed increase in maximum building height, within a limited area of the District, limited to mixed use commercial/commercial recreation uses is in the public interest due to the fact the members of the public and the City Council have supported such a change. The aforementioned limited area is uniquely located such that it has been deemed to have adequate transportation access due to its location with adequate existing or planned public sidewalk facilities and being at the intersection of multiple street intersections that have capacity for an increase

in maximum development (see Exhibit 1). Similarly, the limit on proposed uses is necessary to ensure that the transportation system is not unduly burdened. This criterion is met.

(iii) Trends in land improvement and development;

Finding:

The Portland metro area is one of the fastest growing regional economies over the past decade, with output and job creation rising faster than national benchmarks. However this growth has brought challenges along the way, including: housing prices outpacing average and median wages, lack of multimodal transportation infrastructure, rising travel times, and regional highway congestion¹. These challenges are directly related to the built environment policy.

The Mixed Use Commercial amendments create policy that support efficient development in response to the rapidly growing metro region. The standards permit compact, human-scale development of complimentary retail, office, high-density housing, and entertainment uses to create neighborhoods in Tualatin where one could work, shop, and recreate within walking distance of their home. This criterion is met.

(iv) Property values;

Finding:

The proposed amendments establish a Mixed Use Commercial zoning district. There are numerous economic benefits to adopting planning regulations that foster mixed-use development. Studies show a clear connection between walkable environments and the economic viability of a town. As a community becomes denser, municipalities gain more tax revenue per acre than before development. Smart Growth America² has concluded that, on an average per-acre basis, mixed-use development produces 10 times more tax revenue than conventional suburban development. This criterion is met.

(v) The needs of economic enterprises and the future development of the area; needed right-of-way and access for and to particular sites in the area;

Finding:

Savings can be expected when standards promote compact development and there is a decreased need to design, construct, and maintain infrastructure for transportation systems, water and waste water, electric, telecommunications, and other utilities. Smart Growth America² states that mixed-use development saves an average of 38 percent on upfront costs for new construction of roads, sewers, water lines and other infrastructure. Mixed-use development also often uses existing infrastructure, further lowering upfront capital costs. Chapters 74 and 75 of the Tualatin Development Code address site ingress/egress; no amendments to these Chapters are included under PTA & PMA 20-0001. This criterion is met.

(vi) Natural resources of the City and the protection and conservation of said resources;

¹ The Brookings Institute, Portland Economic Value Atlas, May 2019. https://www.brookings.edu/wp-content/uploads/2019/05/2019.05.21_Brookings-Metro_Portland_Market-Scan.pdf

² Smart Growth America, Building Better Budgets, May, 2013. <https://www.smartgrowthamerica.org/app/legacy/documents/building-better-budgets.pdf>

Finding:

Natural resources are identified and protected through applicable regulations of the TDC, and protection and conservation of said resources is implemented by the City, as well as Clean Water Services. No amendments are proposed that would affect the protection and conservation of natural resources. However amendments are proposed to positively impact the environment through the creation of a zoning district that reduces sprawling development patterns and provides an area where residents may live and walk to work to reduce car usage. This criterion is met.

(vii) Prospective requirements for the development of natural resources in the City;

Finding:

No development of natural resources is proposed as part of the proposed amendments. This criterion is not applicable.

(viii) The public need for healthful, safe, esthetic surroundings and conditions; and

Finding:

As mentioned previously, the proposed amendments promote buildings oriented close to the street, interesting storefronts, sidewalk arcades with seating, and architectural detailing that create lively and desirable surroundings in the newly proposed Mixed-Use Commercial zone. These standards provide pedestrian comfort that generate a community presence throughout the day, thereby creating opportunities for people to observe the space around them for their own safety and the protection of others. Therefore, the public need for healthful, safe, aesthetic surroundings and conditions will best be served by granting the amendments at this time. This criterion is met.

(ix) Proof of change in a neighborhood or area, or a mistake in the Plan Text or Plan Map for the property under consideration are additional relevant factors to consider.

Finding:

The proposed amendments does not result from a mistake in the Tualatin Community Plan or Development Code; however staff has observed that the existing Mixed Use Commercial Overlay District functions more as a zoning district than overlay. The amendments to create a stand-alone district that may be applied to other areas of City, through future plan map amendments, as neighborhood areas change. This criterion is met.

(e) If the amendment involves residential uses, then the appropriate school district or districts must be able to reasonably accommodate additional residential capacity by means determined by any affected school district.

Finding:

The amendment permits multi-family residential uses. The Tualatin School board was notified of the amendments and has not provided commentary. This criterion is met.

(f) Granting the amendment is consistent with the applicable State of Oregon Planning Goals and applicable Oregon Administrative Rules, including compliance with the Transportation Planning Rule TPR (OAR 660-012-0060).

Finding:

Findings addressing the applicable Oregon Statewide Planning Goals and TPR have been addressed above. This criterion is met.

(g) Granting the amendment is consistent with the Metropolitan Service District's Urban Growth Management Functional Plan.

Finding:

The proposed amendments will remain consistent with Titles 1-14 of the Metro Urban Growth Management Functional Plan as addressed below:

Title 1 – Housing Capacity: requires a city or county maintain or increase its housing capacity

The proposed amendments create a Mixed-Use Commercial zone that permits multi-family housing at 25-50 units an acre. The highest density presently mapped in Tualatin is High Density/ High Rise that permits 26-30 units an acre outright. The amendment encourages an increase in housing capacity.

Title 2 – Regional Parking Policy: repealed

Title 3 – Water Quality and Flood Management: protects Water Quality and Flood Management Areas
Water Quality and Flood Management are addressed in Tualatin Development Code Chapters 70, 71, and 74. No amendments are proposed to these chapters.

Title 4 – Industrial and Other Employment Areas: promotes "clustering" of industries that operate more productively and efficiently when in proximity to each other

The Mixed-Use Commercial amendments permit the clustering of compatible commercial and residential uses. The MUC zone is being applied to an area that is not surrounded by land designated Industrial or Regionally Significant Industrial Area and will not diminish capacity on Regional Freight Network and will remain in compliance with this title.

Title 5 - Neighbor Cities and Rural Reserves: repealed

Title 6 – Centers, Corridors, Station Communities and Main Streets: enhancements of these areas as principal centers of urban life via actions and investments

The proposed Mixed-Use Commercial amendments permit a compatible mix of uses and standards to encourage vibrant and walkable development patterns, in compliance with this title. The central Tualatin core has been designated a town center and station community within Title 6. The subject amendments do not include mapping the MUC zone in the town center area at this time.

Title 7 – Housing Choice: implements policies regarding establishment of voluntary affordable housing production goals to be adopted by local governments

The proposed amendments permit multi-family housing at 25-50 units an acre on mixed-use property, which has the potential to aid in affordable housing production goals.

Title 8 – Compliance Procedures: ensures all cities & counties are equitably held to the same standards
Tualatin continues to partner with Metro to comply with the Functional Plan. Amendments were shared and posted with DLCD on April 30, 2020- 39 days before the scheduled hearing.

Title 9 – Performance Measures: repealed

Title 10 – Definitions

Title 11 – Planning for New Urban Areas: guides planning of areas brought into the UGB

The MUC zone is not being proposed on land eligible for annexation into the City of Tualatin; therefore amendments do not affect planning areas outside of the UGB.

Title 12 – Protection of Residential Neighborhoods: protects existing residential neighborhoods from pollution, noise, crime, and provides adequate levels of public services

As addressed previously, the proposed amendments include design standards that promote human scale building development that is walkable. A variety of compatible uses are permitted to generate lively areas that create opportunities for people to observe the space around them for their own safety and the protection of others. Additionally mixed-use development often uses existing infrastructure, further lowering upfront capital costs.

Title 13 – Nature in Neighborhoods: conserves, protects and restores a continuous ecologically viable streamside corridor system integrated with upland wildlife habitat and the urban landscape

Natural resources are addressed in Chapter 72 of the Tualatin Development Code. No amendments to this chapter are proposed under this application.

Title 14 – Urban Growth Boundary: prescribes criteria and procedures for amendments to the UGB

No amendments are proposed to the UGB under this application.

- (h) Granting the amendment is consistent with Level of Service F for the p.m. peak hour and E for the one-half hour before and after the p.m. peak hour for the Town Center 2040 Design Type (TDC Map 9-4), and E/E for the rest of the 2040 Design Types in the City's planning area.**

Finding:

The subject site is outside of the Town Center 2040 Design Type area. As identified in the Transportation Impact Analysis (Exhibit 1), the proposed amendment would facilitate additional trip generation in a LOS of D or greater for the weekday PM peak hour, at the nearby study intersections. This criterion is met.

- (i) Granting the amendment is consistent with the objectives and policies regarding potable water, sanitary sewer, and surface water management pursuant to TDC 12.020, water management issues are adequately addressed during development or redevelopment anticipated to follow the granting of a plan amendment.**

[...]

Finding:

The subject site is presently served with utilities such as potable water, sanitary sewer, and stormwater management. Future structure development on the site will require approval of an Architectural Review land use application, at which time these issues will be addressed in greater detail. This criterion is met.