



March 4, 2021

Steve Koper, AICP
City of Tualatin
Planning Division
18880 SW Martinazzi Avenue
Tualatin, OR 97062

RE: Autumn Sunrise – PTA 20-0005 Plan Text Amendment/PMA 20-0002 Additional Testimony Cover Letter

Dear Mr. Koper:

Please accept the attached supplemental materials regarding our Autumn Sunrise land use applications for Plan Text and Plan Map Amendment, PTA 20-0005 and PMA 20-0002. These materials were created or revised in response to public testimony received at the February 18, 2021 Planning Commission meeting and discussions with City Staff.

The Tualatin Planning Commission voted to recommend approval of the applications on February 18, 2021. However, there were public comments received during the meeting which prompted us to clarify the intent of our application to the City of Tualatin City Council, City Staff, and to the interested public.

Our application included a Conceptual Commercial Layout for the proposed reconfiguration of the Neighborhood Commercial District. As we explained in the hearing, this layout is a sketch of a hypothetical plan showing that the configuration is functional for a future commercial use. The layout also shows a storm pond in the southern portion of the commercial district.

Public testimony raised concerns about how stormwater will be handled for both the reconfigured Neighborhood Commercial district as well as the future residential portion of Autumn Sunrise. AKS described how the area shown as a stormwater pond would be a regional facility for both the residential and future commercial uses. No stormwater will be released in the northwest corner of the site.

Through follow-up conversations with City Staff, we have come to understand that while storm facilities are permitted with development, a regional stormwater pond is considered a “Basic Utility.” Therefore, we are requesting to amend our Text Amendment application to add “Basic Utility” as a permitted use in the Neighborhood Commercial Zone. Because the Neighborhood Commercial Zone is the only zoning district within the City that does not permit Basic Utility facilities, an additional modification of Tualatin Development Code Chapter 51 is needed.

Staff also recommended that we provide a new version of the Conceptual Commercial Layout with a revised stormwater pond matching the regional stormwater facility design described to the Planning Commission. A regional stormwater pond is slightly larger than originally sketched in the Conceptual Commercial Layout while still allowing a reasonable commercial development node.

Public testimony also questioned the traffic impacts of the proposed amendments. We commissioned Lancaster Engineering to perform a Trip Generation Analysis and Transportation Planning Review (TPR) to confirm that the proposed Plan Map and Text Amendment will have no effect on surrounding traffic. The trip generation analysis and TPR affirm our original application's supposition that there will be no traffic changes as a result of these land use actions.

While these new materials do not represent major changes to the application, the Planning Commission has not had an opportunity to directly review these new materials, as they were created/revised in response to comments received at the Planning Commission meeting. These proposed changes still represent the best interests of the Applicant and the public and preserve the intent and objectives of the Tualatin Development Code and Tualatin 2040 Comprehensive Plan. The application changes include those previously discussed, as well as additional explanations of the changes included within the findings.

Thank you for considering approval of this Plan Text and Map Amendment application.

Sincerely,

AKS ENGINEERING & FORESTRY, LLC



Mimi Doukas, AICP, RLA – Associate

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Attachments: Revised Application Narrative with Track Changes
Revised Commercial Conceptual Layout (Revised Exhibit G)
Trip Generation Analysis and TPR (New Exhibit H)

CC: David Force, Lennar Northwest, Inc.
Michael Anders, Lennar Northwest, Inc.

Land Use Application for a Plan Map and Text Amendment

Date: August 2020
Revised January 2021
[Revised March 2021](#)

Submitted to: City of Tualatin
18800 SW Martinazzi Avenue
Tualatin, OR 97062

Applicants: Lennar Northwest, Inc.
11807 NE 99th Street, Suite 1170
Vancouver, WA 98682

AKS Job Number: 7454



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Exhibits

Exhibit A: Proposed Zoning Configuration

Exhibit B: Proposed Development Code

Exhibit C: Land Use Application

Exhibit D: Property Title Information

Exhibit E: Neighborhood/Developer Meeting Noticing Information

Exhibit F: Map Amendment Legal Description

Exhibit G: Conceptual Development Sketches (revised March 2021)

Exhibit H: Trip Generation and TPR Evaluation (added March 2021)

~~Exhibit A: Proposed Zoning Configuration~~

~~Exhibit B: Proposed Development Code~~

~~Exhibit C: Land Use Application~~

~~Exhibit D: Property Title Information~~

~~Exhibit E: Neighborhood/Developer Meeting Noticing Information~~

~~Exhibit F: Map Amendment Legal Description~~

~~Exhibit G: Conceptual Development Sketches~~

Land Use Application for a Plan Map and Text Amendment

Submitted to:	City of Tualatin – Planning Division 18800 SW Martinazzi Avenue Tualatin, OR 97062
Applicant:	Lennar Northwest, Inc. 11807 NE 99 th Street, Suite 1170 Vancouver, WA 98682
Property Owner:	Autumn Sunrise, LLC 485 S State Street Lake Oswego, OR 97034
Applicant’s Consultant:	AKS Engineering & Forestry, LLC 12965 SW Herman Road, Suite 100 Tualatin, OR 97062 Contact: Mimi Doukas, AICP, RLA Email: mimid@aks-eng.com Phone: (503) 563-6151
Site Location:	23620 & 23740 SW Boones Ferry Road; 9415 SW Greenhill Lane South of SW Norwood Road, east of SW Boones Ferry Road, and north of SW Greenhill Lane; Tualatin, OR
Washington County Assessor’s Map:	Map 2S 1 35D, Tax Lots 400, 401, 500, and 501
Site Size:	A plan map amendment affecting four lots totaling ±23.51 acres: ±3.90 acres (Tax Lots 500, 501) and ±19.34 acres (Tax Lots 400, 401).
Land Use District:	Medium-Low Density Residential (RML) (Tax Lots 400, 401) Neighborhood Commercial (CN) (Tax Lots 500, 501)



I. Executive Summary

Lennar Northwest, Inc. (Applicant) is submitting this application for a plan map and text amendments to the Tualatin Plan Map requesting a reconfiguration of Neighborhood Commercial (CN) zoning on the subject properties. This zoning reconfiguration will affect Tax Lots 400, 401, 500, and 501 of Washington County Assessor's Map 2S 1 35D, which were recently annexed to the City of Tualatin through annexation petition ANN-19-0002.

The Applicant proposes to reconfigure the Neighborhood Commercial zone in the Basalt Creek Planning Area, as shown in Exhibit A, to allow for a single shared access point for the commercial district, the residential district, and the Horizon High School campus. The zone is currently in a square at the northeast corner of SW Lower Boones Ferry Road and SW Greenhill Lane. The proposed boundary will stretch the district north along SW Lower Boones Ferry Road to the shared access point, resulting in a rectangular shape. Changing the shape—but not the quantity—of the CN area will allow ±950 feet of separation between the planned local roadway shown on the Local Street Plan (Figure 11-3, below) and the future Basalt Creek Parkway, providing safe and efficient access, and minimizing traffic congestion and collisions.

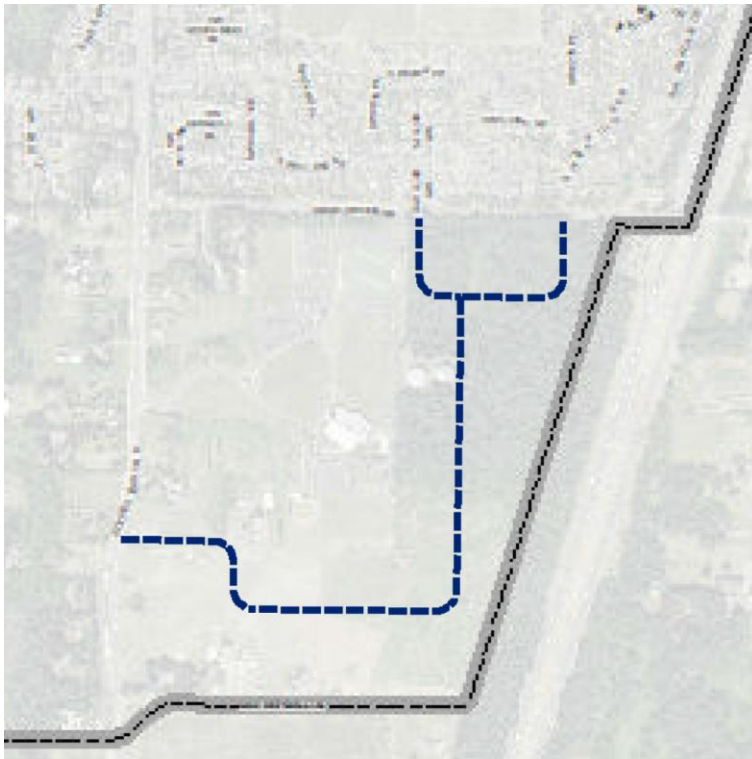


Figure 11-3 Local Street Plan, Tualatin Development Code Appendix B

The County spacing standards force connection to the existing Neighborhood Commercial district through the residential area and push commercial traffic onto residential streets. This situation is undesirable both in regard to livability and safety for the residences along these access streets, but also to the marketability of the commercial sites. SW Boones Ferry Road is classified as an arterial street by Washington County and a major arterial by Tualatin. Access spacing is regulated by Washington County; permanent access is limited to a minimum of 600 feet between access locations. As currently planned and illustrated in Figure 11-3 and within Exhibit A, the local street plan identified within the Basalt Creek Concept Plan, the planned location of the Basalt Creek Parkway intersection, as well as the current location and eventual vacation of

SW Greenhill Lane each preclude direct driveway connections to the Neighborhood Commercial site. Direct access to Basalt Creek Parkway also cannot be provided since the same spacing standards will apply to any connection to the future Major Arterial. Reconfiguration of the CN-zone will allow access to the commercial site through a single access shared with the new residential community, the existing school, and the future multifamily site to the north.

Trip generation to and from the commercial area will not be affected by reconfiguration of the Neighborhood Commercial zone. The acreage available for commercial development before and after the Plan Map Amendment will be identical and the reconfigured zone will be capable of supporting the same quantities of appropriate and permitted commercial development. A Trip Generation Analysis and Transportation Planning Rule review memo was prepared by Lancaster Engineering (Exhibit H) that shows that the proposed amendments have no significant effect on traffic.

With the proposed reconfiguration, the CN zone will gain frontage, which is beneficial and attractive to commercial development; the Medium Low-Density Residential (RML) zone will retain safe access to SW Boones Ferry Road, and neighboring development, such as the existing Horizon High School; and High-Density Residential (RH) land to the north can share access to a high-volume arterial street. The proposed changes would not change the quantity or quality of lands zoned either Neighborhood Commercial or Medium Low-Density Residential.

The current text of the Tualatin Development Code (TDC) does not permit the location of CN zoning within 300 feet of school properties. The property immediately to the north of the proposed CN zoning includes Horizon High School. Because of the odd shape of the property, with multiple driveways extending to SW Boones Ferry Road and SW Norwood Road, the code as it exists results in CN zoning prohibited more than 700 feet from Horizon High School buildings. The proposed text amendment will permit the use of lands near large school properties with configurations that would prevent nearby development. In this case, the reconfiguration would benefit the school property as well as other surrounding properties. To provide needed housing, the applicant plans to submit a residential subdivision application in the future for the properties zoned RML.

An additional Plan Text Amendment is requested to allow Basic Utilities as a permitted use to allow for a planned regional stormwater facility in the Neighborhood Commercial zone. The Neighborhood Commercial zoning district does not currently permit Basic Utilities, as defined by TDC 39.620, and is the only City zoning district which does not permit Basic Utilities in some fashion. As this use is ubiquitous throughout the City and this zoning has not been applied within the City prior to the adoption of the Basalt Creek Concept Plan, it is clear that the omission of Basic Utilities as a use was an oversight rather than an intentional prohibition.

The planned regional storm facility will serve both the commercial and residential portions of the Autumn Sunrise development, as drainage naturally flows to the area near the intersection of SW Greenhill Lane and SW Boones Ferry Road. The addition of residential stormwater treatment facilities to the area will not significantly reduce the area available for commercial development, as similar treatment facilities are needed to manage stormwater from the commercial development.

Trip generation to and from the commercial zone will not be affected by reconfiguration of the Neighborhood Commercial area. The acreage before and after the Plan Map Amendment is identical and the zone is capable of supporting appropriate and permitted commercial development in the same

quantities as the previous configuration. As shown in Exhibit H, the change has been found to have no significant effect.

The Plan Map and Plan Text Amendments proposed ~~is~~are consistent with relevant goals and policies of the City of Tualatin's Comprehensive Plan, Economic Opportunities Analysis, and Housing Needs Analysis. The proposal satisfies the applicable approval criteria for Plan Map and Plan Text Amendments outlined within the Tualatin Development Code. This application includes the City application forms and written materials necessary for City staff to review and determine compliance with the applicable approval criteria. The evidence is substantial and supports the City's approval of the application.

II. Site Description/Setting

The potential areas affected by this application for a plan map and text amendments ~~are~~is located at the southernmost extent of the City's Urban Growth Boundary (UGB). An area totaling ±32.64 acres, comprised of Tax Lots 400, 401, 600, 800, and 900, has been annexed into the City of Tualatin and is now zoned RML. An area totaling ±3.90 acres, comprised of Lots 500 and 501 are zoned CN. The potential project sites lie east of SW Boones Ferry Road, west of Interstate 5, north of SW Greenhill Lane, and south of SW Norwood Road in the northeastern corner of the Basalt Creek Planning Area.

Tax Lot 400 is currently vacant and undeveloped. Tax Lots 401, 500, and 501 are partially developed with single-family residences.

III. Applicable Review Criteria

TUALATIN DEVELOPMENT CODE (TUALATIN COMMUNITY PLAN)

CHAPTER 5 – RESIDENTIAL PLANNING GROWTH

TDC 5.020. - Assumptions.

The following are general objectives used to guide the development of the residential housing element of the Plan. They describe the Plan's intent to:

- (1) Provide for the housing needs of existing and future City residents.
- (2) Provide housing opportunities for residents with varied income levels and tastes that are esthetically and functionally compatible with the existing community housing stock.

TDC 5.030. - General Objectives.

The following are general objectives used to guide the development of the residential housing element of the Plan. They describe the Plan's intent to:

- (1) Provide for the housing needs of existing and future City residents.
- (2) Provide housing opportunities for residents with varied income levels and tastes that are esthetically and functionally compatible with the existing community housing stock.
- (4) Locate higher density development where it is convenient to the City's commercial core, near schools, adjacent to arterial and collector streets and, as much as possible, in areas with existing multi-family housing and provide residential opportunities in selected commercial areas through the Mixed Use Commercial Overlay District.

Response:

The areas of RML-zoned properties affected by the proposed plan map amendment are not conveniently located near the City's commercial core; they are two miles from Tualatin-Sherwood Road and one mile from Argyle Square, an auto-oriented retail center. The project area is located near convenient arterial streets and schools but is not an ideal location for multi-family housing. The proposal will allow the reconfiguration of the Autumn Sunrise RML and CN-zoned areas to provide a more convenient development layout and easier, safer shared access from SW Boones Ferry Road. As the quantity of lands designated CN is not changing from its present state, the surrounding neighborhoods will be able to enjoy nearby and accessible commercial development. No changes to these or other residential provisions are proposed. The amount of RML-zoned land will remain the same and will remain in the same general location. These provisions are satisfied.

TDC 5.040. - Planning District Objectives.

This section describes the purpose of each residential planning district.

- (2) *Medium-Low Density Residential Planning District (RML).* To provide areas of the City suitable for commonwall dwellings such as condominiums, townhouses, duplexes, triplexes, and other multi-family dwellings. Condominiums and small lot subdivisions may be allowed by conditional use permit. Owner occupancy of dwelling units shall be encouraged. Parks for manufactured dwellings shall be allowed in those portions of the district designated on the Plan Map. Except for retirement housing and nursing and convalescent homes which shall not exceed 15 dwelling units per net acre and manufactured dwelling parks with single-wide manufactured dwellings which shall not exceed 12 dwelling units per net acre, the maximum density of any residential

use shall not exceed ten dwelling units per net acre. The raising of agricultural animals and the construction of agricultural structures may be allowed by conditional use permit in those portions of the District designated on the Plan Map.

Response: The plan map amendment is in line with the purpose of the RML zone. This reconfiguration of the commercial district will allow for safer access and more efficient use of urban area. No residential or commercial lands will be lost with this reconfiguration. No changes to these or other residential provisions are proposed as part of this application. These criteria are met.

CHAPTER 6 – COMMERCIAL PLANNING DISTRICTS

TDC 6.010. - Background.

- (8) As Tualatin grows in terms of residents and employees, and as these individuals disperse more throughout the City rather than concentrating near the downtown area, there is an ever-increasing demand for commercial services in close proximity to the people. This demand is primarily for day-to-day shopping and service needs such as small grocery purchases, hair cutting and styling, etc. The creation of neighborhood commercial centers, through the use of the new Neighborhood Commercial (CN) Planning District, will not only provide these services to the residents and employees, it will work to reduce traffic by eliminating trips to the downtown commercial areas. This concept is not seen as having any negative impact on the downtown area, as the types of goods and services to be provided are small and limited in nature. It is critical, however, that the design of neighborhood commercial uses be such that they are of a residential character and enhance rather than detract from neighborhoods.

Response: The area of Neighborhood Commercial zoning adjacent to SW Boones Ferry Road is important to the commercial activity of the area. Tualatin’s commercial core is more than two miles to the north. The applicant has not proposed a reduction or increase in area for this important Neighborhood Commercial area, but rather a reconfiguration in order to accommodate site factors, limited access availability, and future development needs. The current configuration would require driveway access for this property close to the planned intersection of SW Boones Ferry Road and the future extension of Basalt Creek Parkway, only ±150 feet to the south.

The zone remains, after reshaping, a commercial district that will enhance surrounding neighborhoods. The types of goods and services that will eventually be provided within this area are small and limited in nature and will not detract from the quality of the downtown commercial areas or neighborhoods nearby. Shared access will allow safe and convenient access from the adjacent RML residential areas and those traveling along SW Boones Ferry Road. These requirements are met.

TDC 6.020. - Assumptions.

The following are general assumptions used to formulate this Plan:

- (7) The creation of residential and employment concentrations away from the downtown core will create the need for neighborhood commercial centers. These centers are intended to provide for day-to-day shopping and service needs and are not intended to be serious competition with businesses in the downtown area.

Response: This area was brought into the Tualatin Urban Growth Boundary in 2004. Zoning and plan designations were determined at that time to serve the needs of residential neighborhoods and industrial areas adjacent to the district. With the proposed

reconfiguration, these designated commercial areas will continue to be available to serve adjacent development. As Tualatin Development Code restricts floor area of commercial development in the CN zone, this area will not provide the same types of businesses prevalent within the downtown area. This area will serve smaller establishments such as general retail, personal care businesses such as salons, and other types of community services. After reconfiguration, the Neighborhood Commercial area will continue to meet these assumptions. These provisions are satisfied.

TDC 6.030. - Objectives.

The following are general objectives used to guide the development of this Plan:

- (1) Encourage commercial development.
- (2) Provide increased employment opportunities.
- (3) Provide shopping opportunities for surrounding communities.
- (4) Locate and design commercial areas to minimize traffic congestion and maximize access.
- (5) Continue to utilize specific and enforceable architectural and landscape design standards for commercial development.
- (6) Encourage developers to consider solar access when designing commercial development projects.
- (7) Provide for limited and carefully designed neighborhood commercial centers.

Response:

The proposed reconfiguration of this CN district will provide greater development opportunities than the current configuration. Development on the CN-zoned properties affected by this application will gain greater and safer access to surrounding arterials, the area will benefit from minimized traffic congestion by spacing access away from intersections, businesses will receive greater frontage for commercial building orientation towards the street, and Tualatin will have increased development area for residential housing on neighboring lots. These factors increase the attractiveness of commercial development of the property, leading to increased employment and shopping opportunities for surrounding communities. Other factors to be considered will be addressed upon commercial development of the lots. These criteria are met.

TDC 6.040. - Commercial Planning District Objectives.

This section describes the purpose of each commercial planning district.

- (2) **Neighborhood Commercial Planning District (CN).** To provide locations for commercial uses within close proximity to residential areas. It is to provide for opportunities to serve the needs of residents for convenience shopping and services. Such uses will be limited to professional offices, services, and retail trade that are oriented to the day-to-day commercial needs of the residential neighborhood. Neighborhood commercial uses are intended to be pedestrian oriented and should serve to reduce automobile trips and energy consumption. The purpose is also to assure that such development is of a scale and design so that it is compatible with the residential environment and is an enhancement to neighborhood areas. It is not the purpose of this district to create large scale commercial facilities that will compete with similar uses, such as large grocery or department stores, located in the downtown area.

Response: The reconfiguration of the Neighborhood Commercial area as proposed will not prevent the area from being used to its full extent and capability. The area will provide commercial opportunities for nearby residential areas as well as the larger industrial districts of the Basalt Creek Planning Area. Review of the uses proposed will be accomplished at the time of development proposal. The location of the Neighborhood Commercial district will serve to reduce automobile trips and be pedestrian-oriented through its proximity to nearby neighborhoods. The reconfigured commercial district will be compatible with nearby neighborhoods. Additionally, the text amendments_s proposed will not alter the district's compatibility nor its purpose or function.

The removal of the school buffer criterion will not impede or conflict with the purpose of the Neighborhood Commercial district or this section. The addition of Basic Utilities for regional stormwater management will not significantly reduce the area provided for Neighborhood Commercial uses as these commercial uses would also need to provide stormwater management facilities. Please see the revised Conceptual Commercial Layout within Exhibit G for more details. These provisions are met.

CHAPTER 9 – PLAN MAP

TDC 9.010. - Background.

This Plan section includes the Plan Map, (Map 9-1) classification of planning district boundaries, and brief descriptions of the land uses in each Plan area. The Plan Map is a synthesis of the objectives contained in each Plan element that can be portrayed graphically in map form. The Map is based on an analysis of data contained in the Phase I—Technical Memoranda, Northwest Tualatin Concept Plan 2005 and an analysis of Plan objectives and the Statewide Planning Goals of the Land Conservation and Development Commission.

TDC 9.020. - Planning District Boundaries.

The boundaries between planning districts, as portrayed on the Plan Map, are intended to follow property lines (or extensions thereof), roadways, or natural features such as creeks. Where such definition was not possible, the Map is drawn to scale and district boundaries can be determined by using this scale. It should be noted that property lines shown on the Plan Map were derived from County Assessor's Maps and are therefore relatively accurate. Consequently, the planning districts shown on the Plan shall be considered zoning districts, as normally termed. This eliminates the need for two sets of maps and simplifies the understanding of what land uses may be allowed on an individual property.

Response: The boundaries of this district are proposed to change slightly by extending the district north and increasing lot frontage along SW Boones Ferry Road. The current configuration would not permit adequate access onto the planned location of the Basalt Creek Parkway, the final location of which has shifted to the south and no longer aligns with or provides frontage for CN-zoned neighboring properties to the south. By altering the configuration, safe and properly-spaced access opportunities onto SW Boones Ferry Road can be provided from a shared local street. The reconfiguration allows adequate access to comply with County access spacing standards, prevents commercial traffic travelling through residential areas, minimizes traffic collisions and congestion, and provides shared access between neighboring developments. The quantity and quality of lands is not proposed to change. The district boundaries will follow those property lines to be created as part of a future subdivision application. A legal description (Exhibit F) has been provided to illustrate this district boundary.

TDC 9.046. - Area 16 Basalt Creek Planning Area.

The Basalt Creek Planning Area is generally located north of Basalt Creek Parkway, south of Helenius Road and Norwood Road, east of 124th Avenue, and west of I-5. The Basalt Creek Planning Area includes a mix of residential zones at various densities, a small neighborhood commercial node, an employment lands, as further described below.

- (2) An area with the RML (Medium Low Density Residential) Zone is planned south of Norwood Road, east of Boones Ferry Road, and west of I-5. An additional area of RML Zone is also planned east of Grahams Ferry Road between the two above described areas of RL Zone. These areas lends themselves to a slightly higher density than traditional single—family due to the excellent transportation access and the close relationship to the employment centers. The use of the RML Zone in this area provides for the needed higher densities with a Zone that will allow development that is similar in character and density to the RL lands.

Response: The affected portion of the RML district is east of SW Boones Ferry Road. The proposed text and map amendments will not affect the planned densities or quantities of these areas, just the configuration and apportioning of residential lands. These requirements are met.

- (4) A small area with the CN (Neighborhood Commercial) Zone is planned north of Greenhill Road and east of Boones Ferry Road. This CN Zone is intended to provide locations for commercial uses within close proximity to residential areas, to provide opportunities to serve the needs of residents for convenience shopping and services. This area lends itself to the CN Zone due to the excellent transportation access and the close proximity to abutting residential areas of medium to higher densities.

Response: The affected Neighborhood Commercial areas represent the majority of CN-zoned territories within the City of Tualatin. This application for plan map amendment does not affect the small CN portion south of SW Greenhill Lane at the furthest extent of the UGB along the planned route of the Basalt Creek Parkway. The reconfiguration of CN-zoned lands will not affect this CN-zoned portion’s ability to meet the purposes listed above. The proposed plan text amendments will not affect the intended purposes of the zone, only where the zone may be located. The reconfiguration achieves the planned objectives for excellent transportation access by allowing for traffic to directly access the commercial site. The reconfiguration allows for safer, more efficient travel without detouring commercial traffic through a residential neighborhood. These provisions are satisfied.

TUALATIN DEVELOPMENT CODE

CHAPTER 32 – PROCEDURES

TDC 32.010. – Purpose and Applicability

- (1) *Purpose.* The purpose of this Chapter is to establish standard procedures for the review and processing of land use applications and legislative land use proposals, as well as ministerial actions. This Chapter is intended to enable the City, the applicant, and the public, where applicable, to reasonably review applications and participate in the local decision-making process in a timely and effective way. Table 32-1 provides a key for determining the review procedure and the decision-making body for particular applications.
- (2) *Applicability of Review Procedures.* All land use and development permit applications and decisions, will be made by using the procedures contained in this Chapter. The procedure "type" assigned to each application governs the decision-making process for that permit or application. There are five types of permit/application procedures

as described in subsections (a) through (e) below. Table 32-1 lists the City's land use and development applications and corresponding review procedure(s).

(d) *Type IV-A Procedure (Quasi-Judicial Review—City Council Public Hearing).* Type IV-A procedure is used when the standards and criteria require discretion, interpretation, or policy or legal judgment and is the procedure used for site-specific land use actions initiated by an applicant. Type IV-A decisions are made by the City Council and require public notice and a public hearing. Appeals of Type IV-A decisions are heard by the Land Use Board of Appeals (LUBA).

Table 32-1

Application/ Action	Procedure Type	Decision Body*	Appeal Body*	Pre-Application Conference Required	Neighborhood / Developer Mtg Required	Applicable Code Chapter
Plan Amendments						
Map or Text Amendments for a specific property	IV-A	CC	LUBA	Yes	Yes	TDC 33.070

Response: The applicant has submitted an application for a plan map and text amendments that affects four parcels owned by the applicant. The amendment does not propose to change the quantity or quality of CN or RML lands. The purposes of the districts will continue to be served following the reconfiguration and text changes. The requested reconfiguration affects a limited number of properties and will require public notice and a public hearing before the City Council.

TDC 32.110. – Pre-Application Conference.

- (1) *Purpose of Pre-Application Conferences.* Pre-application conferences are intended to familiarize applicants with the requirements of the TDC; to provide applicants with an opportunity discuss proposed projects in detail with City staff; and to identify approval criteria, standards, and procedures prior to filing a land use application. The pre-application conference is intended to be a tool to assist applicants in navigating the land use process, but is not intended to be an exhaustive review that identifies or resolves all potential issues, and does not bind or preclude the City from enforcing any applicable regulations or from applying regulations in a manner differently than may have been indicated at the time of the pre-application conference.
- (2) *When Mandatory.* Pre-application conferences are mandatory for all land use actions identified as requiring a pre-application conference in Table 32-1. An applicant may voluntarily request a pre-application conference for any land use action even if it is not required.
- (3) *Timing of Pre-Application Conference.* A pre-application conference must be held with City staff before an applicant submits an application and before an applicant conducts a Neighborhood/Developer meeting.

Response: The applicant and their representatives have attended pre-application conferences with the City of Tualatin to discuss the overall project and this specific reconfiguration of commercial lands. The required pre-application conference was held with City of Tualatin Staff on January 22, 2020, prior to the application submittal date.

- (4) *Application Requirements for Pre-Application Conference.*

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- (a) *Application Form.* Pre-application conference requests must be made on forms provided by the City Manager.
 - (b) *Submittal Requirements.* Pre-application conference requests must include:
 - (i) A completed application form;
 - (ii) Payment of the application fee;
 - (iii) The information required, if any, for the specific pre-application conference sought; and
 - (iv) Any additional information the applicant deems necessary to demonstrate the nature and scope of the proposal in sufficient detail to allow City staff to review and comment.
 - (5) *Scheduling of Pre-Application Conference.* Upon receipt of a complete application, the City Manager will schedule the pre-application conference. The City Manager will coordinate the involvement of city departments, as appropriate, in the pre-application conference. Pre-application conferences are not open to the general public.
 - (6) *Validity Period for Mandatory Pre-Application Conferences; Follow-Up Conferences.* A follow-up conference is required for those mandatory pre-application conferences that have previously been held when:
 - (a) An application relating to the proposed development that was the subject of the pre-application conference has not been submitted within six months of the pre-application conference;
 - (b) The proposed use, layout, and/or design of the proposal have significantly changed; or
 - (c) The owner and/or developer of a project changes after the pre-application conference and prior to application submittal.

Response: The required pre-application conference was held on January 22, 2020.

TDC 32.120. - Neighborhood/Developer Meetings.

- (1) *Purpose.* The purpose of this meeting is to provide a means for the applicant and surrounding property owners to meet to review a development proposal and identify issues regarding the proposal so they can be considered prior to the application submittal. The meeting is intended to allow the developer and neighbors to share information and concerns regarding the project. The applicant may consider whether to incorporate solutions to these issues prior to application submittal.
- (2) *When Mandatory.* Neighborhood/developer meetings are mandatory for all land use actions identified in Table 32-1 as requiring a neighborhood/developer meeting. An applicant may voluntarily conduct a neighborhood/developer meeting even if it is not required and may conduct more than one neighborhood/developer meeting at their election.
- (3) *Timing.* A neighborhood/developer meeting must be held after a pre-application meeting with City staff, but before submittal of an application.
- (4) *Time and Location.* Required neighborhood/developer meetings must be held within the city limits of the City of Tualatin at the following times:
 - (a) If scheduled on a weekday, the meeting must begin no earlier than 6:00 p.m.
 - (b) If scheduled on a weekend, the meeting must begin between 10:00 a.m. and 6:00 p.m.
- (5) *Notice Requirements.*

-
- (a) The applicant must provide notice of the meeting at least 14 calendar days and no more than 28 calendar days before the meeting. The notice must be by first class mail providing the date, time, and location of the meeting, as well as a brief description of the proposal and its location. The applicant must keep a copy of the notice to be submitted with their land use application.
 - (b) The applicant must mail notice of a neighborhood/developer meeting to the following persons:
 - (i) All property owners within 1,000 feet measured from the boundaries of the subject property;
 - (ii) All property owners within a platted residential subdivision that is located within 1,000 feet of the boundaries of the subject property. The notice area includes the entire subdivision and not just those lots within 1,000 feet. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name, the notice area need not include the additional phases; and
 - (iii) All designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9.
 - (c) The City will provide the applicant with labels for mailing for a fee.
 - (d) Failure of a property owner to receive notice does not invalidate the neighborhood/developer meeting proceedings.
 - (6) *Neighborhood/Developer Sign Posting Requirements.* The applicant must provide and post on the subject property, at least 14 calendar days before the meeting. The sign must conform to the design and placement standards established by the City for signs notifying the public of land use actions in TDC 32.150.
 - (7) *Neighborhood/Developer Meeting Requirements.* The applicant must have a sign-in sheet for all attendees to provide their name, address, telephone number, and email address and keep a copy of the sign-in sheet to provide with their land use application. The applicant must prepare meeting notes identifying the persons attending, those commenting and the substance of the comments expressed, and the major points that were discussed. The applicant must keep a copy of the meeting notes for submittal with their land use application.

Response: A Neighborhood/Developer Meeting is required for this type of application and one was held on July 28, 2020. The required information is provided in Exhibit E. A meeting was held following the City of Tualatin’s Temporary Guidance for Neighborhood/Developer Meetings and these criteria are satisfied.

TDC 32.130. - Initiation of Applications.

- (1) *Type I, Type II, Type III, and Type IV-A Applications.* Type I, Type II, Type III, and Type IV-A applications may be submitted by one or more of the following persons:
 - (a) The owner of the subject property;
 - (b) The contract purchaser of the subject property, when the application is accompanied by proof of the purchaser's status as such and by the seller's written consent;
 - (c) A lessee in possession of the property, when the application is accompanied by the owners' written consent; or
 - (d) The agent of any of the foregoing, when the application is duly authorized in writing by a person authorized to submit an application by paragraphs (a), (b) or (c) of this subsection, and accompanied by proof of the agent's authority.

(2) *Type IV-A or B Applications.* Type IV-A or B applications may be initiated by the City.

Response: This application has been submitted by the property owner and contract purchaser of all properties affected by the proposed text amendment.

TDC 32.140. - Application Submittal.

- (1) **Submittal Requirements.** Land use applications must be submitted on forms provided by the City. A land use application may not be accepted in partial submittals. All information supplied on the application form and accompanying the application must be complete and correct as to the applicable facts. Unless otherwise specified, all of the following must be submitted to initiate completeness review under TDC 32.160:
 - (a) A completed application form. The application form must contain, at a minimum, the following information:
 - (i) The names and addresses of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
 - (ii) The address or location of the subject property and its assessor's map and tax lot number;
 - (iii) The size of the subject property;
 - (iv) The comprehensive plan designation and zoning of the subject property;
 - (v) The type of application(s);(vi)A brief description of the proposal; and
 - (vii) Signatures of the applicant(s), owner(s) of the subject property, and/or the duly authorized representative(s) thereof authorizing the filing of the application(s).
 - (b) A written statement addressing each applicable approval criterion and standard;
 - (c) Any additional information required under the TDC for the specific land use action sought;
 - (d) Payment of the applicable application fee(s) pursuant to the most recently adopted fee schedule;
 - (e) Recorded deed/land sales contract with legal description.
 - (f) A preliminary title report or other proof of ownership.
 - (g) For those applications requiring a neighborhood/developer meeting:
 - (i) The mailing list for the notice;
 - (ii) A copy of the notice;
 - (iii) An affidavit of the mailing and posting;
 - (iv) The original sign-in sheet of participants; and
 - (v) The meeting notes described in TDC 32.120(7).
 - (h) A statement as to whether any City-recognized Citizen Involvement Organizations (CIOs) whose boundaries include, or are adjacent to, the subject property were contacted in advance of filing the application and, if so, a summary of the contact. The summary must include the date when contact was made, the form of the contact and who it was with (e.g. phone conversation with neighborhood association chairperson, meeting with land use committee, presentation at neighborhood association meeting), and the result;

- (i) Any additional information, as determined by the City Manager, that may be required by another provision, or for any other permit elsewhere, in the TDC, and any other information that may be required to adequately review and analyze the proposed development plan as to its conformance to the applicable criteria;
- (2) Application Intake. Each application, when received, must be date-stamped with the date the application was received by the City, and designated with a receipt number and a notation of the staff person who received the application.
- (3) Administrative Standards for Applications. The City Manager is authorized to establish administrative standards for application forms and submittals, including but not limited to plan details, information detail and specificity, number of copies, scale, and the form of submittal.

Response: Required information, city forms, and this narrative have been submitted to the City of Tualatin for approval. These requirements are satisfied.

TDC 32.150. - Sign Posting.

- (1) When Signs Posted. Signs in conformance with these standards must be posted as follows:
 - (a) Signs providing notice of an upcoming neighborhood/developer meeting must be posted prior to a required neighborhood/developer meeting in accordance with Section 32.120(6); and
 - (b) Signs providing notice of a pending land use application must be posted after land use application has been submitted for Type II, III and IV-A applications.
- (2) Sign Design Requirements. The applicant must provide and post a sign(s) that conforms to the following standards:
 - (a) Waterproof sign materials;
 - (b) Sign face must be no less than 18 inches by 24 inches (18" x 24"); and
 - (c) Sign text must be at least two inch font.
- (3) On-site Placement. The applicant must place one sign on their property along each public street frontage of the subject property. (Example: If a property adjoins four public streets, the applicant must place a sign at each of those public street frontages for a total of four signs.) The applicant cannot place the sign within public right-of-way.
- (4) Removal. If a sign providing notice of a pending land use application disappears prior to the final decision date of the subject land use application, the applicant must replace the sign within 40-eight (48) hours of discovery of the disappearance or of receipt of notice from the City of its disappearance, whichever occurs first. The applicant must remove the sign no later than 14 days after:
 - (a) The meeting date, in the case of signs providing notice of an upcoming neighborhood/developer meeting; or
 - (b) The City makes a final decision on the subject land use application, in the case of signs providing notice of a pending land use application.

Response: Signs will be posted in accordance with the above provisions of Tualatin Development Code. Signs for the Neighborhood/Developer Meeting were posted in accordance with Section 32.120(6). Signage providing notice of the pending land use application hearing will be posted when applicable. These criteria have been or will be met when applicable.

CHAPTER 33 – APPLICATIONS AND APPROVAL CRITERIA

TDC 33.070. – Plan Amendments.

- (1) *Purpose.* To provide processes for the review of proposed amendments to the Zone Standards of the Tualatin Development Code and to the Text or the Plan Map of the Tualatin Community Plan.

Response: The applicant is applying for a plan map amendment in order to reconfigure an area, currently within the bounds of Tax Lots 500 and 501, to provide for greater development flexibility and shared access. The reconfiguration will not change the quantity of lands provided, only their orientation and dimensions.

The applicant has also applied for ~~a~~ plan text amendments in order to allow for the designation of lands as Neighborhood Commercial within 300 feet of a property containing a school and to establish Basic Utilities as an allowed use within the zone. The Neighborhood Commercial district is currently slightly more than 300 feet from a property containing a school. Reconfiguring the lands for efficiency and safety requires amending the Tualatin Development Code.

The required materials have been attached to this narrative as exhibits, providing justification for the ~~ese~~s plan map and text amendment requests.

- (2) *Applicability.* Quasi-judicial amendments may be initiated by the City Council, the City staff, or by a property owner or person authorized in writing by the property owner. Legislative amendments may only be initiated by the City Council.

Response: A pre-application conference with City of Tualatin staff has identified this application for plan map and text amendments, with a limited scope affecting a small number of properties, as requiring a quasi-judicial process. This application has been submitted by the property owner and their authorized representatives. This criterion is met.

- (3) *Procedure Type.*
 - (a) Map or text amendment applications which are quasi-judicial in nature (e.g. for a specific property or a limited number of properties) is subject to Type IV-A Review in accordance with TDC Chapter 32.
 - (b) Map or text amendment applications which are legislative in nature are subject to Type IV-B Review in accordance with TDC Chapter 32.

Response: The applicant requests that this quasi-judicial application, which affects a limited number of properties, be subject to a Type IV-A Review in accordance with the procedures outlined within TDC Chapter 32.

- (4) *Specific Submittal Requirements.* An application for a plan map or text amendment must comply with the general submittal requirements in TDC 32.140 (Application Submittal).

Response: The applicant has submitted the required materials in accordance with TDC 32.140. These specific materials were outlined previously within this application. This criterion is met.

- (5) *Approval Criteria.*
 - (a) Granting the amendment is in the public interest.

Response: The proposed plan map amendment would allow safe access to this and surrounding sites. Granting the plan map amendment would have no ill consequences, as the quantity of RML and CN lands would remain the same, but in a more useable configuration. The change would also reduce the development of driveways along SW Boones Ferry Road, adding to the safety of this arterial corridor.

The proposed plan text amendments would allow development of the Neighborhood Commercial district as outlined above without the constraints of a buffer between this district and the adjacent school. Because granting this amendment will permit the development of the proposed CN district and allow shared access between adjacent developments, the amendment is in the public interest. The addition of Basic Utilities as a permitted use benefits the public by allowing the efficient use of urban lands and creating uniformity within the Tualatin Development Code. The applications satisfy this criterion.

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

Response: ~~The proposed plan map amendment would allow safe access to this and surrounding sites. Granting the plan map amendment would have no ill consequences, as the quantity of RML and CN lands would remain the same, but in a more useable configuration. The change would also reduce the development of driveways along SW Boones Ferry Road, adding to the safety of this arterial corridor.~~

~~The proposed plan text amendment would allow development of the Neighborhood Commercial district as outlined above without the constraints of a buffer between this district and the adjacent school. Because granting this amendment will permit the development of the proposed CN district and allow shared access between adjacent developments, the amendment is in the public interest. The application satisfies these criteria.~~

Granting the amendments at this time is in the best interest of the public as this amendment is important to the sequence of applications needed for the Autumn Sunrise development. This application follows approval of the Basalt Creek Concept Plan and annexation of the site. Applications to come include the proposed residential subdivision of the Autumn Sunrise site and development of the Neighborhood Commercial site to allow for future commercial pads and a regional stormwater facility. Approval of these amendments at this time is needed and in the best interest of the public. This criterion is met.

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

Response: The Tualatin Community Plan is incorporated into the TDC as Chapters 1 through 30. The criteria and objectives of the Tualatin Community Plan have been reviewed and responses provided previously within this application. This criterion is satisfied.

(d) **The following factors were consciously considered:**

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

Response: The CN zoning designation is not currently applied within any other areas of the city. The design requirements contained in Chapter 51 of the TDC prevent any retail space above 10,000 square feet. While this zone does not exist elsewhere within the city, other commercial zones allow the types of uses permitted in the CN zone without the restrictions of the school property distance requirement. With the proposed removal of the school separation, the CN area will be consistent with examples elsewhere within the city.

Similarly, Basic Utilities are permitted within all other City zoning districts in some fashion. Permitting Basic Utilities within the Neighborhood Commercial zone would allow these areas to meet the needs of this area while also considering the characteristics of development and zoning throughout Tualatin.

This criterion is met.

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

Response: The general location of the CN district will not change. The Basalt Creek Concept Plan describes this zone as being “at or near” the intersection of SW Boones Ferry Road and the Basalt Creek Parkway. The reconfigured CN district will still meet this description as planned. The land use and development patterns will match those along other similar corridors. The rearrangement of the zoning districts at this intersection will not change the suitability of the area for the land uses and will improve the safety and usability of the properties.

The addition of Basic Utilities as a permitted use within the Neighborhood Commercial district, and since the only application of this zone within Tualatin is this area, will allow this site to be designed to meet the particular needs of this area. The construction of a regional stormwater facility to manage stormwater from both the CN and RML-zoned portions of Autumn Sunrise as surface drainage naturally flows to this area. The site is suitable for these particular land uses and improvements.

This requirement is satisfied.

(iii) **Trends in land improvement and development;**

Response: Future development of this and surrounding sites was considered when creating this plan map and text amendment proposal. The proposed rearrangement of lands would meet the trends in development for both residential lands and small commercial retail sites. Reconfiguring the site will accommodate future growth on both the commercial and adjacent residential lands. The addition of Basic Utilities as a permitted use would allow for the residential and commercial portions of the Autumn Sunrise development, and adjacent future developments also zoned Neighborhood Commercial to provide these facilities. The adoption of new stormwater requirements by the City also allow for the opportunity for these utilities to be provided as planned and urban lands to be utilized more efficiently.

(iv) **Property values;**

Response: The effects of the proposed changes on property values were considered. However, these cannot be effectively determined. The reconfiguration of the commercial site may result in an increase in property values due to the increased frontage provided.

- (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;**

Response: Access and economic viability were the major considerations for seeking plan and map amendments. The map amendments are needed to facilitate safe and shared access to SW Boones Ferry Road for this site and the residential site. Rearrangement of the properties will also improve the possibility of future development of both the commercial and residential sites. The amendments propose to retain the same quantities of commercial and residential lands in order to preserve the planned development potentials of the Neighborhood Commercial and Medium Low-Density Residential zones.

The inclusion of Basic Utilities as a permitted use within the zone is important to the needs of economic enterprises and to the future development of the area and this particular site. The planned regional stormwater management facility within this area would allow for the efficient use of urban lands by combining residential and commercial stormwater management within a common facility in a location where those waters drain naturally.

This provision is satisfied.

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

Response: There are no mapped natural resources on the site affected by the plan map and text amendment. The site is largely vacant and under-developed with single-family residences and no significant stands of vegetation.

No physical development has been proposed with these applications for plan map and text amendments. The site will be examined for natural resources, with any resources delineated, appropriately protected, and any impacts to resources mitigated with future development of the site. Future development of the site will need to comply with local, regional, state, and federal requirements for the protection of air, water, and land resources.

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

Response: There are no mapped natural resources on the site affected by the plan map and text amendment. The site is largely vacant and under-developed with single-family residences and no significant stands of vegetation.

No physical development has been proposed with these applications for plan map and text amendments. The site will be examined for natural resources, with any resources delineated, appropriately protected, and any impacts to resources mitigated with future development of the site. Future development of the site will need to comply with local, regional, state, and federal requirements for the protection of air, water, and land resources.

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

Response: While there was no mistake in the ~~plan-buffer~~ text or map for the property under consideration, there appears to have been a mistake with the creation of permitted uses within the Neighborhood Commercial zone. All other Tualatin zoning districts allow Basic Utilities. Some allow them with limitations or conditions, but Basic Utilities as a use category are permitted within all other areas of Tualatin. The omission of Basic Utilities within the Neighborhood Commercial zone is an oversight rather than an intended prohibition and the code text should be amended to correct this mistake.

These properties were not previously under the same ownership and the orientation of the tax lots did not allow the commercial arrangement proposed. Approving this request will serve the purposes of the plans outlined within this narrative as well as meet the public need for efficient and safe future development of the area, protection of property values and natural resources, and trends in development in the area. The application complies with these criteria.

- (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.

Response: The proposed plan map amendment will reconfigure an area of land designated CN and an area designated RML. This rearrangement and proposed plan text amendment will not have any effect on the density of any future housing on the RML lands, as the quantity of lands is not proposed to change. This section is not applicable.

- (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).

Response: The proposed amendments are consistent with Oregon Statewide Planning Goal 1 – Citizen Involvement and Goal 2 – Land Use Planning. Goal 1 is not encoded in Oregon Administrative Rules (OAR), but this proposal complies by satisfying the citizen involvement criteria of Tualatin Development Code. The plan and map amendments are compliant with Goal 2 because the amendments satisfy the City’s established land use planning processes and procedures.

The amendments are also compliant with Oregon Statewide Goal 10 (OAR 660-015-0000(10)) as they do not propose changes to the RML zone.

The text amendment, as proposed, is consistent with Oregon Administrative Rule 660-007 (the Metropolitan Housing Rule), as it does not propose to change any aspects of housing provided within the RML district.

The proposal will allow the construction of needed housing and the efficient use of lands within the City of Tualatin. Oregon’s Transportation Planning Rule (OAR 660-012-0060) does not apply to this proposal, as this proposal does not functionally increase the effect

of development on transportation facilities. No material change in possible traffic demand has been proposed. No transportation facilities will be degraded or have their functional classifications changed by this amendment. [A Transportation Planning Rule review and trip generation analysis have been provided by a traffic engineer and the changes have been found to have no significant effect on the surrounding areas \(Exhibit H\).](#) These criteria have been met.

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

Response: The Metropolitan Service District's Urban Growth Management Functional Plan is established in Metro Code as Section 3.07. Since the proposed amendment does not seek to adjust minimum or maximum densities or uses required by the CN and RML zones, this amendment is consistent. The proposed map changes also do not decrease housing supply or capacity, nor do they change the amount of provided commercial lands within the City of Tualatin. The proposed text amendment does not affect the uses proposed within commercial districts or increase or decrease housing supply or capacity. This criterion is met.

- (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.
- (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.
- (j) The applicant has entered into a development agreement. This criterion applies only to an amendment specific to property within the Urban Planning Area (UPA), also known as the Planning Area Boundary (PAB), as defined in both the Urban Growth Management Agreement (UGMA) with Clackamas County and the Urban Planning Area Agreement (UPAA) with Washington County. TDC Map 9-1 illustrates this area.

Response: The proposed plan map amendment and plan text amendment will not alter the transportation needs of the affected parcels in the City's Transportation System Plan. The zoning configuration changes provide reasonable solutions to alleviating traffic issues caused by commercial traffic in residential areas and inadequate driveway and street spacing along Major Arterial streets. Density requirements for commercial types will remain as outlined within TDC 51.200 and density requirements for housing types will remain as outlined within TDC 41.220. [A Transportation Planning Rule review and trip generation analysis have been provided by a traffic engineer and the changes have been found to have no significant effect on the surrounding areas \(Exhibit H\).](#) Applications for future development will be required to provide Traffic Impact Analyses per the Tualatin Development Code. The proposal is consistent and these criteria are met.

CHAPTER 41 – MEDIUM LOW DENSITY RESIDENTIAL ZONE (RML)

TDC 41.100 - Purpose



The purpose of this zone is to provide areas of the City suitable for townhouses, condominiums, duplexes, triplexes and other multi-family dwellings, as well as areas for small-lot, small home subdivisions, and manufactured dwelling parks in designated areas.

Response: The proposed changes to the dimensions of the area zoned CN will not affect the quantity or quality of RML lands. These lands will continue to serve their intended purpose following the reconfiguration of neighboring CN lands. No changes to these lands other than their arrangement is proposed.

The proposed text changes do not affect the RML district. These criteria are met or are not applicable.

CHAPTER 51 – NEIGHBORHOOD COMMERCIAL ZONE (CN)

TDC 51.100. - Purpose.

The purpose of this district is to provide locations for commercial uses within close proximity to residential areas, to provide opportunities to serve the needs of residents for convenience shopping and services. The primary uses are intended to include professional offices, services, and retail oriented to the day-to-day needs of adjacent neighborhoods. Neighborhood commercial uses are intended to be pedestrian oriented and should serve to reduce automobile trips and energy consumption. The purpose is also to assure that development is of a scale and design that is compatible with the residential environment and is an enhancement to neighborhood areas. It is not the purpose of this district to allow for large scale commercial facilities, such as large grocery or department stores, which are more appropriately located within the downtown area.

Response: The change in district shape does not affect the quantity of lands zoned Neighborhood Commercial. The Neighborhood Commercial district will remain available to serve the professional office, services, and retail needs of the residents of the area. The addition of Basic Utilities as a permitted use does not affect the availability of lands available for commercial use. As demonstrated within Exhibit G, the regional stormwater facility is not substantially larger than the required stormwater facility for the Neighborhood Commercial development would be alone. A significant developable area meeting the purposes of this section remain on the site.

The proposed map and text amendments does not affect the purpose or intent of the Neighborhood Commercial district. These criteria are met.

TDC 51.110. - District Size and Location Standards.

- (1) **District Location.** The boundaries of a CN district must be separated from school property by not less than 300 feet. The boundaries of a CN District must be separated from all other CN, CC, and CG districts by at least 1,320 feet.

Response: The proposed text amendment will change the distance buffer between CN districts and neighboring school land uses. Because the school property is a flag lot, the 300-foot required buffer from school properties effectively doubles the physical separation from the school building. The proposed boundaries of the district will remain greater than 1,320 feet from all other CN, CC, and CG districts – approximately two miles north on SW Boones Ferry Road. Bifurcating the district has not been proposed, as this would create two separate CN districts which would not meet the additional buffering standards of 1,320 feet between CN, CC, and CG districts.

The applicant has proposed the removal of the school separation portion of the code (Exhibit B). The CN designation is only applied to this location within the City of Tualatin’s Urban Growth Boundary. Because of the zone’s location, the text amendment will not affect other schools within the City and will remain an appropriate distance from Horizon High School. Other Tualatin-Sherwood School District facilities, such as Tualatin High School, are greater than ±3,000 feet away from the site. The district will remain separated from other commercial zones and uses and remain intended to serve surrounding neighborhoods and industrial areas.

Concerns about specific uses which may possibly be located within CN-zoned areas and within 300 feet of school properties hinder the efficient development of these areas by regulating the placement of commercial businesses near residential areas. Uses permitted in this area include personal services like salons, barber shops, and childcare centers; small retailers; food and drug stores; and pharmacies. Lack of these retail sales and services near residential areas increases the need to use an automobile for short errands, increasing vehicle trips and neglecting the possibilities for more sustainable development in the area.

The proposed map change, with approval of the proposed text amendments, will be consistent with the regulations contained within the Tualatin Development Code.

- (2) **Street Frontage.** At least one-fourth of the total street frontage of the CN District area must be on an Arterial or Major Collector street.

Response: The reconfigured lands will have an increased frontage SW Boones Ferry Road, a Major Arterial. This criterion is met.

BASALT CREEK CONCEPT PLAN

Concept Plan for Basalt Creek

Development Types

Tualatin

Housing. Most of the remaining land north of the proposed Basalt Creek Parkway (beyond employment land) is allocated to a mix of residential uses at varying densities. The Concept Plan organizes residential land uses into two general areas that are intended to have easy access to services and be connected to parks, schools, and natural areas.

1. The plan focuses the lowest density housing (a mixture of low-density and medium-low density) along the northern portion of the Planning Area and low density along the west side of Boone’s Ferry Road, adjacent to existing neighborhoods of Tualatin. This land is expected to accommodate 134 new households.
2. The eastern portion of the Tualatin future annexation area is anticipated to be a mixture of high and medium-low density residential; the land immediately east of Boones Ferry Rd is intended for high density housing; The remainder of the land east and south of Horizon School is planned for medium-low density residential. This eastern subarea is expected to accommodate 407 new housing units in Tualatin. This land is near the intersection between Boones Ferry Road and the new Basalt Creek Parkway.

Response: ~~This~~These plan map and text amendments ~~do~~es not propose to change the quantity or quality of lands provided for the Basalt Creek Planning Area. Housing can still be provided within this area as planned, following the CN zoning district text adjustment and reconfiguration.

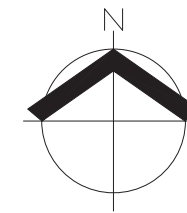
Commercial. Neighborhood Commercial is planned north of the jurisdictional boundary and east of the Basalt Creek Canyon at, or near, the northeast corner of the intersection of Boones Ferry Road / Basalt Creek Parkway. It is intended to serve residents and workers.

Response: The reconfiguration of the commercial lands as proposed would still meet the intent of the designated area as stated within the Basalt Creek Concept Plan. This area of Neighborhood Commercial would remain northeast of the intersection of Boones Ferry Road and Basalt Creek Parkway. The area would remain connected to the intersection by other lands zoned Neighborhood Commercial outside of the current city limits and south of the present location of Greenhill Lane – immediately north of the future location of the parkway.

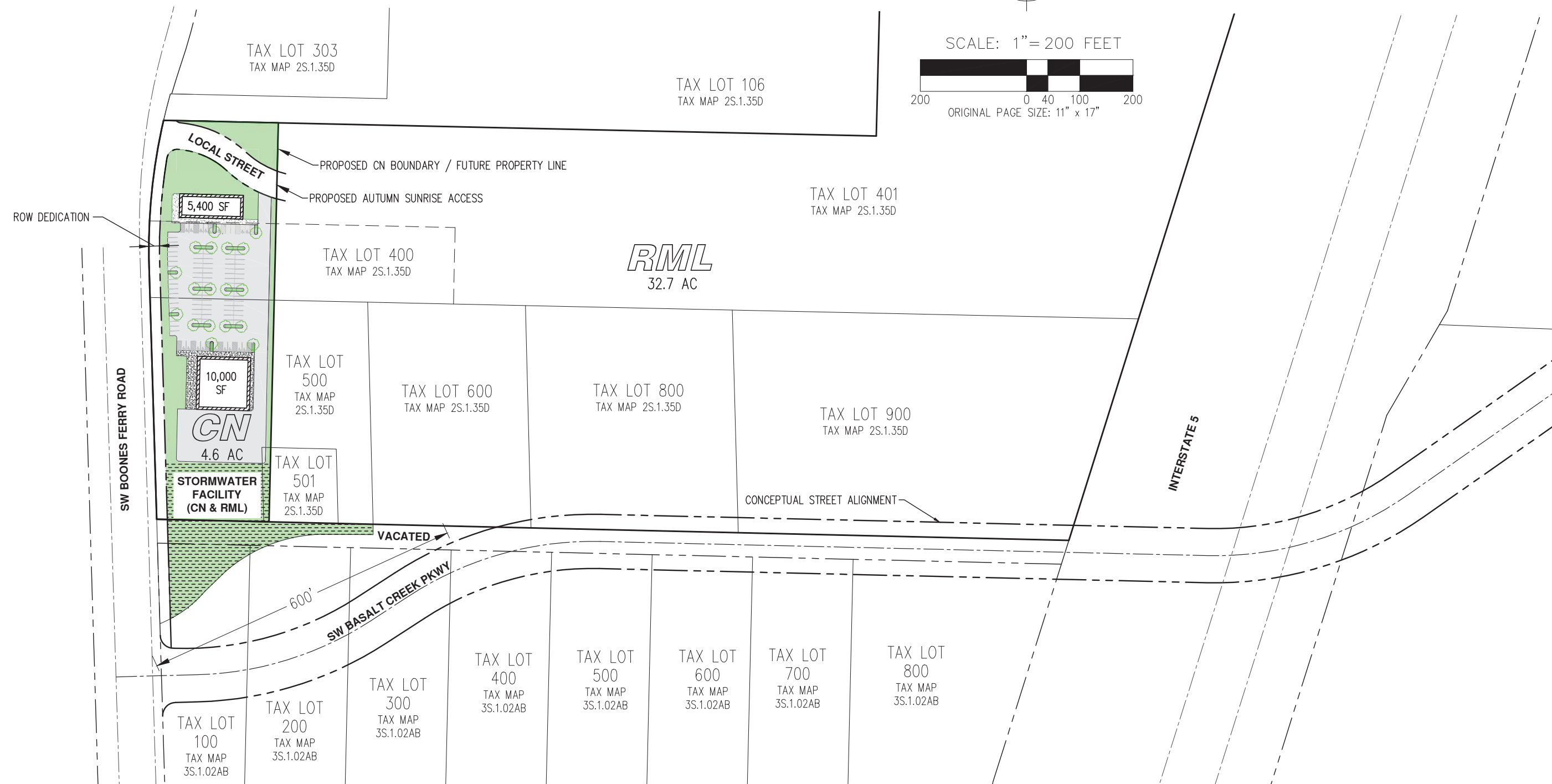
IV. Conclusion

The required findings have been made and this written narrative and accompanying documentation demonstrate that the application is consistent with the applicable provisions of the Tualatin Development Code and the Tualatin Community Plan. The evidence in the record is substantial and supports approval of the application. Therefore, the Applicant respectfully requests that the City approve this application.

Exhibit G: Conceptual Development Sketches
(revised March 2021)



SCALE: 1" = 200 FEET
200 0 40 100 200
ORIGINAL PAGE SIZE: 11" x 17"



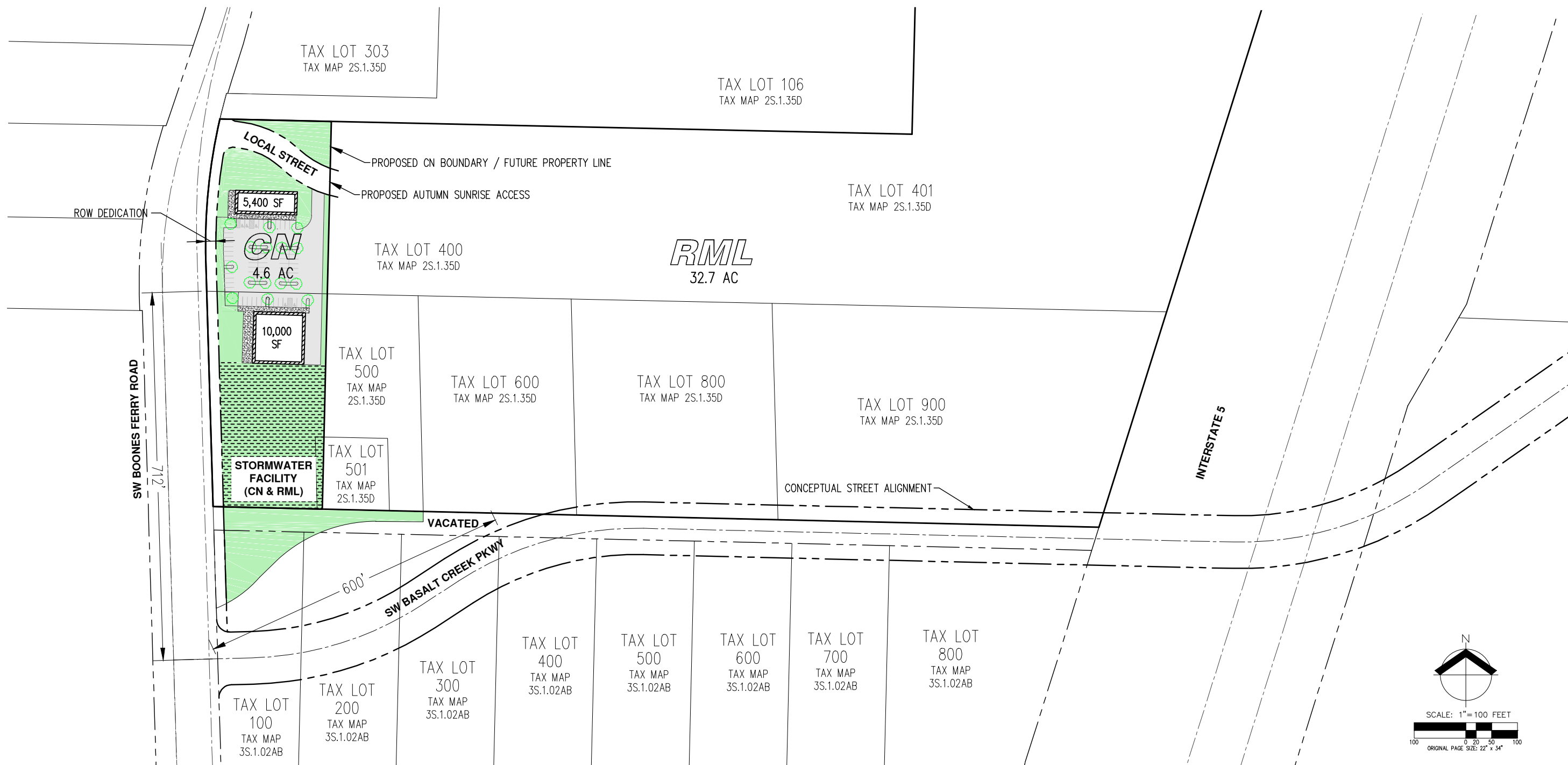
DATE: 1/12/2021 AKS JOB: 7454

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151
WWW.AKS-ENG.COM



ENGINEERING • SURVEYING • NATURAL RESOURCES
FORESTRY • PLANNING • LANDSCAPE ARCHITECTURE

CONCEPTUAL COMMERCIAL LAYOUT AUTUMN SUNRISE



DATE: 03/02/2021 AKS JOB: 7454

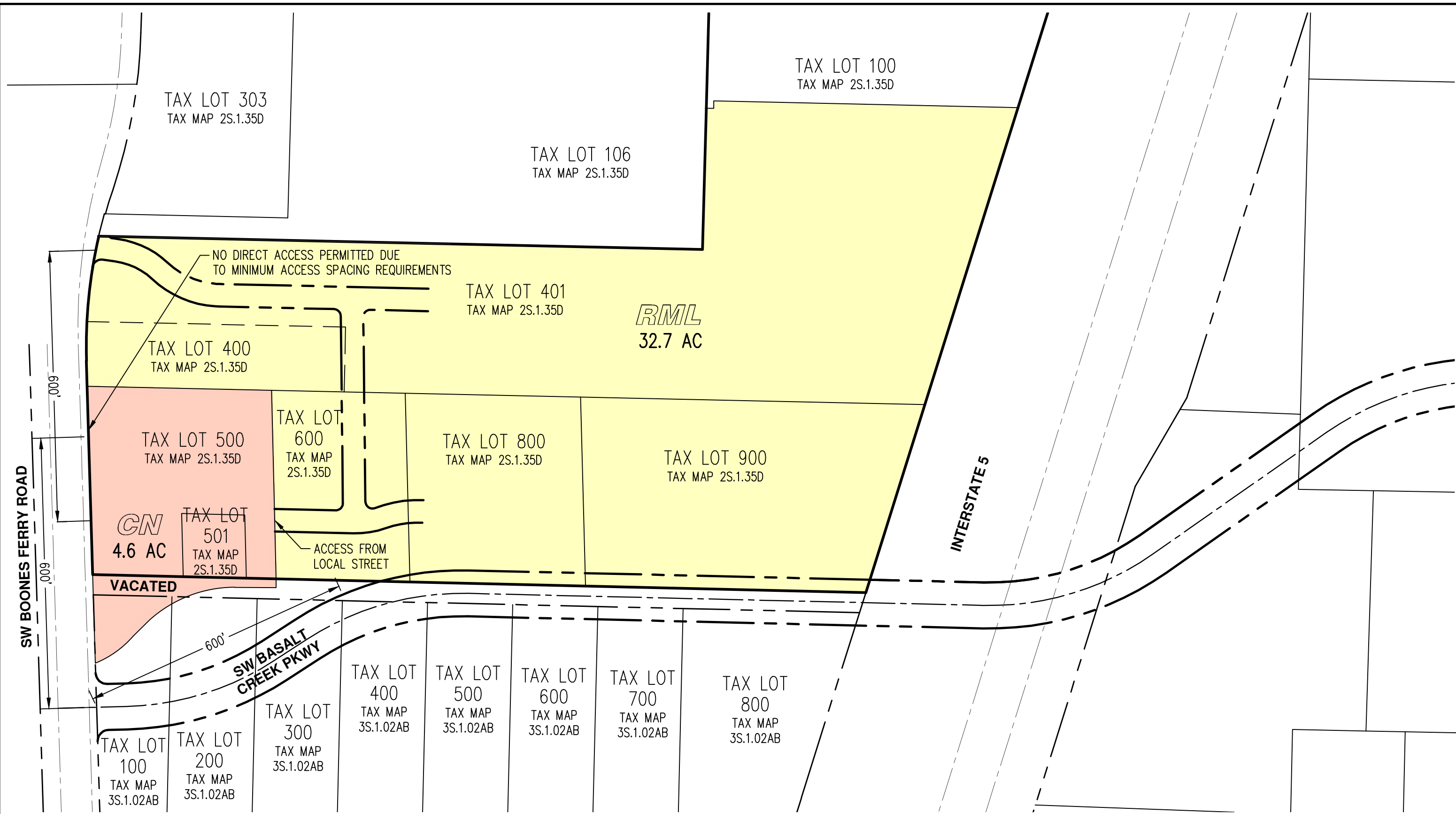
AKS ENGINEERING & FORESTRY, LLC
 12965 SW HERMAN RD, STE 100
 TUALATIN, OR 97062
 503.563.6151
 WWW.AKS-ENG.COM



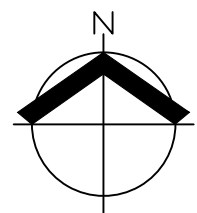
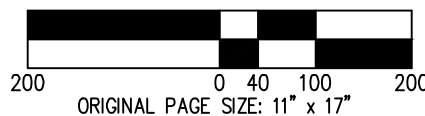
ENGINEERING • SURVEYING • NATURAL RESOURCES
 FORESTRY • PLANNING • LANDSCAPE ARCHITECTURE

CONCEPTUAL COMMERCIAL LAYOUT AUTUMN SUNRISE

March 2021



SCALE: 1" = 200 FEET



DATE: 1/20/2021

COMMERCIAL ACCESS FOR EXISTING DISTRICT		EXHIBIT G
AUTUMN SUNRISE AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 503.563.6151 WWW.AKS-ENG.COM		DRWN: KM CHKD: DS AKS JOB: 7454



Exhibit H: Trip Generation and TPR Evaluation
(added March 2021)

Memorandum

To: City of Tualatin
Copy: AKS Engineering and Forestry
From: Jennifer Danziger, PE
Date: March 3, 2021
Subject: Trip Generation and Transportation Planning Rule Evaluation
for the Proposed Plan Map and Text Amendment
23620 & 23740 SW Boones Ferry Road and 9415 SW Greenhill Lane



RENEWS: 12.31.2021

This memorandum addresses the proposed plan map and text amendment for a reconfiguration of Neighborhood Commercial (CN) zoning on Tax Lots 400, 401, 500, and 501 of the Washington County Assessor's Map 2S 1 35D. The existing zoning and proposed change are illustrated in Exhibits A and B attached to this memorandum.

Proposed Amendment

As illustrated in Exhibit A, Tax Lots 500 and 501 are currently zoned CN and form a square at the northeast corner of SW Boones Ferry Road and SW Greenhill Lane. These two lots total ± 3.90 acres of land. Tax Lots 400 and 401, immediately to the north, and Tax Lots 600, 800, and 900 are zoned Medium Low Density Residential (RML) with a combined ± 32.64 acres of land.

As illustrated in Exhibit B, the proposal would reconfigure the CN district from a square to a narrower rectangular shape extending the CN district north along SW Boones Ferry Road to include a portion of Tax Lots 400 and 401. This configuration would not change the total acreage of either the CN zone or the RML zone but would allow for a single shared access point for the commercial district, the residential district, and the Horizon High School campus that would meet the Washington County access spacing standards.

Trip Generation

The reconfiguration of the CN district will maintain the same total acreage of ± 3.90 acres and will not prevent the area from being used to its full extent and capability. The same holds true for the adjacent RML zone of ± 32.64 acres. Therefore, the trip generation potential for both the CN and RML zones remains the same with the proposal as the existing zoning.

Transportation Planning Rule

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);

Response: *The trip generation potential is the same for the existing and proposed plan map and text amendments; therefore, the proposal will not change the functional classification of the planned system.*

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

Response: *The trip generation potential is the same for the existing and proposed plan map and text amendments; therefore, the proposal will not require a change in standards for implementation.*

- (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.

Response: *The trip generation potential is the same for the existing and proposed plan map and text amendments; therefore, the proposal will not change the system performance. However, the proposal will allow for shared access on SW Boones Ferry Road that will enable development of the area to be consistent with the Washington County access standards.*

Conclusion

The proposed plan map and text amendment will not change the trip generation potential of the CN or RML districts and will satisfy the requirements of the Transportation Planning Rule.



TAX LOT 303
TAX MAP 2S.1.35D

TAX LOT 401
TAX MAP 2S.1.35D

RML
32.7 AC

TAX LOT 400
TAX MAP 2S.1.35D

TAX LOT 500
TAX MAP 2S.1.35D

CN
3.9 AC

TAX LOT 600
TAX MAP 2S.1.35D

TAX LOT 800
TAX MAP 2S.1.35D

TAX LOT 900
TAX MAP 2S.1.35D

TAX LOT
501
TAX MAP
2S.1.35D

SW GREENHILL LANE

INTERSTATE 5

DATE: 7/15/2020

SCALE: 1" = 150 FEET



ZONE CHANGE EXISTING ZONING		EXHIBIT
AUTUMN SUNRISE		A
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 503.563.6151 WWW.AKS-ENG.COM		DRWN: MTS CHKD: MTS AKS JOB: 7454



TAX LOT 303
TAX MAP 2S.1.35D

◀ Shared Access

TAX LOT 401
TAX MAP 2S.1.35D

RML
32.7 AC

TAX LOT 400
TAX MAP 2S.1.35D

TAX LOT 500
TAX MAP 2S.1.35D

CN
3.9 AC

TAX LOT 600
TAX MAP 2S.1.35D

TAX LOT 800
TAX MAP 2S.1.35D

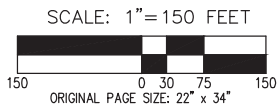
TAX LOT 900
TAX MAP 2S.1.35D

TAX LOT
501
TAX MAP
2S.1.35D

SW GREENHILL LANE

INTERSTATE 5

DATE: 7/15/2020



ZONE CHANGE PROPOSED ZONING		EXHIBIT
AUTUMN SUNRISE		B
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 503.563.6151 WWW.AKS-ENG.COM		DRWN: MTS CHKD: MTS AKS JOB: 7454

