

EXHIBIT 1
ORDINANCE NO. 1463-21



December 2, 2021
**Analysis and Findings for
Middle Housing Code Plan Text Amendment**

Case #:	PTA 21-0002
Project:	Middle Housing Code Amendments
Applicant:	City of Tualatin

TABLE OF CONTENTS

I.	INTRODUCTION	2
	A. Applicable Criteria.....	Error! Bookmark not defined.
	B. Project Description	Error! Bookmark not defined.
II.	PLANNING FINDINGS	5
	A. Statewide Planning Goals	5
	B. Oregon Administrative Rules	Error! Bookmark not defined.
	C. Metro Code.....	8
	D. Tualatin Development Code	10

I. INTRODUCTION

A. Applicable Criteria

Applicable Statewide Planning Goals; Divisions 7 and 18 of the Oregon Administrative Rules; applicable Sections of the City of Tualatin Development Code.

B. Project Description

The scope of Plan Text Amendment PTA 21-0002 is to bring the Tualatin Development Code into compliance with HB 2001. House Bill 2001 was passed in 2019 by the Oregon Legislature and was intended to provide Oregonians with more housing choices, especially housing choices more people can afford. The law expands the ability of property owners to build certain traditional housing types including duplexes, triplexes, quadplexes, cottage clusters and townhouses. These housing types already exist in most cities, but were outlawed for decades in many neighborhoods. These limitations contribute to increased housing costs and fewer choices.

Additionally, by June 30, 2022, cities (with population over 25,000) like Tualatin and cities in the Portland Metro region, must allow duplexes, triplexes, quadplexes, cottage clusters, and townhouses in residential areas. The State of Oregon through its Department of Land Conversation and Development (DLDC) has adopted a model code which would apply on July 1, 2022, if the local jurisdiction does not have its own HB 2001 compliant code changes adopted by that time.

Table 1 lists the proposed changes to the TDC to address middle housing and provide a wider array of housing choices.

Table 1—Overview of Proposed Comprehensive Plan Organization

TDC Chapter	Title	Draft Proposed Code
31	General Provisions <i>Definitions</i>	Revises and adds definitions to clarify housing types and standards including housing type descriptions and standards like Floor Area Ratio (FAR).
32	Procedures	Revises to Type I review for middle housing types. Type I reviews respond to predictable and objective written code standards evaluated by staff.
33	Applications and Approval Criteria	Revises the application of the Type I Architectural Review process that applies to single-family dwellings to additional middle housing types. Clarifies processes that are applicable when property owners update, remodel, or add an addition to a home, or request a variance to a standard.
34	Special Regulations	Minor updates to Home Occupation Provisions. Moves Accessory Dwelling Unit (ADU) standards with other design standards in Chapter 73A.
36	Subdividing, Partitions, and Property Line Adjustments	Describes how flexible lot subdivision standards are applied to meet clear and objective requirements for all housing, including for middle housing types based on development standards in other chapters.
39	Use Categories	Clarifies household living use as encompassing a range of development types.
40	Low Density Residential Zone	<ul style="list-style-type: none"> Adds Townhomes, Duplexes, Triplexes, and Quadplexes as “Permitted” uses subject to review.

TDC Chapter	Title	Draft Proposed Code
	(RL)	<ul style="list-style-type: none"> • Adds Cottage Cluster housing type, subject to review; • Updates development standards such as minimum lot size and coverage standards for middle housing types; • Introduction of Floor Area Ratio (FAR) to effectively require smaller structures on smaller lots. • Clarifies flexible lot subdivision provisions.
41	Medium Low Density Residential Zone (RML)	<ul style="list-style-type: none"> • Adds Cottage Cluster housing type; • Updates development standards such as minimum lot size and coverage standards for middle housing types; • Introduction of Floor Area Ratio (FAR) to effectively require smaller structures on smaller lots. • Clarifies flexible lot subdivision provisions.
58	Central Tualatin Overlay Zone	<ul style="list-style-type: none"> • Adds middle housing types in situations where detached single family dwellings allowed consistent with state law.
73A	Site Design Standards	<ul style="list-style-type: none"> • Applies existing criteria such as minimum window coverage and the requirement for “architectural features” that currently apply to single-family homes to additional middle housing types; • Adds section for applicable design standards for cottage cluster housing focused on common courtyard and unit standards. • Adds design standards for accessory dwelling units (ADUs), moved from Chapter 35, updates parking and siting standards for consistency with current state law, clear and objective requirements, and to coordinate with other code changes that allow for new units on a site. • Updates multi-family design standards to remove subjective requirements, consistent with state law.
73B	Landscaping Standards	Clarifies applicable standards for middle housing separate from larger multi-family developments.
73C	Parking Standards	Updates parking ratios to be consistent with middle housing legislation.
75	Access Management	Updates driveway width and spacing standards to reflect unique situations that can be presented with townhomes and attached dwellings.

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 proposed amendments are an update to Tualatin Development Code. The basis for this update is needed compliance with Housing Bill 2001, also known as “Middle Housing” requirements applicable to cities and counties in Oregon. The proposed amendments have been reviewed the Tualatin Planning Commission, which is the City’s acknowledged Committee for Citizen Involvement (CCI), in compliance with Goal 1. The Tualatin Planning Commission also served as the community advisory committee during the phase of this project which included conceptual development of the code concepts which ultimately became the proposed amendments. The Planning Commission held multiple public meetings at which the public was able to comments. In February of 2021 staff and the project consultant hosted a public webinar to get feedback and the code concepts, and in May 2021, a public survey was conducted that received over 100 responses and included feedback on elements of the proposed code. Two work sessions were also held at the City Council, which the public was able to attend.

Specific to the proposed amendments, The Tualatin Planning Commission held a public meeting on October 21, 2021 at which it recommended approval of the proposed amendments to City Council. On December 13, 2021, the City Council will hold a hearing open to the public to consider the Planning Commission’s recommendation, and make a decision on the proposed amendments. Further, the City has followed its acknowledged public notice procedures for legislative Comprehensive Plan Amendments, found in TDC 32.250, which include publishing notice of the City Council hearing in the Tualatin Times, notice of the hearing to the Department of Land Conservation and Development at least 35 days prior to the first hearing, notice to affected government entities, and publicly posting notice of the hearing. Further, the City Council meeting schedule is made available on the internet, and notice of both the Planning Commission meeting and City Council hearing were provided to interested parties.

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 City of Tualatin’s Comprehensive Plan and Development Code provide an acknowledged and established land use planning process and policy framework which service as the basis for all decisions and actions related to use of land, which include requirements to assure than an adequate factual base is provided for those decisions and actions. The proposed Plan Text Amendment (PTA) to amend the Tualatin Development Code has been processed in accordance with these procedures.

The proposed amendments conform to Goal 2.

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

Goal 5 establishes a process for each resource to be inventoried and evaluated. OAR 660-015-0000(5) and OAR 660.023 (Procedures and Requirements for Complying with Goal 5)

Finding:

There are no text changes that modify the City's existing open space and natural resources requirements. The proposed PTA does not include any map changes or changes to the regulations for those Goal 5 resources regulated by TDC Chapter 71 (Wetlands Protection District) and TDC Chapter 72 (Natural Resource Protection Overlay District).

The proposed amendments conform to Goal 5.

Goal 6 – Air, Water and Land Resources Quality

Finding:

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 (SWC) 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. Tualatin has an acknowledged Comprehensive Plan that complies with this goal. The PTA does not include proposed changes to TDC Chapter 63 (Industrial Uses and Utilities and Manufacturing Zones - Environmental Regulations).

The proposed amendments conform to Goal 6.

Goal 7 – Areas Subject to Natural Disasters and Hazards

Finding:

Tualatin has an acknowledged Comprehensive Plan that complies with this goal. This proposed amendments do not modify the City's natural hazards requirements. This proposal does not modify the existing goals and policies. 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.

The proposed amendments conform to Goal 7.

Goal 8 – Recreation Needs

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Finding:

Tualatin's recreation needs, as well as those of the citizens of the state and visitors thereto, are addressed in the 2019 Tualatin Parks and Recreation Master Plan into the Comprehensive Plan, also in 2019 (Ordinance 1427-19). The proposed amendments do not affect policies associated with recreational needs.

The proposed amendments conform to Goal 8.

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 do not affect policies, lands, or opportunities associated with Goal 9 established by the Comprehensive Plan.

The proposed amendments conform to Goal 9.

Goal 10 – Housing

To provide for the housing needs of citizens of the state.

Finding:

The proposed amendments are intended to update the Tualatin Development Code to comply with the requirements of HB 2001, which include providing for a greater diversity of housing opportunity in Tualatin. Compliance with Goal 10 for cities within the Portland Metropolitan Urban Growth Boundary, like Tualatin, is analyzed in greater detail through compliance with OAR Chapter 660 Division 7. Findings addressing this OAR are found below.

The proposed amendments conform to Goal 10.

Goal 11 – Public Facilities and Services

Finding:

The proposed amendments do not affect policies related to public facilities and services including water, sewer, and emergency services.

The proposed amendments conform to Goal 11.

Goal 12 – Transportation

Finding:

The proposed amendments do not include changes to the Comprehensive Plan or Development Code standards related to transportation. The only change to TDC Chapter 75 (Access Management) would update driveway width and spacing standards to reflect unique situations that can be presented with townhomes and attached dwellings. Because the proposed amendments are intended to implement the state's middle housing code requirements, OAR 660-046-0030 (Implementation of Middle Housing Ordinances) applies. This OAR provides that "When a local government amends its comprehensive plan or land use regulations to allow Middle Housing, the local government is not required to consider whether the amendments significantly affect an existing or planned transportation facility." Accordingly, the proposed amendments do not include an evaluation of middle housing dwelling types on the City's transportation system, though they are not anticipated to be "significant" as defined by Goal 12 and its implementing OAR.

The proposed amendments conform to Goal 12 and satisfy the applicable OAR requirements.

Goal 13 – Energy

Findings:

The proposed amendments do not include any changes that are related to or intended to impact Tualatin's land use regulations pertaining to energy consumption.

The proposed amendments conform to Goal 13.

B. Oregon Administrative Rules

OAR Chapter 660, Division 46 Middle Housing in Medium and Large Cities

660-046-0010 Applicability

- (1) A local government that is a Medium City or Large City must comply with this division.**
- (2) Notwithstanding section (1), a Medium or Large City need not comply with this division for:**
 - (a) Lots or Parcels that are not zoned for residential use, including but not limited to Lots or Parcels zoned primarily for commercial, industrial, agricultural, or public uses;**
 - (b) Lots or Parcels that are Zoned For Residential Use but do not allow for the development of a detached single-family dwelling; and**
 - (c) Lots or Parcels that are not incorporated and that are zoned under an interim zoning designation that maintains the land's potential for planned urban development.**

Finding:

The City of Tualatin is classified as a Large City based on population data from the 2020 US Census with a population of 27,942. The proposed amendments are designed to comply with the provisions of HB 2001 (OAR 660 Division 46). DLCDC staff has worked closely with the City and its consultant to ensure that the proposed amendments meet these requirements. Further, DLCDC was provided formal notice of the proposed amendments on October 14, 2021, and, to date, has not submitted comments.

The proposed amendments comply with OAR 660 Division 46.

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.**

[...]

Finding:

The proposed amendments would allow for the opportunity for new residential units to attached single housing and multi-family housing of up to four units in virtually all of its buildable residential lands. Further, Tualatin's Comprehensive Plan has previously been acknowledged as being in compliance with these sections. The proposed amendments are consistent with these requirements.

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 Middle Housing amendments would not impact the minimum residential density allocation for new construction which meet this standard. Tualatin’s Comprehensive Plan has previously been acknowledged as being in compliance with these sections. The proposed amendments are consistent with these requirements.

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.

[...]

Finding:

As discussed above under Goal 12, the proposed amendments are amendments to the City’s land use regulations. Because OAR 660-046-0030 (Implementation of Middle Housing Ordinances) applies, the proposed amendments are considered to not have a “significant” impact for the purposes of the above section. The proposed amendments are consistent with these requirements.

C. Metro Chapter 3.07, Urban Growth Management Functional Plan

**The following Chapters and Titles of Metro Code are applicable to the proposed amendments:
Chapter 3.07, Urban Growth Management Functional Plan**

Title 7 – Housing Choice

This voluntary section of the functional plan will ensure that all cities and counties in the region are providing opportunities for affordable housing for households of all income levels.

Finding:

The proposed amendments support the opportunity for additional development of housing types that may be affordable to households of all income levels. The proposed amendments are consistent with Title 7.

E. Tualatin Development Code

Chapter 32: Procedures

TDC 32.010. - Purpose and Applicability.

(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).

(e)

Type IV-B Procedure (Legislative Review). The Type IV-B procedure is used to review proposals to amend the Tualatin Comprehensive Plan, the City's land use regulations, and large-scale changes to the Comprehensive Plan or Plan Maps, and involve the creation, revision, or implementation of broad public policy. Type IV-B reviews are first considered by the Planning Commission, which makes a recommendation to City Council. City Council makes the final decision on a legislative proposal through the enactment of an ordinance. Appeals of Type IV-B decisions are heard by the Land Use Board of Appeals (LUBA).

(3)

Determination of Review Type. Unless specified in Table 32-1, the City Manager will determine whether a permit or application is processed as Type I, II, III, IV-A or IV-B based on the descriptions above. Questions regarding the appropriate procedure will be resolved in favor of the review type providing the widest notice and opportunity to participate. An applicant may choose to elevate a Type I or II application to a higher numbered review type, provided the applicant pays the appropriate fee for the selected review type.

Table 32-1—Applications Types and Review Procedures

EXPAND

Application/Action	Procedure Type	Decision Body*	Appeal Body*	Pre-Application Conference Required	Neighborhood/ Developer Mtg Required	Applicable Code Chapter
Plan Amendments						
• Legislative Map or Text Amendments	IV-B	CC	LUBA	No	No	TDC 33.070

* City Council (CC); Planning Commission (PC); Architectural Review Board (ARB); City Manager or designee (CM); Land Use Board of Appeals (LUBA).

Finding:

The proposed application is a text amendment to the Tualatin Development Code. The proposed amendments are legislative in nature as they apply to broad areas of the City, as opposed to specific properties. The proposed application is being processed in accordance with the Type IV-B procedures. These criteria are met.

TDC 32.250. - Type IV-B (Legislative Decisions).

Type IV-B decisions are legislative land use decisions made by the City Council. Legislative land use proceedings include proposals to amend the Tualatin Comprehensive Plan and zoning maps, and involve the creation, revision, or implementation of broad public policy generally impacting more than

one property owner or a large number of individual properties. The City Council may initiate its own legislative proposals at any time. Legislative requests are not subject to the 120-day review period under ORS 227.178. In most cases a public hearing is required. However, no public hearing is required in a legislative land use proceeding if the purpose of the amendment is to conform to new requirements in state land use statutes, Statewide Land Use Planning Goals, or administrative rules of the Oregon Land Conservation and Development Commission implementing state land use statutes or Statewide Land Use Planning Goals, if the Oregon Department of Land Conservation and Development confirms in writing that the only effect of the proposed change is to conform the City's Comprehensive Plan or land use regulations to the new state requirements. The Council may, in its discretion, hold a public hearing although one is not required.

(1) *Submittal Requirements—Type IV-B.* Legislative land use proceedings may be initiated by the City Council or City staff.

(2) *Notice of Public Hearing—Type IV-B.* Hearings on Legislative Land Use requests must conform to state land use laws (ORS 227.175), as follows:

(a) *DLCD Pre-Adoption Notice.* The City Manager will notify in writing the Oregon Department of Land Conservation and Development (DLCD) of legislative amendments (zone change, rezoning with annexation, or comprehensive plan amendment) in accordance with the minimum number of days required by ORS Chapter 197.

[...]

(c) *Other Public Notice.* In addition to any other notice required, at least 14 calendar days before the scheduled City Council public hearing date, the City must mail by regular first class mail Notice of a Public Hearing to the following individuals and agencies.

(i) Any affected governmental agency;

(ii) Any person who requests notice in writing;

(iii) For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175;

(iv) Designated representatives of recognized Citizen Involvement Organizations;

(v) For an amendment which affects the transportation system, ODOT and Metro; and

(vi) For a plan amendment or land use regulation amendment that significantly impacts school capacity, the Tigard-Tualatin School District.

(d) At least 14 calendar days before the scheduled City Council public hearing date, public notice must be provided by publication in a newspaper of general circulation in the city.

(e) At least 14 calendar days before the scheduled City Council public hearing date, public notice must be posted in two public and conspicuous places within the City.

[...]

Finding:

As discussed in response to the previous criterion, the proposed amendments are legislative in nature and have been processed consistent with the Type IV-B requirements. The City Council has initiated the proposed amendments, and City staff has followed the appropriate notification procedures including DLCD pre-notice, "other public notice," newspaper notice, and posted notice. These criterion are met.

(4) *Conduct of the Hearing—Type IV-B.* A Type IV-B land use hearing will follow the City's legislative hearing procedures. There can be pre-hearing contact between citizens and the decision makers on legislative matters. "Ex parte contact" is not a concern.

(5) *Notice of Adoption and Effective Date of a Type IV-B Decision.*

(a) Notice of Adoption must be mailed to the applicant, all participants of record, and the Department of Land Conservation and Development within 20 business days after the City Council decision is filed with the City Manager. The City must also provide notice to all persons as required by other applicable laws.

(b) A Legislative Land Use decision, if approved, takes effect and becomes final as specified in the enacting ordinance or, if not approved, upon mailing of the Notice of Adoption to the applicant.

Finding:

The City Council will hold a public hearing on December 13, 2021 to consider the Planning Commission's recommendation on the proposed amendments, consistent with the above requirements. If adopted, a notice of adoption will be mailed and effective consistent with the above provisions. These criteria can be met.

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 amendments are legislative in nature, in that they apply broadly across the City. The application has been processed consistent with the Type IV-B Review requirements in accordance with Chapter 32, which include publishing a newspaper notice at least 14 days prior to the City Council hearing, sending notice to the state DLCDC. These criteria have been satisfied.

(5) Approval Criteria.

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

Finding:

The proposed amendments are intended to satisfy the HB 2001 "middle housing" code requirements which applicable to Tualatin. The implementing rules for these requirements do allow cities the option to simply accept a "model code" in lieu of adopting a local code. Based on feedback from the community and Planning Commission and direction from the City Council, on its behalf staff applied for and received a grant award of code development assistance from a private consultant (MIG) to draft a code tailored to the needs of Tualatin. As discussed above, this draft code which resulted in the proposed amendments incorporated feedback from the community, Planning Commission and Council. Therefore, granting the proposed amendments, as opposed to having the state's model code apply, is in the public interest. This criterion is met.

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

Finding:

The public interest is best protected by granting the amendment at this time. As discussed at the previous criterion, the amendment is in the public interest. Failure to timely adopt the proposed amendments would result in application of the state's model code on July 1, 2022. Therefore, granting the proposed amendments at this time would leave a comfortable time buffer between their adoption and the ultimate requirements. Further, because the amendments also serve to satisfy existing Comprehensive Plan goals and policies around provision of a greater mix of housing types, they can also be seen as being timely, irrespective of the state's timeline for middle housing code adoption. This criterion is met.

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

Finding:

The proposed amendments are in conformity with the following applicable objectives of the Tualatin Community Plan, also known as the Comprehensive Plan:

- *POLICY 3.1.4 CLEAR AND OBJECTIVE REVIEW. Provide for clear and objective review standards for all residential development and redevelopment.*
- *POLICY 3.2.1 HOUSING TYPE DIVERSITY. Support development of townhomes, duplexes, triplexes, quadplexes, cottages, courtyard housing, accessory dwelling units, single story units, senior housing, and extended family and multi-generational housing in all residential zoning districts.*

The proposed amendments include changes the Development Code to eliminate existing code provisions that are not compliant with the “clear and objective review” objective. The proposed amendments are specifically designed to meet the requirements of HB 2001 as well as the “housing type diversity” objectives of the Comprehensive Plan by including the above listed housing types as Permitted uses in all residential zoning districts. Therefore, the proposed amendments are in conformity with the Tualatin Community Plan and this criterion is met.

(d) The following factors were consciously considered:

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

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

Finding:

The proposed amendments do not affect specific geographic areas of the City, and therefore do not impact nor are based on characteristics of areas of the city or suitability of the areas of the city for particular land uses and improvements. To the extent permitted by state law, the proposed amendments include design requirements for development of new middle housing based on the design standards for existing single family housing neighborhoods located within the City. Therefore, the various characteristics of the areas of the City were consciously considered. The proposed amendments require allowing for middle housing types in all residential areas of the City. Therefore, the suitability of areas for particular land uses was considered but these criterion are not applicable.

(iii) Trends in land improvement and development;

Finding:

The proposed amendments would implement HB 2001 Middle Housing for Large Cities. To the extent that the proposed amendments include the opportunity for a greater diversity of housing types throughout the City, particularly in areas where they might not have been outright Permitted, would help address needs identified in Tualatin’s 2019 Housing Need Analysis, which is the most recent and applicable evaluation of trends in land improvement and development with regard to housing. Therefore, the proposed amendments have consciously considered trends in land improvement and development and this criterion is met.

(iv) Property values;

Finding:

The proposed amendments do not directly impact or change property values. Instead, they do allow for a greater number of potential Permitted land uses on a given lot or parcel within the City, which may increase its value. However, because allowing for these additional housing types is required by the state rules, these factors were consciously considered but this criterion is not applicable.

(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:

The proposed amendments do not directly impact the needs of economic enterprises as they are not applicable in Employment areas of the City, and were consciously considered but this criterion is not applicable. Additionally, needed right-of-way and access for it to particular sites in the area was consciously considered, although the proposed amendments are legislative in nature and not site specific and therefore this criterion is not applicable.

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

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

Finding:

The proposed amendments do not impact natural resource protection nor application of requirements to future development, which would fully apply to any new development. Therefore, these factors were consciously considered but this criterion is not applicable.

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

Finding:

The proposed amendments do not impact regulations governing public need for healthful, safe, or aesthetic surroundings and conditions. As such, these factors were consciously considered but this criterion is not applicable.

(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:

Both Tualatin-Tigard and Sherwood School districts were provided notice of the proposed amendments in accordance with TDC Chapter 32. Neither district has submitted comments regarding the proposed amendments. There are no changes proposed that would increase or decrease the amount of residentially zoned property. Therefore, school district ability to accommodate any added residential capacity resulting from the proposed amendments was consciously considered.

(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:

Discussion of State of Oregon Planning Goals and applicable Oregon Administrative Rules is found in Sections II-A and B of these findings and find consistency. No map amendments or amendments to residential densities or housing types or to intensities of permitted non-residential uses are proposed. Therefore compliance and consistency with applicable state transportation planning regulations was consciously considered. 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 discussed in Section II-C of these findings. Therefore, these requirements were consciously considered. 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.

Finding:

The proposed changes do not impact level of service for transportation facilities. This factor was consciously considered but is not applicable.

(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 proposed changes do not impact objectives and policies regarding the above referenced utilities. These factors were consciously considered but this criterion is not applicable.