



**Analysis and Findings for
Norwood Multi-Family Plan Map Amendment and Text Amendment**

Case #:	PMA 23-0001 and PTA 23-0001
Project:	Norwood Multi-Family Plan Map and Text Amendment
Owner:	Horizon Community Church
Applicant:	Vista Residential Partners
Representative:	AKS Engineering & Forestry, LLC

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EXHIBITS

- Exhibit A: Application & Narrative
- Exhibit B: Existing and Proposed Zoning Maps
- Exhibit C: Proposed Development Code
- Exhibit D: Applicant Supplemental Memorandum
- Exhibit E: Transportation Impact Analysis
- Exhibit F: DKS Memorandum
- Exhibit G: Tualatin Engineering Memorandum
- Exhibit H: Utility Capacity Analysis
- Exhibit I: Murraysmith Water Capacity Memorandum
- Exhibit J: Preliminary Layouts & Maps
- Exhibit K: Supporting Documents
- Exhibit L: Arborist Report
- Exhibit M: Johnson Economics Needs Analysis
- Exhibit N: School Capacity Memorandum
- Exhibit O: Public Noticing

Norwood Multi-Family Map Amendment and Text
Amendment (PMA 23-0001 & PTA 23-0001)
Findings and Analysis

Exhibit P: Housing Needs Analysis (2019)

Exhibit Q: Housing Production Strategies (2021)

Exhibit R: Economic Opportunities Analysis (2019)

Exhibit S: Agency Comments

Exhibit T: Applicant Response to Agency Comments

Exhibit U: Byrom CIO Comments

Exhibit V: Planning Commission Comments

Exhibit W: Public Comments

Exhibit X: Draft Tualatin Planning Commission Meeting Minutes – April 20, 2023

I. INTRODUCTION

A. Applicable Criteria

Tualatin Development Code (TDC) Chapters 32 and 33; Tualatin Comprehensive Plan; Applicable Oregon Statewide Planning Goals; Applicable Oregon Administrative Rules including compliance with the Transportation Planning Rule; and Metropolitan Service District's Urban Growth Management Functional Plan.

B. Project Description

AKS Engineering & Forestry, LLC, on behalf of Vista Residential Partners and Property Owner, Horizon Community Church propose two land use applications located on a 9.2-acre site at 23370 SW Boones Ferry Road (Tax Lot: 2S135D000106).

Plan Text Amendment:

The requested Plan Text Amendment (PTA) would remove the locational factors from the High Density High Rise (RH-HR) purpose statement in Tualatin Development Code Section 44.100 and revise Table 44-3 to limit the structure height to 4 stories or 50 feet in the RH-HR zoning district south of Norwood Road, which would be applicable to the subject site.

Plan Map Amendment:

The requested Plan Map Amendment (PMA) would change the existing zoning from Medium Low Density Residential (RML) and Institutional (IN) to High Density High Rise (RH-HR). Future development would require submittal and approval of an Architectural Review application subject to compliance with design and siting standards applicable to the RH-HR District.

C. Site Description and Surrounding Land Use

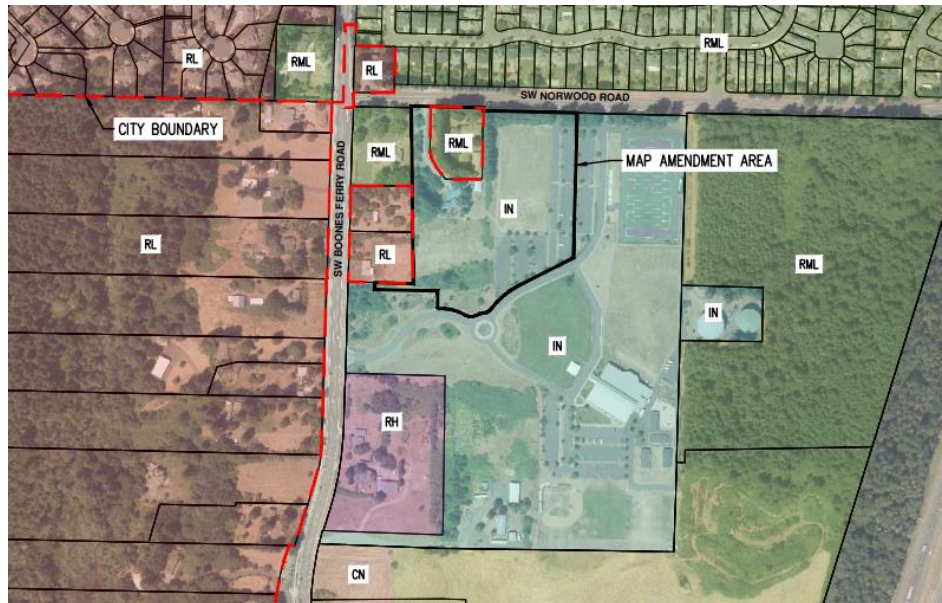


Figure 1 Surrounding Zoning and Land Use

The subject property is a 9.2-acre site located at 23370 SW Boones Ferry Road, which is east of SW Boones Ferry Road and South of SW Norwood Road. The property takes access from existing access

points on SW Boones Ferry and SW Norwood Road. The Horizon Community Church is located on the site with improved sports fields, parking areas, buildings, and access driveways. There are several open and unimproved areas throughout the site. An approximately 60-foot buffer of evergreen trees is located adjacent to SW Norwood road. Stormwater ponds are adjacent to the access driveway from SW Boones Ferry. 1-acre of the property is zoned Medium Low Density Residential (RML) and includes an existing detached single-family home on site. A portion of the site is within the Basalt Creek Planning Area.

D. Previous Land Use Actions

- AR 12-03 – Expired, Approval May of 2012
- AR 15-20 – Expired, Approval in September of 2019

E. Surrounding Uses

Surrounding uses include:

North: Medium Low Density Residential (RML)

- Norwood Heights Subdivision
- Pennington Heights Subdivision
- SW Norwood Road

South: Medium Low Density Residential (RML)/Neighborhood Commercial (CN)

- Autumn Sunrise Subdivision

West: High Density Residential (RH)/Unincorporated Lots with County FD-20 Zoning

- Plambeck Gardens Apartments
- Low Density Residential Properties Zoned County FD-20
- SW Boones Ferry Road

East: Medium Low Density Residential (RML)/Institutional (IN)

- Autumn Sunrise Subdivision
- City-Owned Water Tanks

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 Planning Commission reviewed the proposed amendment at a public meeting on April 20, 2023. The Tualatin Planning Commission voted 4-1 to recommend denial of both the Plan Text and Plan Map Amendments to the City Council. Comments from Commissioners have been included as Exhibit V “Planning Commission Comments”. The Planning Commission is the City’s acknowledged Committee for Citizen Involvement (CCI), in compliance with Goal 1.

In addition, the City has followed its acknowledged public notice procedures for quasi-judicial Comprehensive Plan Amendments, found in TDC 32.240. The procedures include mailed notice of the City Council hearing to surrounding property owners, publishing notice of the City Council hearing in the Tualatin Times, notice of the hearing to the Department of Land Conservation and Development (Exhibit O) at least 35 days prior to the first hearing, notice to affected government entities, and publicly posting notice of the hearing. Postcard land use application notices were sent to property owners on March 17, 2023 (Exhibit O). The Tualatin Times published the City Council public hearing notice on April 6, 2023 and April 13, 2023 (Exhibit O). The proposed amendment will be considered at a City Council at a public hearing on June 12, 2023.

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 serve as the basis for all decisions and actions related to use of land, including requirements to assure that an adequate factual basis is provided for those decisions and actions. The proposed amendment has been processed in accordance with these procedures.

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:

The proposed amendment does not modify the City’s existing open space and natural resources requirements or include any text amendment to the regulations for those Goal 5 resources regulated by Tualatin Development Code Chapter 71 (Wetlands Protection District) and Tualatin Development Code Chapter 72 (Natural Resource Protection Overlay District). All development would be reviewed under the Architectural Review (AR) process to ensure that new construction will be reviewed consistent with these requirements.

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 (CWS) coordinates storm water management, water quality and stream enhancement projects throughout the City. Future development would need to comply with national, state and regional regulations and protections for air, water and land resources. Tualatin has an acknowledged Comprehensive Plan that complies with this goal. All future development will be required to be reviewed consistent with these requirements.

Goal 7 – Areas Subject to Natural Disasters and Hazards

Finding:

Tualatin has an acknowledged Comprehensive Plan that complies with this goal. The proposed amendment does not modify the City's natural hazards requirements or existing goals and policies associated with Goal 7 established by the Comprehensive Plan. Future development would be required to be consistent with the applicable requirements of the Tualatin Development Code under Chapters 70 and 72.

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:

The proposed amendment does not affect policies associated with recreational needs. Any change to the existing recreational facilities will be reviewed as part of an Architectural Review and compliance with the Tualatin Development Code recreational facilities requirements.

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 amendment does not affect policies, lands, or opportunities associated with Goal 9 established by the Comprehensive Plan. There are no impacts on the inventory of commercial and industrial lands with the submission of this amendment. The major employment areas of the City are protected.

Goal 10 – Housing

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

Finding:

The proposed plan map amendment would change the zoning designation of the subject site from Medium Low Density Residential (RML) and Institutional (IN) to High Density High Rise (RH-HR). This change would allow a maximum of 30 units per acre for household living uses. Tualatin's 2019 Housing Needs Analysis (Exhibit P) identified a deficit of land zoned RH-HR as opposed to a surplus of land zoned

RML and IN.

The text amendment, as proposed, is consistent with OAR 660-007 (the Metropolitan Housing Rule) which is used by cities such as Tualatin that are within the Portland Metropolitan UGB to demonstrate compliance with Goal 10. Additional findings addressing OAR 660-007 are found below.

Goal 11 – Public Facilities and Services

Finding:

Land within the City of Tualatin is adequately served by public facilities and services. The amendment would encourage compact development and the use of existing services and facilities. The proposed amendment does not affect policies related to public facilities and services including water, sewer, and emergency services. Public facilities are addresses in Tualatin Development Code Chapter 33.070(5)(f)(h)(i), additional materials addressing this standard are provided in Exhibit E, F, G, H and I.

Goal 12 – Transportation

Finding:

The requirements of Goal 12 are addressed by compliance with Oregon Administrative Rule (OAR) Section 660-012-0060, also known as the Transportation Planning Rule or TPR. The proposed amendment's compliance with the TPR is addressed below under the applicable OAR Section.

Goal 13 – Energy

Finding:

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

Goal 14 – Urbanization

Finding:

The subject property is within the Urban Growth Boundary. The proposal does not contain any proposed modification to the Urban Growth Boundary or development outside of the Urban Growth Boundary.

B: Oregon Administrative Rules

OAR Chapter 660 Division 7 (Metropolitan Housing)

[...]

660-007-0045

Computation of Buildable Lands

(1) The local buildable lands inventory must document the amount of buildable land in each residential plan designation.

(2) The Buildable Land Inventory (BLI): The mix and density standards of OAR 660-007-0030, 660-007-0035 and 660-007-0037 apply to land in a buildable land inventory required by OAR 660-007-0010, as modified herein. Except as provided below, the buildable land inventory at each jurisdiction's choice shall either be based on land in a residential plan/zone designation within the jurisdiction at the time of periodic review or based on the jurisdiction BLI at the time of acknowledgment as updated. Each jurisdiction must include in its computations all plan and/or zone changes involving residential land which that jurisdiction made since acknowledgment. A jurisdiction need not include plan and/or zone changes made by another jurisdiction before annexation to a city. The adjustment of the BLI at the time of acknowledgment shall:

- (a) Include changes in zoning ordinances or zoning designations on residential planned land if allowed densities are changed;**
- (b) Include changes in planning or zoning designations either to or from residential use. A city shall include changes to annexed or incorporated land if the city changed type or density or the plan/zone designation after annexation or incorporation;**
- (c) The county and one or more cities affected by annexations or incorporations may consolidate buildable land inventories. A single calculation of mix and density may be prepared. Jurisdictions which consolidate their buildable lands inventories shall conduct their periodic review simultaneously;**
- (d) A new density standard shall be calculated when annexation, incorporation or consolidation results in mixing two or more density standards (OAR 660-007-0035). The calculation shall be made as follows:**

(A)

- (i) BLI Acres x 6 Units/Acre = Num. of Units;**
- (ii) BLI Acres x 8 Units/Acre = Num. of Units;**
- (iii) BLI Acres x 10 Units/Acre = Num. of Units;**
- (iv) Total Acres (TA) - Total Units (TU).**

(B) Total units divided by Total Acres = New Density Standard;

(C) Example:

- (i) Cities A and B have 100 acres and a 6-unit-per-acre standard: (100 x 6 = 600 units); City B has 300 acres and a 10-unit-per-acre standard: (300 x 10 = 3000 units); County has 200 acres and an 8-unit-per-acre standard: (200 x 08 = 1600 units); Total acres = 600 - Total Units = 5200.**
- (ii) 5200 units divided by 600 acres = 8.66 units per acre standard.**

(3) Mix and Density Calculation: The housing units allowed by the plan/zone designations at periodic review, except as modified by section (2) of this rule, shall be used to calculate the mix and density. The number of units allowed by the plan/zone designations at the time of development shall be used for developed residential land.

660-007-0050

Regional Coordination

(1) At each periodic review of the Metro UGB, Metro shall review the findings for the UGB. They shall determine whether the buildable land within the UGB satisfies housing needs by type and density for the region's long-range population and housing projections.

(2) Metro shall ensure that needed housing is provided for on a regional basis through coordinated comprehensive plans.

660-007-0060

Applicability

(1) The new construction mix and minimum residential density standards of OAR 660-007-0030 through 660-007-0037 shall be applicable at each periodic review. During each periodic review local government shall prepare findings regarding the cumulative effects of all plan and zone changes affecting residential use. The jurisdiction's buildable lands inventory (updated pursuant to OAR 660-007-0045) shall be a supporting document to the local jurisdiction's periodic review order.

(2) For plan and land use regulation amendments which are subject to OAR 660, Division 18, the local jurisdiction shall either:

(a) Demonstrate through findings that the mix and density standards in this Division are met by the amendment; or

(b) Make a commitment through the findings associated with the amendment that the jurisdiction will comply with provisions of this Division for mix or density through subsequent plan amendments.

Finding:

In 2019, the City of Tualatin completed a Housing Needs Analysis (HNA) which included a computation of the City's residential buildable lands inventory (BLI) (Exhibit P). The BLI analysis complied with statewide planning Goal 10 policies that govern planning for residential uses. Consistent with these sections, the detailed methodology used to complete the buildable lands inventory is presented in Appendix A of the HNA (Exhibit P).

OAR 660 Division 12 (Transportation Planning)

OAR 660-012-0060

Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

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

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

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP.

As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional

- classification of an existing or planned transportation facility;
- (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan;**
- or
- (C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.**

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

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

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

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

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

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

(A) The provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, even though the improvements would not result in consistency for all performance standards;

(B) The providers of facilities being improved at other locations provide written statements of approval; and

(C) The local jurisdictions where facilities are being improved provide written statements of approval.

(3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:

(a) In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;

(b) Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;

[...]

(4) Determinations under sections (1)–(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.

(a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.

(b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:

(A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.

(B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.

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

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

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

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

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

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

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

(A) Planned interchange means new interchanges and relocation of existing interchanges

**that are authorized in an adopted transportation system plan or comprehensive plan;
(B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and
(C) Interstate interchange area means:**

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

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

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

[...]

Finding:

The applicant proposed an amendment to the Comprehensive Plan and Zoning Map designation of the subject property as Tualatin is a single-map Comprehensive Plan/Zoning Map jurisdiction. The proposed plan amendment would increase the maximum density from 25 units per acre (townhouses) under the current Medium Low Density Residential (RML) zoning to a maximum of 30 units per acre (household living uses) under the High Density High Rise Zone (RH-HR).

The applicant provided a review of Oregon’s Transportation Planning Rule (TPR) (OAR 660-012-0060) and a trip generation analysis by Lancaster Mobley included in Exhibit E. The review identified the proposed amendment would impact an existing transportation facility. Specifically, the applicant identified the intersection of SW Norwood Road and SW Boones Ferry Road as failing. Staff note that the applicant’s TPR analysis, which was reviewed and concurred by DKS Associates, indicated that this intersection would ultimately fail, with or without the proposed plan map amendment, unless a traffic signal is installed at the intersection of SW Norwood Road and SW Boones Ferry Road. The applicant’s analysis stated all study intersections show operational results that meet standards under all analysis scenarios except the intersection of SW Norwood Road and SW Boones Ferry Road if it remains unsignalized.

On behalf of the City of Tualatin, DKS Associates evaluated the applicant’s TPR analysis and mitigation recommendation (Exhibit F). DKS Associates agreed with the applicant’s TPR analysis findings and that the construction of a traffic signal would be an adequate mitigation measure to address the failing intersection of SW Boones Ferry Rd and SW Norwood Road. DKS Associates also stated the intersection should include a separate striped westbound left turn lane for safety reasons, consistent with the functional classification. It is recommended the westbound left turn run on a separate phase to protect the pedestrians on the south crosswalk, which is directly adjacent to a transit stop. A leading pedestrian interval could also be used and a northbound right turn overlap could be implemented to shorten the right turn queue length.

The application of the reasonable worst-case analysis must be performed to show no significant impact of the zone change per the Transportation Planning Rule. The trip generation comparison for the zone change shows the reasonable worst-case build-out of the two subject parcels under both the existing and proposed zoning. Overall the trip generation comparison shows a decrease of 157 trips in the AM peak hour due to less contributing school traffic and an increase of 60 trips in the PM peak hour. There is an increase of 636 daily trips which is over the 450 trip threshold set by ODOT which requires operational analysis to

determine if there are significant impacts from this zone change.

Operations analysis was performed for the existing and proposed zoning scenarios under year 2040 conditions. The study intersections generally performed slightly better in the AM peak hour and the same or slightly worse in the PM peak hour under the proposed zoning. Under both zoning scenarios, the intersection of Boones Ferry Road/Norwood Road would fail without signalization. This triggers OAR 660-012-0060 section (1)(c)(C). With signalization, the intersection performs at LOS B and v/c ratio 0.73 under the proposed zoning. Thus, with the proposed mitigation of signalization, the analysis concluded the significant effect due to the proposed zoning change is mitigated per OAR 660-012-0660(2)(d).

The City of Wilsonville submitted comments (Exhibit S) that stated the proposal does not provide sufficient analysis of the Level of Service impact at City of Wilsonville-owned intersection at SW Boones Ferry Road/SW Day Road. The City of Wilsonville stated the traffic report should be updated throughout to compare to the City of Wilsonville LOS D standard at this intersection. The City of Wilsonville supplied an analysis by DKS Associates that stated it appears reasonable that 45-50% of project-generated traffic will travel through Wilsonville, including this intersection. The comments also stated the Basalt Creek Parkway Extension has not secured funding, the TRP analysis should also include analysis of study intersections without the Basalt Creek Parkway construction. The intersection of SW Boones Ferry Road/SW 95th Avenue should be added to the analysis. The comments stated the documentation should provide an updated analysis of the total planned trip generation in the Basalt Creek planning area under Tualatin's jurisdiction compared to previous trip caps agreed to between Tualatin and Wilsonville during the Basalt Creek concept planning. The applicant provided a memorandum from Lancaster Mobley in response to the City of Wilsonville comments in Exhibit T.

ODOT submitted comments (Exhibit S) that stated the TIA submitted by Lancaster Mobley dated September 20, 2021 with the Autumn Sunrise Subdivision application, showed that the new development would contribute traffic volume to the I-5 southbound off ramp at the Elligsen Rd interchange. Therefore, ODOT has determined that the proposed plan amendment and subsequent development will likely add traffic to the I-5 interchange at Elligsen Rd. The comments also stated the 2018 RTP project (11489) proposes to construct a second right-turn lane on the southbound off-ramp. Since the project is on the RTP financially constrained project list, it can be assumed to be in place for the purposes of this plan amendment. The RTP project acknowledges that "conditions are currently congested" and suggests that the time period for the improvement is 2028-2040. Funding for the project has not been committed to date. ODOT also stated that future development of the site will contribute traffic volumes to the I-5 southbound off-ramp, ODOT recommends that the future development be required to prepare a TIA that includes the I-5 interchange at Elligsen Rd. ODOT intends to recommend that the future development of this site contribute its proportionate share of its contribution to interchange improvements. This recommendation is consistent with ODOT comments submitted for the Autumn Sunrise Subdivision dated October 28, 2021. The applicant provided a memorandum from Lancaster Mobley in response to the ODOT comments in Exhibit T.

Should the Council approve the subject applications, staff recommends a condition of approval requiring the applicant to contribute a proportional share to the City of Tualatin for future construction of the identified transportation system improvements in RTP project (11489) for the proposal to construct a second right-turn lane on the I-5 southbound off-ramp prior to Certificate of Occupancy.

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

Finding:

Metro's Urban Growth Management Functional Plan is established in Metro Code as Section 3.07. The following Functional Plan sections are applicable to the proposed plan and map amendments:

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

- *The proposed amendment would create a High Density High Rise (RH-HR) zone that permits multi-family housing at 26-30 units an acre from the current zoning of Medium Low Density (RML) and Institutional (IN). Page 3 of the applicant's narrative (Exhibit A) cited Tualatin's Housing Needs Analysis (HNA) (Exhibit P) and stated there is a surplus in Low Density Residential (RL), Medium Low Density Residential (RML), and High Density Residential (RH) designations in the City of Tualatin. As there are currently no buildable acres of RH-HR lands, a deficit of 101 dwelling units is shown. After the proposed plan map amendment, there would still be a surplus of RML land and there would no longer be a deficit of RH-HR land. The applicant stated the proposed amendment does not seek to adjust minimum or maximum densities or uses required by the RH-HR zone. The proposed map and plan text amendment changes also do not decrease housing supply, density, or capacity within the City of Tualatin.*

Title 2 – Regional Parking Policy: repealed.

Title 3 – Water Quality and Flood Management: protects Water Quality and Flood Management Areas.

- *Water Quality and Flood Management are addressed in Tualatin Development Code Chapters 70, 71, and 74. No amendments are proposed to these chapters. No physical development is proposed with this application for the plan map and text amendment. Although there are no known or identified resources existing on the subject site, it would be further examined for natural resources with future development of the site through an Architectural Review. Future development of the site would need to comply with local, regional, state, and federal requirements for the protection of air, water, and land resources.*

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

- *The site is currently zoned to allow Medium Low Density (RML) and Institutional (IN) uses. While the area was previously designated by Metro as an Industrial Area (Title 4, Industrial and Other Employment Areas map), the proposed map and text amendments do not diminish the industrial or commercial capacities of the City because the area was not zoned for industrial or commercial uses by the City of Tualatin.*

Title 5 - Neighbor Cities and Rural Reserves: repealed

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

- *The subject site is not a Regional Center, Town Center, Station Community or Main Street.*

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

- *The proposed plan map amendment would permit multi-family housing at 26-30 units an acre. Page 29 of the applicant’s narrative stated the amendments do not prohibit regulated affordable housing on the project site. The applicant submitted a supplemental memorandum (Exhibit D) that provided a voluntary condition to commit to restrict 10% of the proposed units so they are affordable to workforce/middle income households earning 80% of area median income (AMI) or median family income (MFI) for 15 years. The amendments will allow for the development of multifamily dwelling units, which provide additional housing choices; choices that are more affordable than detached single-family housing. The applicant cited Tualatin’s Housing Needs Analysis (Exhibit P) recommendation that the City provide all types of housing, including market-rate multifamily housing.*

Title 8 – Compliance Procedures: ensures all cities & counties are equitably held to the same standards.

- *The City of Tualatin continues to partner with Metro to comply with the Functional Plan.*

Title 9 – Performance Measures: repealed.

Title 10 – Functional Plan Definitions.

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

- *The proposed High Density High Rise (RH-HR) zone subject site is not on land eligible for annexation into the City of Tualatin; therefore amendments do not affect planning areas outside of the UGB.*

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

- *The site of the proposed plan map amendment would be adequately serviced by existing and proposed infrastructure and services. Infrastructure and public services are discussed in greater detail under the findings for TDC 33.070(5)(i).*
- *The proposed text amendment would limit the height of structures on the subject site to 50 feet or four stories to make the aesthetic of the site compatible with surrounding uses. The applicant has proposed a 60-foot landscape buffer along SW Norwood Rd for additional screening.*

Members of the Byrom Community Involvement Organization (CIO) Executive Board provided comments in response (Exhibit U) that argue the proposed project, as well as, the building of any high rise developments in Tualatin is not needed due to Tualatin’s forecasted housing needs outlined in the 2040 Comprehensive Plan. The Byrom CIO argues that the proposed apartments are contradictory to the Metropolitan Service District’s Urban Growth Management Functional Plan, specifically Title 12: Protection of Residential Neighborhoods and Title 13 Nature in Neighborhoods. The CIO stated that South Tualatin has already experienced a reduction in healthful, safe and aesthetic surrounding due to the tree removal from the neighboring Autumn Sunrise subdivision. The comments stated the removal of additional trees as a result of the proposed Norwood project would further reduce the healthful, aesthetic surroundings of South Tualatin.

The applicant voluntarily proposes to preserve the 60-foot-wide buffer of Douglas-fir trees south of Norwood Road. The applicant has also submitted a supplemental memorandum (Exhibit D) that provided

additional voluntary conditions to build a sustainable apartment project that meets a US Green Building Council LEED green building standard. The memorandum stated a LEED-certified building saves money, improves efficiency, lowers carbon emissions, enhances resilience, and supports a more equitable community. In addition, the applicant also proposed to construct 40 electric vehicle charging stations onsite.

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

- *Protection of natural resources are addressed in Chapter 72 of the Tualatin Development Code. In addition, sites are reviewed for the presence of natural resources and are reviewed by Clean Water Services at the time of development. No physical development is proposed with this application for the plan map and text amendment. Although no known or identified resources existing on the subject site, it would be further examined for natural resources with future development of the site through an Architectural Review. Future development of the site would need to comply with local, regional, state, and federal requirements for the protection of air, water, and land resources. No amendments to this chapter are proposed under this application.*

Members of the Byrom Community Involvement Organization (CIO) Executive Board provided comments in response (Exhibit U) that argue the proposed project, as well as, the building of any high rise developments in Tualatin is not needed due to Tualatin’s forecasted housing needs outlined in the 2040 Comprehensive Plan. The Byrom CIO argues that the proposed apartments are contradictory to the Metropolitan Service District’s Urban Growth Management Functional Plan, specifically Title 12: Protection of Residential Neighborhoods and Title 13 Nature in Neighborhoods. The CIO that stated a forest was removed to build the neighboring development, Autumn Sunrise, and what remains of the forest is on the subject site. The comments stated the City has provided no evidence that protection and conservation of natural resources was considered in the proposed map amendment. The comments noted the proposed text amendment could have a reaching impact on natural resources through the city if it enables remaining natural land to be developed as high rise apartments. Public comments (Exhibit W) have been received in reference to the loss of trees along SW Norwood Road due to nearby development. Concerns have been raised regarding the habitats of local animals and birds. However, none of these features are listed as natural resources of the City.

The applicant voluntarily proposes to preserve the 60-foot-wide buffer of Douglas-fir trees south of Norwood Road. The applicant has also submitted a supplemental memorandum (Exhibit D) that provided additional voluntary conditions to build a sustainable apartment project that meets a US Green Building Council LEED green building standard. The memorandum stated a LEED-certified building saves money, improves efficiency, lowers carbon emissions, enhances resilience, and supports a more equitable community. In addition, the applicant also proposed to construct 40 electric vehicle charging stations onsite.

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

- *No amendments are proposed to the UGB under this application.*

D: Tualatin Comprehensive Plan

Chapter 1 – Community Involvement:

POLICY 1.1.3. Conduct the planning process with adequate input and feedback from citizens in each affected neighborhood.

Finding:

The applicant provided evidence that an in-person Neighborhood/Developer Meeting was held on October 25, 2022, that discussed the proposed plan map and plan text amendments (Exhibit K). The meeting was held and noticed in accordance with TDC 32.120. As a land use application requiring a Type IV-A procedure, an advisory recommendation was sought before the Tualatin Planning Commission prior to the City Council meeting. On April 20, 2023, the Tualatin Planning Commission voted 4-1 to recommend denial of both the Plan Text and Plan Map Amendments. Comments from Commissioners are included in Exhibit V. City staff issued public notice and request for comment in accordance with the noticing procedures outlined in TDC 32.240 and included as Exhibit O.

Chapter 3 – Housing & Residential Growth:

GOAL 3.1 HOUSING SUPPLY. Ensure that a 20-year land supply is designated and has urban services planned to support the housing types and densities identified in the Housing Needs Analysis.

Finding:

Plan Map Amendment: *Tualatin’s 2019 Housing Needs Analysis (HNA) identified a deficit of land designated for housing in the High Density High Rise (RH-HR) residential comprehensive plan designations. The HNA reported 4 acres of RH-HR zoning are needed to provide additional housing in the City. There are existing properties identified for RH-HR zoning on the City’s Comprehensive Map. The current RH-HR area is generally located south of SW Tualatin Road and is constrained by public ownership, lack of direct public access and environmental factors such as the existing wetlands and floodplains. The HNA has considered the land to be unbuildable and is not considered available for additional housing. The proposed map amendment would provide a ±9.2-acre site to support the housing types and densities identified within the HNA. The HNA forecasts that multifamily units will provide 45 percent (456 dwelling units) of the 1,014 dwellings that are needed in Tualatin between 2020 and 2040.*

Page 8 of the applicant’s narrative (Exhibit A) provided information from the Tualatin Housing Production Strategy (HPS) that presented a housing strategy for the implementation of Tualatin’s HNA. The applicant’s narrative highlighted HPS Actions 1.2 “Evaluate opportunities to rezone land to provide additional opportunities for multifamily housing development”, 5.1 “Identify districts within Tualatin with opportunities for redevelopment for housing and employment uses” and 5.2 “Support redevelopment of underutilized commercial buildings for housing”. The applicant stated the proposed plan map amendment aligns with the cited actions of the HPS.

The applicant supplied a memorandum from Johnson Economics, LLC (Exhibit M) that concluded the housing need forecasted in the 2019 HNA for 1,014 units is understated for a 20-year timeframe. From the data supplied on page 11 of the Johnson Economics memorandum, the local demand is outpacing the HNA forecast. The memorandum highlighted the summary of actions of the 2019 Tualatin Housing Strategy (Exhibit Q) that are applicable to the proposed zone change application, Strategy 1 “Ensure an adequate supply of land is available and serviceable”, Recommendation 1.2b “Evaluate opportunities to re-zone Residential Low Density and Residential Medium Low Density residential land for higher-density housing”,

Strategy 3 “Support development and preservation of housing that is affordable for all households” and Action 3.2 “Develop policies to support development of housing affordable to people who have income between 60% and 120% of MFI (\$48,900 to \$98,000 for a household of four in Washington County) and live and work in Tualatin”. The memorandum reported the adopted strategies identified are supportive of rezoning residential lands to allow greater housing density. Action 3.2 also encouraged the development of market rate rental housing which is typically affordable to middle-income households, and having higher density supplies would supply more units for these households.

The Johnson Economics memorandum included additional key findings from the 2021 Tualatin Housing Production Strategy (Exhibit Q) that are applicable to the proposed zone change application such as, “Tualatin needs increased housing diversity”, “Tualatin needs greater housing affordability and availability to renters” and “Housing is needed for people who live and work in Tualatin”. The Johnson Economics memorandum also identified barriers to the development of needed housing within the City of Tualatin as identified in the HPS. One barrier cited was land for housing and quoted, “Scarcity of vacant land, especially for multifamily development is one of Tualatin’s primary barriers to development of needed housing”. The other barrier mentioned was the complexity and expense of redevelopment. The provided memorandum listed the following goal and strategic actions adopted with the HPS that would be addressed in the proposed map amendment; Goal 11 “Increase housing development opportunities through regulatory and zone changes to accommodate a diverse range of housing types and price points to meet the housing needs in Tualatin”, Action 11a “ Evaluate updating density standards for multifamily housing in medium-density, high-density, and mixed use zones”, and Action 11b “Evaluate opportunities to rezone lower-density residential land to higher density”. The Johnson Economics memorandum concluded the findings of the HNA and HPA are supportive of rezoning lower density residential land and encouraging housing opportunities for households at middle income, many of whom are typically served by market-rate rental apartments.

On April 20, 2023, the Tualatin Planning Commission voted 4-1 to recommend denial of both the plan text and plan map amendments to the City Council. The Planning Commission found that Comprehensive Plan Goal 3.1 was not met due to the plan map amendment creating a surplus of RH-HR zoned lands. The HNA identified a deficit of 4 acres of RH-HR zoning and the proposed plan map amendment would provide 9.2 acres of RH-HR land resulting in a surplus. Planning Commissioner comments are attached as Exhibit V.

Members of the Byrom Community Involvement Organization (CIO) Executive Board provided comments in response (Exhibit U) that stated the approved and in development housing units in Tualatin that have yet to be occupied units are well in excess of the anticipated need of the city by 2040. The comments stated it is not critical or necessary to change the restriction on residential high rises at this time. The CIO stated there should not be urgency for additional housing in Tualatin when compared to other cities. Additional public comments (Exhibit W) have been received that express similar concerns that the City is ahead of the 2019 Housing Needs Analysis and that the City’s growth will outpace the available supporting infrastructure.

The applicant submitted a supplemental memorandum (Exhibit D) providing a legal argument that the Housing Needs Analysis is the floor, not the ceiling for needed housing. The applicant further argued the HNA is not an adequate evidentiary basis to limit additional housing. The applicant cited the Johnson Economics memorandum (Exhibit M) that noted that cities are not bound by the forecasts adopted in an HNA if reality outpaces the forecast. The number of units forecasted is a floor, not a statutory ceiling beyond which more permits cannot be issued. If the population growth exceeds the forecast in the HNA (the memorandum notes it already has), the City is not obligated to put limits on growth to conform to the HNA. The memorandum said the HNA (with dated information) demonstrated a need for additional RH-HR zoned land. The updated population date indicated that the need is even greater than projected.

Plan Text Amendment: *The proposed text amendment would remove the zoning district locational language from the purpose statement of Chapter 44 of the Tualatin Development Code. The applicant's narrative (Exhibit A) stated the areas where RH-HR areas are currently designated within the City are considered unbuildable by the HNA – meaning that they are not considered available for additional housing. The text amendment would allow RH-HR to be permitted on other properties with access to facilities, services, and without the constraints of the wetlands, floodplains and lack of public access. Application of the RH-HR zoning to areas of the City other than the subject site would still be required to go through the Plan Map Amendment process, including requirements that the location meet the specific suitability criteria of TDC 33.070.*

Public comments were received (Exhibit W) that express concerns that by allowing the RH-HR zoning designation to be applied to lands outside of Tualatin's downtown will "open the door" to high density high rise buildings throughout the city limits.

The applicant provided a supplemental memorandum (Exhibit D) which stated the approval of the proposed Text Amendment will not result in the construction of high-rises all over the City. Rather, the Text Amendment will remove the current locational requirement of the RH-HR zone that restricts the zone to a very small unbuildable part of the City. This will simply allow the City flexibility to locate higher density residential uses where it concludes that the approval criteria are met. A Map Amendment application, which is only approvable by the City Council, would need to be approved through a public process for each site where a rezoning is desired.

POLICY 3.1.1 DENSITY. Maintain a citywide residential density of at least eight (8) dwelling units per net acre.

Finding:

Plan Map Amendment: *OAR 660-007 requires that Tualatin provide the opportunity for the development of housing at an overall average density of eight dwelling units per net acre. The High Density High Rise (RH-HR) zoning requires a density between 26 and 30 dwelling units per acre for household living uses. The proposed plan map amendment would increase the City's residential land supply and contribute to the minimum target density provisions.*

Members of the Byrom Community Involvement Organization (CIO) Executive Board provided comments in response (Exhibit U) that stated the approved and in development housing units that have yet to be occupied units are well in excess of the anticipated need of the city by 2040. The comments stated it is not critical or necessary to change the restriction on residential high rises at this time. The CIO stated there should not be urgency for additional housing in Tualatin when compared to other cities. Additional public comments (Exhibit W) have been received that express similar concerns that the City is ahead of the 2019 Housing Needs Analysis and that the City's growth will outpace the available supporting infrastructure.

The applicant submitted a supplemental memorandum (Exhibit D) providing a legal argument that the Housing Needs Analysis is the floor, not the ceiling for needed housing. The applicant further argued the HNA is not an adequate evidentiary basis to limit additional housing. The applicant cited the Johnson Economics memorandum (Exhibit M) that noted that cities are not bound by the forecasts adopted in an HNA if reality outpaces the forecast. The number of units forecasted is a floor, not a statutory ceiling beyond which more permits cannot be issued. If the population growth exceeds the forecast in the HNA (the memorandum notes it already has), the City is not obligated to put limits on growth to conform to the HNA.

The memorandum said the HNA (with dated information) demonstrated a need for additional RH-HR zoned land. The updated population date indicated that the need is even greater than projected.

Plan Text Amendment: *The proposed text amendment would remove the zoning district locational language from the purpose statement of Chapter 44 of the Tualatin Development Code. The existence of the locational language does not allow the RH-HR zoning to be permitted in a location that is considered buildable. The text amendment would allow RH-HR to be permitted on other properties with access to facilities, services, and without the constraints of the wetlands, floodplains and lack of public access.*

POLICY 3.1.2 ZONING FOR MULTIFAMILY. Provide zoning for multifamily development, which may be located in areas adjacent to transit.

Finding:

Plan Map Amendment: *Page 10 of the applicant's narrative (Exhibit A) cited Tualatin's Housing Needs Analysis, which stated there are no areas of High Density High Rise (RH-HR) zoning that are considered available for additional housing. Although the above policy does not require that zoning for multifamily development be provided in areas located adjacent to transit, the location of the proposed map amendment is adjacent (within ¼ mile or less) to Trimet Bus Route 96 which is located along SW Boones Ferry Road.*

Public comments have been received (Exhibit W) that express concerns that the Trimet Bus Route 96 is not a reliable or adequate transportation option. Comments have suggested the RH-HR zoning designation should remain in locations in downtown Tualatin to access the WES Commuter Rail.

The applicant submitted a supplemental memorandum (Exhibit D) that stated the apartment project would provide a tangible incentive for the City of Tualatin, Washington County, and Trimet to discuss and implement service improvements to Bus Route 96.

Plan Text Amendment: *The proposed text amendment would remove the zoning district's locational language from the purpose statement of Chapter 44 of the Tualatin Development Code. The removal of this language would allow the City to apply the RH-HR zoning for multifamily development beyond the locational limits of the current code. This would include other sites that could be zoned for multi-family development and also adjacent to transit that are outside of the current permitted locations.*

GOAL 3.2 HOUSING FOR ALL. Encourage development and preservation of housing that is affordable for all households in Tualatin.

Finding:

Plan Map Amendment: *Page 10 of the applicant's narrative (Exhibit A) cited Tualatin's 2019 Housing Needs Analysis which identified the need for a higher percentage of multifamily dwelling units (45% of new housing) to meet the demographics of the City and to increase housing affordability. The applicant stated that for rent apartments are an affordable alternative to buying a home and that without an additional supply of residential rental units the demand would continue to raise rents and make renting less affordable in Tualatin. The plan map amendment would permit a density of 26-30 units per acre for multi-family housing.*

The applicant provided a memorandum from Johnson Economics (Exhibit M) that stated the rental housing market in Tualatin is strong and supportive of the continued development of market-rate rental supply. The

memorandum reported that average rents have climbed steadily over the past decade while the vacancy rate has fallen resulting in a tight supply of available units, increasing rent levels, and less choice for renters among properties. Johnson Economics concluded that the new housing supply would help to alleviate rent increases and help renter households remain in the community.

Public comments were received (Exhibit W) that state the proposed apartments would not be affordable housing. Commenters have stated the proposed rents are higher than the mortgage they currently pay on a single family detached home.

The applicant submitted a supplemental memorandum (Exhibit D) that provided a voluntary condition to commit to restrict 10% of the proposed units so they are affordable to workforce/middle income households earning 80% of area median income (AMI) or median family income (MFI) for 15 years. The memorandum stated there is a need for middle income housing in Tualatin. According to ECONorthwest's Draft Equitable Funding Action Plan dated April 2023 approximately 47% of renters in Tualatin are cost burdened compared to 17% of homeowners. Middle income housing is attainable for people who earn too much to qualify for government-subsidized affordable housing (e.g., "Affordable Housing" targeted at households that earn <80% of MFI), but that become cost burdened with housing targeted toward the upper end of the market, such as detached single family homes. The applicant has stated the apartments planned for the site will be market rate units, however this does not mean that the project will provide only high income housing opportunities. Instead, because of the housing type, range of unit sizes and characteristics offered, the project will include housing affordable to a range of households, including middle income/workforce households earning between 80% and 120% of MFI. The applicant concluded the project will include housing that is affordable to middle income households, and that even new apartments that are not targeted at middle income households are beneficial because increased supply tends to lower rents on existing units. Additional options for renters will help increase affordability and reduce their rent burden. The memorandum also noted it is important to avoid comparing what one may be paying on their mortgage to current rental rates. The accurate comparison is the cost to buy a home today vs. the cost of renting an apartment today. If one has lived in their home for years, due to rapid appreciation, the purchase price they paid is likely significantly lower than the value of their home today. Additionally, their associated historic mortgage rate is likely significantly lower than what is available today (e.g., 30 year mortgage rates below 4% in the 2010s and into the pandemic compared to current rates of over 6%).

Plan Text Amendment: *The proposed text amendment would remove the zoning district locational language from the purpose statement of Chapter 44 of the Tualatin Development Code. The existence of the locational language does not allow the RH-HR zoning to be permitted in a location that is considered buildable. The text amendment would allow RH-HR to be permitted on other properties with access to facilities, services, and without the constraints of the wetlands, floodplains and lack of public access.*

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.**

Finding:

Page 11 of the applicant's narrative (Exhibit A) stated the proposed plan map and text amendment would increase the supply of renter occupied housing and the diversity of housing types within the City of Tualatin by allowing the construction of apartment housing.

Plan Map Amendment: *The proposed plan map amendment would change the subject site zoning from*

Institutional (IN) and Medium Low Density Residential (RML) to High Density High Rise (RH-HR). The proposed map amendment could allow for the construction of up to 276 housing units on the ±9.2-acre site,

Public comments have been received (Exhibit W) that state the proposed apartment project does not support the housing diversity types listed in Policy 3.2.1 as it is not proposing to construct townhomes, duplexes, triplexes, quadplexes, cottages, courtyard housing, accessory dwelling units, single story units, senior housing, or multi-generational housing.

The applicant provided a supplemental memorandum (Exhibit D) which stated the 2019 HNA identified a goal of having at least 45% of new residential units be multifamily apartments in order to increase the availability of rental units within the City. The HNA identified that the RH-HR zone is a suitable zone for providing needed multifamily housing because that zone's allowed densities are an efficient use of a limited supply land. The memorandum stated the City has a current limited range of housing and the lack of apartments constructed in recent years. (Only three market rate projects of larger than 50 units have been approved in Tualatin since 2003. See Exhibit B.) Two-thirds of the City's existing housing stock is single-family detached housing, which typically is only available to those with higher incomes, especially because today's higher mortgage rates have significantly impacted home buying affordability. This reality limits the City's ability to attract new residents that will add to the Tualatin's desired diversity and limit the ability to achieve its equity and inclusion goals. This also limits young families from making Tualatin home, which is critical to support the existing schools. The applicant concluded Multifamily housing options help provide housing options for both underrepresented groups and young families.

Plan Text Amendment: *The plan text amendment would allow the City to apply the RH-HR zoning for multifamily development on properties without the constraints of the current available land inventory for RH-HR lands such as wetland habitats and floodplains.*

Public comments were received (Exhibit W) that express concerns that multi-story apartment housing will look out of place outside of Tualatin's downtown area and in close proximity to the low density residential zone.

The applicant provided a supplemental memorandum (Exhibit D) in response which stated the RH-HR zone description unfortunately uses the term "high rise." Typically, a density of 30 units to the acre (the maximum allowed in this zone) can be achieved in four story buildings. Four story buildings are considered "low rise" under the building code. This application includes a Text Amendment to limit the height of this site to four stories, or 50 feet, whichever is less. The RH-HR density maximum, which provides the greatest efficiency and affordability, is still achievable with this height limitation. The four-story height also preserves area for a tree buffer along Norwood and for sufficient parking with a 1.65 parking ratio that exceeds the City's minimum standards.

GOAL 3.5 HOUSING AND TRANSPORTATION. Encourage development and redevelopment in Tualatin that supports all modes of transportation, including walking, biking and mass transit.

Finding:

The location of the proposed plan map amendment is near the intersection of SW Boones Ferry Road, SW Norwood Road, and the future extension of the Basalt Creek Parkway. The submitted narrative from the applicant (Exhibit A) implied that future increased residential, commercial, and industrial growth in the area could lead to expanded levels of service along the route. Development of the subject site would include construction of a portion of an identified trail in the Basalt Creek Trails Plan and bike lanes along the site

frontage. As discussed above, the site is adjacent (within ¼ mile or less) to public transit (TriMet 96 bus line).

Public comments were received (Exhibit W) that stated the subject site is not close to any walkable amenities. Comments express concerns that the Trimet Bus Route 96 is not a reliable or adequate transportation option. Comments have suggested the RH-HR zoning designation should remain in locations in downtown Tualatin to access the WES Commuter Rail.

The applicant submitted a supplemental memorandum (Exhibit D) that stated the apartment project would provide a tangible incentive for the City of Tualatin, Washington County, and Trimet to discuss and implement service improvements to Bus Route 96.

GOAL 3.7 RESIDENTIAL GROWTH AND THE ENVIRONMENT. Plan for housing and residential growth to minimize and mitigate for environmental impacts.

Finding:

Plan Map Amendment: *On page 12 of the submitted narrative, the applicant provided additional figures in response to Goal 3.7 (Exhibit A). The figures depicted the existing High Density High Rise (RH-HR) zoned lands in the City of Tualatin. The figures included an overlay that showed the land constraints of the existing RH-HR zoned areas. The applicant stated the existing RH-HR lands within the City have been classified as largely unbuildable due to wetland habitats and floodplains. Other nearby residential lands to the amendment subject site such as that west of SW Boones Ferry Road, are also significantly impacted by historic buildings, wetland, riparian, and upland habitats. In comparison, the applicant noted that the proposed subject site does not feature any mapped or known upland or riparian habitats. The plan map amendment would provide zoning for multi-family development on land free from identified historic buildings, wetland, riparian, and upland habitats.*

Members of the Byrom Community Involvement Organization (CIO) Executive Board provided comments in response (Exhibit U) that stated a forest was removed to build the neighboring development, Autumn Sunrise, and what remains of the forest is on the subject site. The comments stated the City has provided no evidence that protection and conservation of natural resources was considered in the proposed map amendment.

The applicant voluntarily proposes to preserve the 60-foot-wide buffer of Douglas-fir trees south of Norwood Road. The applicant has also submitted a supplemental memorandum (Exhibit D) that provided additional voluntary conditions to build a sustainable apartment project that meets a US Green Building Council LEED green building standard. The memorandum stated a LEED-certified building saves money, improves efficiency, lowers carbon emissions, enhances resilience, and supports a more equitable community. In addition, the applicant also proposed to construct 40 electric vehicle charging stations onsite.

Plan Text Amendment: *The plan text amendment would allow the City to apply the RH-HR zoning for multifamily development on properties that meet the above criterion without the constraints of the current available land inventory for RH-HR lands such as wetland habitats and floodplains.*

Public comments (Exhibit W) noted the proposed text amendment could have a reaching impact on natural resources through the city if it enables remaining natural land to be developed as high rise apartments. Comments have been received in reference to the loss of trees along SW Norwood Road due to nearby

development. Concerns have been raised regarding the habitats of local animals and birds. However, none of these features are listed as natural resources of the City.

The applicant provided a supplemental memorandum (Exhibit D) which stated the approval of the proposed Text Amendment will not result in the construction of high-rises all over the City. Rather, the Text Amendment will remove the current locational requirement of the RH-HR zone that restricts the zone to a very small unbuildable part of the City. This will simply allow the City flexibility to locate higher density residential uses where it concludes that the approval criteria are met. A Map Amendment application, which is only approvable by the City Council, would need to be approved through a public process for each site where a rezoning is desired.

POLICY 3.7.1 ENVIRONMENTAL PROTECTION. Housing and residential growth policies will be evaluated for consistency with the environmental protection goals and policies of Chapter 7 (Parks, Open Space, and the Environment).

Finding:

Although there are no known or identified resources existing on the subject site, it would be further examined for natural resources with future development of the site through an Architectural Review to confirm compliance with the environmental protection goals and policies of Chapter 7. Chapters 71 and 72 of the Tualatin Development Code address any Wetland Protection Districts and Natural Resource Overlay Districts.

Chapter 10 – Land Use Designations and Zoning:
Planning District Objectives

RESIDENTIAL PLANNING DISTRICTS:

Medium Low Density Residential Planning District (RML)

This district supports household living uses with a variety of housing types at moderately low densities. This district is primarily oriented toward middle housing types including attached dwellings, multi-family development, and manufactured dwelling parks.

High Density Residential/High-Rise Planning District (RH-HR)

This district supports a wide range of housing types at the greatest density of household living in areas with the greatest access to amenities.

OTHER PLANNING DISTRICTS:

Institutional Planning District (IN)

The purpose of this district is to provide an environment exclusively for, and conducive to, the development and operation of religious institutions, schools, public parks, and related uses, in a manner that is harmonious with adjacent and nearby residential, commercial, or manufacturing planning districts and uses.

The district is intended to accommodate large-scale campus-style developments, owned and operated by governmental or nonprofit entities, consisting of multiple structures or facilities, which may serve multiple purposes and provide multiple services to the community.

Permitted and conditional uses shall be developed and operated in a manner that promotes and protects the health, safety, and general welfare of all adjacent and nearby planning districts and uses. Additionally, conditional uses shall be allowed provided that the use is developed and operated in a manner that is consistent with the intent of the planning district, and that promotes and protects the

health, safety, and general welfare of all adjacent and nearby planning districts and uses. The district may be applied to land that is able to accommodate large-scale campus-style development and operation of religious institutions, schools, public parks, and related uses, as follows:

- **Contiguous land one and one-half acre in size or greater;**
- **Access to a collector or arterial street;**
- **Adequate public facilities are available to the property.**

Finding:

Plan Map Amendment: *The proposed amendment would rezone the subject site to High Density High Rise (RH-HR) from the current zoning of Institutional (IN) and Medium Low Density Residential (RML). On page 14 of the narrative, the applicant stated the removal of the ±8.2-acres of Institutional land will not compromise the ability of the Horizon Church and School to optimize the use of their land and the services they provide. The applicant cited the 2019 Housing Needs Analysis and Economic Opportunities Analysis which identified the surplus of existing RML and IN zoning in the City of Tualatin. The applicant’s narrative also provided additional background information regarding the subject site. Prior to annexation to the City of Tualatin, Washington County approved a Master Plan in 2006 for the church and school property. The church has determined that their needs and the realization of the Master Plan can be met on a more compact portion of their property. This provides the opportunity to rezone and develop the remainder of the property with multifamily housing. The proposed plan map amendment would change the zoning designation of the subject site from Medium Low Density Residential (RML) and Institutional (IN) to High Density High Rise (RH-HR). This change would allow a maximum of 30 units per acre for household living uses. Tualatin’s 2019 Housing Needs Analysis identified a deficit of land zoned RH-HR as opposed to a surplus of land zoned RML and IN.*

The High Density High Rise planning district is intended to support a wide range of housing types at the greatest density of household living in areas with the greatest access to amenities. The Comprehensive Plan does not define what qualifies as an amenity. The subject site is located near a variety of existing schools and other institutional uses, the site of a future City park, future employment opportunities in the Basalt Creek Planning Area and Trimet bus route 96 that runs along SW Boones Ferry Road.

On April 20, 2023, the Tualatin Planning Commission voted 4-1 to recommend denial of both the plan text and plan map amendments to the City Council. The Planning Commission found that the proposed text and map amendments would not be consistent with the objectives of Comprehensive Plan Chapter 10 for the High Density High Rise Planning District. The Planning Commission found the location of the proposed plan map amendment was not in a location to support housing at the greatest density of household living with the greatest access to amenities. Planning Commissioner comments are attached as Exhibit V.

Public comments have been submitted (Exhibit W) that state the project site does not fulfill the purpose of the RH-HR zone. Commenters have expressed the site does not have the greatest access to amenities.

The applicant provided a supplemental memorandum (Exhibit D) that stated the Tualatin Development Code does not define what qualifies as an amenity. The applicant stated that “access to amenities” is not an approval criterion for the applications. The memorandum argued that the Comprehensive Plan provides a section that generally describes the purpose of each planning district, but those are generalized provisions that are non-binding and not a basis for denying the application. The applicant provided the following list of services and corresponding map (Exhibit D) that are available near the subject site; TriMet Route 96, places of worship (Horizon Church, Bridge NW Church), recreational facilities (Horizon sports fields, Tualatin Swim Center, etc), future park west of Boones Ferry Rd, Tualatin Valley Fire and Rescue Station 56 and

commercial uses (future neighborhood commercial, existing large retail, dining and services. The applicant also stated the project is planning to provide amenities to onsite residents including open spaces, a pool, a dog park and a clubhouse for community gatherings.

Plan Text Amendment: *The proposed text amendment would remove the zoning district locational language from the purpose statement of Chapter 44 of the Tualatin Development Code. The existence of the locational language does not allow the RH-HR zoning to be permitted in a location that is considered buildable. The text amendment would allow RH-HR to be permitted on other properties with access to facilities, services, and without the constraints of the wetlands, floodplains and lack of public access.*

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).

(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).

(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

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 <u>33.070</u>

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

Finding:

The proposed plan map and plan text amendment applications are subject to the Type IV-A procedures according to Table 32-1. Both applications have been processed according to the applicable code for Type IV-A procedures. Any future development or construction will be reviewed under a separate land use application.

TDC 32.020. - Procedures for Review of Multiple Applications.

Multiple applications processed individually require the filing of separate applications for each land use action. Each application will be separately reviewed according to the applicable procedure type and processed sequentially as follows:

- (1) Applications with the highest numbered procedure type must be processed first;**
- (2) Applications specifically referenced elsewhere in the TDC as to the particular order must be processed in that order; and**
- (3) Where one land use application is dependent on the approval of another land use application, the land use application upon which the other is dependent must be processed first (e.g., a conditional use permit is subject to prior approval before architectural review).**

Finding:

Public comment was received requesting clarification of the procedure for reviewing both the Plan Text Amendment and Plan Map Amendment (Exhibit W). Because the Plan Map Amendment to RH-RH relies on the removal of the locational restriction found in Chapter 44 that would be facilitated by approval of the Plan Text Amendment, the Plan Map Amendment is therefore dependent on the approval of the Plan Text Amendment. As such the land use application upon which the other is dependent (the Plan Text Amendment) must be processed first. Therefore, although the applicant has requested Council consideration of both applications, the Council will be required to make a decision on the Plan Text Amendment, thus completing the process of that application, before moving on to making a decision on the Plan Map Amendment in order to be consistent with the above criteria.

TDC 32.030. - Time to Process Applications.

(1)Time Limit—120-day Rule. The City must take final action on all Type II, Type III, and Type IV-A land use applications, as provided by ORS 227.178, including resolution of all local appeals, within 120 days after the application has been deemed complete under TDC 32.160, unless the applicant provides written request or consent to an extension in compliance with ORS 227.178. (Note: The 120-day rule does not apply to Type IV-B (Legislative Land Use) decisions.)

(3)Time Periods. "Days" means calendar days unless otherwise specified. In computing time periods prescribed or allowed by this Chapter, the day of the act or event from which the designated period of time begins is not included. The last day of the period is included, unless it is a Saturday, Sunday, or a legal holiday, in which case the period runs until the end of the next day that is not on a weekend or City recognized legal holiday.

Finding:

The proposed plan map amendment and plan text amendments are an amendment to the City's Comprehensive Plan and Tualatin Development Code, the 120-day rule portion of ORS 227.178 is not applicable.

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.

(4) Application Requirements for Pre-Application Conference.

(a) Application Form. Pre-application conference requests must be made on forms provided by the City Manager.

[...]

Finding:

A Pre-Application meeting is mandatory for plan map and text amendment applications. The applicant participated in a Pre-Application meeting on July 13, 2022, and submitted their application approximately six months later on January 11, 2023.

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.

Finding:

The applicant provided evidence that a Neighborhood/Developer Meeting was held on October 25, 2022 that discussed the proposed plan map and plan text amendments. The applicant provided documentation of sign posting and notification in compliance with Section 32.120 in Exhibit K.

Section 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.

[...]

Finding:

The applicant has provided a title report, included as Exhibit K, showing Horizon Community Church and 9300 SW Norwood Road OR LLC to be the current owners of the subject site. The applications have been submitted by the property owners and contract purchasers of all properties affected by the proposed plan map and text amendments.

Section 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

Finding:

The applicant submitted an application for PMA23-0001 and PTA23-0001 on January 11, 2023. The application was deemed complete on February 10, 2023. Comments from the Byrom CIO (Exhibit U) are included in response to the applicant's proposal. The other general land use submittal requirements were included with the application.

Section 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 eighteen (18) inches by twenty-four (24) inches (18" x 24"); and
- (c) Sign text must be at least two (2) 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 fortyeight (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 fourteen (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.

Finding:

The applicant provided certification, included as Exhibit K, that signs for the plan map and text amendment applications in conformance with Section 32.150 were placed on site.

Section 32.160 – Completeness Review.

(1) Duration. Except as otherwise provided under ORS 227.178, the City Manager must review an application for completeness within 30 days of its receipt.

(2) Considerations. Determination of completeness will be based upon receipt of the information required under TDC 32.140 and will not be based on opinions as to quality or accuracy. Applications that do not respond to relevant code requirements or standards can be deemed incomplete. A determination that an application is complete indicates only that the application is ready for review on its merits, not that the City will make a favorable decision on the application.

(3) Complete Applications. If an application is determined to be complete, review of the application will commence.

(4) Incomplete Applications. If an application is determined to be incomplete, the City Manager must provide written notice to the applicant identifying the specific information that is missing and allowing the applicant the opportunity to submit the missing information. An application which has been determined to be incomplete must be deemed complete for purposes of this section upon receipt of:

- (a) All of the missing information;
- (b) Some of the missing information and written notice from the applicant that no other information will be provided; or
- (c) Written notice from the applicant that none of the missing information will be provided.

(5) Vesting. If an application was complete at the time it was first submitted, or if the applicant submits additional required information within 180 days of the date the application was first submitted, approval or denial of the application must be based upon the standards and criteria that were in effect at the time the application was first submitted.

(6) Void Applications. An application is void if the application has been on file with the City for more than 180 days and the applicant has not provided the missing information or otherwise responded, as provided in subsection (4) of this section.

[...]

Finding:

The applicant submitted an application for PMA23-0001 and PTA 23-0001 on January 11, 2023. The applications were deemed complete on February 10, 2023.

TDC 32.240. - Type IV-A Procedure (Quasi-Judicial Review—City Council Public Hearing).

Type IV-A decisions are quasi-judicial decisions made by the City Council after a public hearing. A hearing under these procedures provides a forum to apply standards to a specific set of facts to determine whether the facts conform to the applicable criteria and the resulting determination will directly affect only a small number of identifiable persons. Except as otherwise provided, the procedures set out in this section must be followed when the subject matter of the evidentiary hearing would result in a quasi-judicial decision. City Council decisions may be appealed to the state Land Use Board of Appeals pursuant to ORS 197.805—197.860.

(1) Submittal Requirements. Type IV-A applications must include the submittal information required by TDC 32.140(1).

(2) Determination of Completeness. After receiving an application for filing, the City Manager will review the application will for completeness in accordance with TDC 32.160.

(3) Written Notice of Public Hearing—Type IV-A. Once the application has been deemed complete, the City must mail by regular first class mail Notice of a Public Hearing to the following individuals and agencies no fewer than 20 days before the hearing.

(a) Recipients:

- (i) The applicant and, the owners of the subject property;**
- (ii) All property owners within 1,000 feet measured from the boundaries of the subject property;**
- (iii) 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;**
- (iv) All recognized neighborhood associations within 1,000 feet from the boundaries of the subject property;**
- (v) All designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9;**
- (vi) Any person who submits a written request to receive a notice;**
- (vii) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies, including but not limited to: school districts; fire district; where the project either adjoins or directly affects a state highway, the Oregon Department of Transportation; and where the project site would access a County road or otherwise be subject to review by the County, then the County; and Clean Water Services; Tri Met; and, ODOT Rail Division and the railroad company if a railroad-highway grade crossing provides or will provide the only access to the subject property. The failure of another agency to respond with written comments on a pending application does not invalidate an action or permit approval made by the City under this Code;**

- (viii) Utility companies (as applicable); and,
 - (ix) Members of the City Council.
 - (b) The Notice of a Public Hearing, at a minimum, must contain all of the following information:
 - (i) The names of the applicant(s), any representative(s) thereof, and the owner(s) of the subject property;
 - (ii) The street address if assigned, if no street address has been assigned then Township, Range, Section, Tax Lot or Tax Lot ID;
 - (iii) The type of application and a concise description of the nature of the land use action;
 - (iv) A list of the approval criteria by TDC section for the decision and other ordinances or regulations that apply to the application at issue;
 - (v) Brief summary of the local decision making process for the land use decision being made and a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings;
 - (vi) The date, time and location of the hearing;
 - (vii) Disclosure statement indicating that if any person fails to address the relevant approval criteria with enough detail, he or she may not be able to appeal to the Land Use Board of Appeals on that issue, and that only comments on the relevant approval criteria are considered relevant evidence;
 - (viii) The name of a City representative to contact and the telephone number where additional information may be obtained;
 - (ix) Statement that the application and all documents and evidence submitted to the City are in the public record and available for review, and that copies can be obtained at a reasonable cost from the City; and
 - (x) Statement that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost.
 - (c) Failure of a person or agency to receive a notice, does not invalidate any proceeding in connection with the application, provided the City can demonstrate by affidavit that required notice was given.
- (4) Additional Notice Requirements for Certain Type IV-A Application Types. The following additional notice requirements apply to Type IV-A Hearings where the City Council will be considering the application or removal of a Historic Landmark Designation or a Plan Text or Map Amendment for a particular property or discrete set of properties.
 - (a) The City Manager will notify in writing the Oregon Department of Land Conservation and Development (DLCD) in accordance with the minimum number of days required by ORS Chapter 197.
 - (b) 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.
 - (c) 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:

The first evidentiary public hearing before the City Council will be held on June 12, 2023 and will follow the Quasi-Judicial review process. After submittal and completeness review as required by this section, a notice of public hearing for Type IV-A application for PMA23-0001 and PTA23-0001 was mailed by city staff on March 17, 2023, and contained the information required by this section, as attached in Exhibit O. The Oregon Department of Land Conservation was notified prior to the 35-day notice period on March 20, 2023, attached in Exhibit O. Public notice has been provided in the Tualatin Times during the weeks of April 6, 2023 and April 13, 2023, attached in Exhibit O. Public notice was posted in two public places within the City

on March 17, 2023, attached as Exhibit O. Comments have been received and included in Exhibit S, U, V and W.

(5) Conduct of the Hearing—Type IV-A.

The Mayor (or Mayor Pro Tem) must follow the order of proceedings set forth below. These procedures are intended to provide all interested persons a reasonable opportunity to participate in the hearing process and to provide for a full and impartial hearing on the application before the body. Questions concerning the propriety or the conduct of a hearing will be addressed to the chair with a request for a ruling. Rulings from the Mayor must, to the extent possible, carry out the stated intention of these procedures. A ruling given by the Mayor on such question may be modified or reversed by a majority of those members of the decision body present and eligible to vote on the application before the body. The procedures to be followed by the Mayor in the conduct of the hearing are as follows:

(a) At the commencement of the hearing, the Mayor (or designee) must state to those in attendance all of the following information and instructions:

- (i) The applicable approval criteria by Code Chapter that apply to the application;
- (ii) Testimony and evidence must concern the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations that the person testifying believes to apply to the decision;
- (iii) Failure to raise an issue with sufficient detail to give the City Council and the parties an opportunity to respond to the issue, may preclude appeal to the state Land Use Board of Appeals on that issue;
- (iv) At the conclusion of the initial evidentiary hearing, the City Council must deliberate and make a decision based on the facts and arguments in the public record; and
- (v) Any participant may ask the City Council for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing; if the City Council grants the request, it will schedule a date to continue the hearing as provided in TDC 32.240(5)(e), or leave the record open for additional written evidence or testimony as provided TDC 32.240(5)(f).

(b) The public is entitled to an impartial decision body as free from potential conflicts of interest and pre-hearing ex parte (outside the hearing) contacts as reasonably possible. Where questions related to ex parte contact are concerned, members of the City Council must follow the guidance for disclosure of ex parte contacts contained in ORS 227.180. Where a real conflict of interest arises, that member or members of the City Council must not participate in the hearing, except where state law provides otherwise. Where the appearance of a conflict of interest is likely, that member or members of the City Council must individually disclose their relationship to the applicant in the public hearing and state whether they are capable of rendering a fair and impartial decision. If they are unable to render a fair and impartial decision, they must be excused from the proceedings.

(c) Presenting and receiving evidence.

- (i) The City Council may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant, or personally derogatory testimony or evidence;
- (ii) No oral testimony will be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing only as provided by this section; and
- (iii) Members of the City Council may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the

information relied upon is disclosed at the beginning of the hearing and an opportunity is provided to dispute the evidence.

(d) The City Council, in making its decision, must consider only facts and arguments in the public hearing record; except that it may take notice of facts not in the hearing record (e.g., local, state, or federal regulations; previous City decisions; case law; staff reports). Upon announcing its intention to take notice of such facts in its deliberations, it must allow persons who previously participated in the hearing to request the hearing record be reopened, as necessary, to present evidence concerning the newly presented facts.

(e) If the City Council decides to continue the hearing, the hearing must be continued to a date that is at least seven days after the date of the first evidentiary hearing (e.g., next regularly scheduled meeting). An opportunity must be provided at the continued hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the continued hearing, any person may request, before the conclusion of the hearing, that the record be left open for at least seven days, so that he or she can submit additional written evidence or arguments in response to the new written evidence. In the interest of time, after the close of the hearing, the decision body may limit additional testimony to arguments and not accept additional evidence.

(f) If the City Council leaves the record open for additional written testimony, the record must be left open for at least seven days after the hearing. Any participant may ask the decision body in writing for an opportunity to respond to new evidence (i.e., information not disclosed during the public hearing) submitted when the record was left open. If such a request is filed, the decision body must reopen the record, as follows:

(i) When the record is reopened to admit new evidence or arguments (testimony), any person may raise new issues that relate to that new evidence or testimony;

(ii) An extension of the hearing or record granted pursuant to this section is subject to the limitations of TDC 32.030(1) (ORS 227.178—120-day rule), unless the applicant waives his or her right to a final decision being made within 120 days of filing a complete application; and

(iii) If requested by the applicant, the City Council must grant the applicant at least seven days after the record is closed to all other persons to submit final written arguments, but not evidence, provided the applicant may expressly waive this right.

(6) Notice of Adoption of a Type IV-A Decision. Notice of Adoption must be provided to the property owner, applicant, and any person who provided testimony at the hearing or in writing. The Type IV-A Notice of Adoption must contain all of the following information:

(a) A description of the applicant's proposal and the City's decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;

(b) The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area;

(c) A statement a statement that a copy of the decision and complete case file, including findings, conclusions, and conditions of approval, if any, is available for review and how copies can be obtained;

(d) The date the decision becomes final; and

(e) The notice must include an explanation of rights to appeal a City Council decisions to the state Land Use Board of Appeals pursuant to ORS 197.805—197.860.

(7) Effective Date of a Type IV-A Decision.

(a) The written order is the final decision on the application.

(b) The date of the order is the date it is mailed by the Mayor (or designee) certifying its approval by the decision body.

(c) Appeal of a IV-A City Council decision is to the State Land Use Board of Appeals pursuant to ORS 197.805—197.860.

Finding:

The City Council hearing will be conducted according to these requirements. Staff notes that the first evidentiary hearing was held on May 22, 2023, at which the Council continued consideration of the subject amendments to June 12, 2023. Notice of Adoption of a Type IV-A Decision and any appeal will follow the requirements of this section.

Chapter 33: Applications and Approval Criteria

Section 33.070 Plan Amendments

(1) Purpose. To establish a process 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 Comprehensive Plan.

(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.

(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.

(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).

Finding:

The proposed plan map and plan text amendments are quasi-judicial in nature and has been processed according to the Type IV-A procedures discussed above.

(5) Approval Criteria.

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

Finding:

Plan Map Amendment: Page 21 of the applicant's provided narrative stated the proposed map amendment serves the public interest by accommodating the housing, employment and transportation needs of the community as identified in the goals and policies of the Comprehensive Plan. The applicant cited the City's most recent Housing Needs Analysis (HNA) conducted in 2019 stating the lack of vacant units and continued demand for housing will drive the need to provide additional multifamily housing, which is expected to be 45% of Tualatin's future housing stock. Providing housing of various densities and levels of affordability are key housing needs addressed in Tualatin's HNA. From the HNA, the applicant cites that nearly 93% of the 23,800 people who work in Tualatin commute from outside of the city. A recommendation of the HNA was to provide housing closer to workplaces and thereby reducing transportation issues associated with long commutes. The submitted narrative references Tualatin's Basalt Creek Planning Area and its employment lands which are located near the subject site. The applicant stated the industrial lands and anticipated employment capacity would not be affected by the proposed zoning change from the current IN and RML zoning to RH-HR zoning, and that the plan map amendment would provide additional housing near the anticipated employment zone.

The applicant has also submitted a supplemental memorandum (Exhibit D) that provided an additional voluntary condition to commit to restrict 10% of the proposed units so they are affordable to workforce/middle income households earning 80% of area median income (AMI) or median family income (MFI) for 15 years. In Exhibit D, the applicant stated the need for workforce/middle income housing in Tualatin. The applicant cited ECONorthwest’s draft Equitable Funding Action Plan dated April 2023 that said approximately 47% of renters in Tualatin are cost burdened compared to 17% of homeowners. The applicant stated the project will include housing that is affordable to middle income households and a benefit to increasing the supply of middle income housing is to bridge the gap between income restricted affordable housing and home ownership.

The applicant provided information pertaining to utility and transportation infrastructure for the plan map and text amendments outlined in the Transportation Impact Analysis located in Exhibit E and the Utility Capacity Analysis located in Exhibit H. The applicant proposed the addition of a traffic signal at the SW Norwood Road and SW Boones Ferry Road intersection to mitigate existing traffic impacts and the future impact of development on the subject site. Transportation and utilities in relation to the proposed amendments are further addressed in Section B: Oregon Administrative Rules and TDC 33.070(5)(f)(h)(i).

The proposed plan map amendment would change the subject site zoning from Institutional (IN) and Medium Low Density Residential (RML) to High Density High Rise (RH-HR). The proposed map amendment could allow for the construction of up to 276 housing units on the ±9.2-acre site, and would provide additional multifamily housing opportunities near an anticipated employment zone.

Comprehensive Plan goals and policies serve as the adopted expression of the public interest. As identified in Section D, above, the applicant has provided evidence that the proposed Map Amendment would satisfy several existing Plan policies and goals, and therefore argues the change would be in the public interest.

Members of the Byrom Community Involvement Organization (CIO) Executive Board and members of a Joint Residential CIO Executive Board provided comments in response to TDC 33.070(5)(a) (Exhibit U) that stated as representatives of all the Tualatin CIOs representing residents of the city, they identify that the proposed amendments are not in the public interest. Both the Byrom CIO and additional public commenters (Exhibit W) have suggested that the public interest would be better served by rezoning other alternative sites RH-HR. Comments have suggested several alternative locations in downtown Tualatin that would have walkable access to restaurants, the WES Commuter Rail, the public library, etc.

On April 20, 2023, the Tualatin Planning Commission voted 4-1 to recommend denial of both the plan text and plan map amendments to the City Council. The Tualatin Planning Commission consciously considered if granting the proposed amendments would be in the public interest. The Planning Commission concluded that the proposed text and map amendments would not be in the best interest of the public. The Planning Commission concluded the location of the proposed plan map amendment was not consistent with the purpose statement for the RH-HR zone in Chapter 10 of the Comprehensive Plan. Planning Commissioner comments are attached in Exhibit V.

The applicant provided a supplemental memorandum (Exhibit D) that stated the Tualatin Development Code does not define what qualifies as an amenity. The applicant stated that “access to amenities” is not an approval criterion for the applications. The memorandum argued that the Comprehensive Plan provides a section that generally describes the purpose of each planning district, but those are generalized provisions that are non-binding and not a basis for denying the application. The applicant has argued that the proposed location for RH-HR zoning does not directly conflict with the purpose statement given its

ambiguity, and therefore, the proposed zoning is otherwise consistent with the public interest. The applicant's memorandum also provided the following response to comments received; The City's adopted Buildable Land Inventory Map and the City's Buildable Lands Inventory of the HNA, which have concluded that existing RH-HR zoned area in downtown was deemed unbuildable. Other vacant parcels downtown with zoning that allows multifamily development remain undeveloped because there is a lack of willing sellers. The memorandum stated there is broad community interest to see more investment in the downtown core of the City, including mixed-use and higher density residential development, this application will not disincentivize downtown redevelopment from happening. The demand for housing is great and permitting apartments elsewhere in the City will not prohibit future development of the downtown.

Plan Text Amendment: *There are existing properties identified for RH-HR zoning on the City's Comprehensive Map. The current RH-HR area is generally located south of SW Tualatin Road and is constrained by public ownership, lack of direct public access and environmental factors such as the existing wetlands and floodplains. The HNA has considered the land to be unbuildable and is not considered available for additional housing. The proposed text amendment would remove the zoning district locational language from the purpose statement of Chapter 44 of the Tualatin Development Code. The existence of the locational language does not allow the RH-HR zoning to be permitted in a location that is considered buildable, and in effect precludes practical application of the RH-HR zone. The text amendment would allow RH-HR to be permitted on other properties with access to facilities, services, and without the constraints of the wetlands, floodplains and lack of public access.*

Public comments (Exhibit W) have been received in opposition amendments that noted concerns over the protection of public interest.

The applicant provided a supplemental memorandum (Exhibit D) in response which stated the RH-HR zone description unfortunately uses the term "high rise." Typically, a density of 30 units to the acre (the maximum allowed in this zone) can be achieved in four story buildings. Four story buildings are considered "low rise" under the building code. This application includes a Text Amendment to limit the height of this site to four stories, or 50 feet, whichever is less. The RH-HR density maximum, which provides the greatest efficiency and affordability, is still achievable with this height limitation. The four-story height also preserves area for a tree buffer along Norwood and for sufficient parking with a 1.65 parking ratio that exceeds the City's minimum standards.

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

Finding:

Plan Map Amendment: *Page 22 of the narrative submitted by the applicant stated the public interest is best protected by granting the amendment at this time due to Tualatin having few vacant lands with the ability to provide housing at the needed density established by the 2019 Housing Needs Analysis (HNA). The narrative continued to reference the HNA by stating the City would be challenged over the next 20 years to provide housing of all types, including market-rate multi-family housing. The applicant mentioned that allowing for increased density through the plan map amendment could help alleviate households' cost burdens by providing opportunities to add dwelling units to the housing market. The proposed plan map amendment would change the subject site zoning from Institutional (IN) and Medium Low Density Residential (RML) to High Density High Rise (RH-HR). The applicant stated the conversion of IN land to residential zoning protects the public interest by preserving employment lands in commercial and industrial zoning areas. The narrative referenced the Tualatin Economic Opportunities Analysis (Exhibit M) that was completed in 2019, which found there is low demand for land zoned IN in*

comparison to industrial, commercial, and residential zoning. The applicant went on to say, the City's HNA determined that the City has a 27-acre surplus of RML lands and a deficit of RH-HR lands. The conversion of RML lands to RH-HR specifically help address a previously identified, and thus already existing, deficient of land for needed housing. Despite the fact that there are other housing developments in various stages of approval and construction that will help meet the City's housing need, none are located or proposed to be located in the RH-RH zone. In addition, the applicant's proposal includes the installation of a traffic signal at SW Norwood Road and SW Boones Ferry Road. The applicant has also submitted a supplemental memorandum (Exhibit D) that provided an additional voluntary condition to commit to restrict 10% of the proposed units so they are affordable to workforce/middle income households earning 80% of area median income (AMI) or median family income (MFI) for 15 years.

Plan Text Amendment: *The proposed text amendment intends to limit the height of future buildings on the subject site to four stories or 50 feet (Exhibit C). The applicant has also proposed a 60-foot landscape buffer along SW Norwood Rd for additional screening. The narrative stated this would protect the public interest by ensuring compatibility with the surrounding aesthetics of neighborhoods and existing nearby structures.*

Members of the Byrom Community Involvement Organization (CIO) Executive Board and members of a Joint Residential CIO Executive Board provided comments in response to TDC 33.070(5)(b) (Exhibit U) that stated the approved and in development housing units that have yet to be occupied and that these units are well in excess of the anticipated need of the city by 2040, it is not critical or necessary to change the restriction on residential high rises at this time. Furthermore, public interest would be harmed by granting the amendments, as traffic will worsen on Boones Ferry, adversely impacting quality of life. The CIO stated there should not be urgency for additional housing in Tualatin when compared to other cities. Additional public comments noted other concerns regarding protection of public interest (Exhibit W).

The applicant provided a supplemental memorandum (Exhibit D) that stated the goals and policies adopted in the Comprehensive Plan are what the City has determined are the issues and objectives that are considered to be in the public interest. Meaning, if an application for an amendment complies with the Comprehensive Plan, then it also is in the public interest and protects the public interest, so it meets the approval criteria. TDC 33.070(5)(a) and (b). Compliance with the Comprehensive Plan is a separate approval criterion. TDC 33.070(5)(c). The memorandum stated that due to the severe housing shortage and high housing costs statewide and locally, housing issues are a priority at all levels of government. In fact, the Oregon Governor has made housing production a statewide priority, signing Executive Order 23-02 on her first day of office. The applicant stated the City's Comprehensive Plan reflects this urgent need for housing, and includes goals, policies and strategies on housing supply, housing diversity, housing affordability, workforce housing, and others. In Exhibit C (attached) you will see an extensive list of policy documents targeted at housing. These policy documents direct as how the City will act in the public interest when considering how to create new opportunities for housing. As detailed below and through the materials, the proposal complies with each of the policies and action items, and is an opportunity for the City to implement its chosen policy direction.

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

Finding:

As discussed above in Section D, the plan map amendment – application of the RH-HR zone to the subject property – has been identified by the applicant as being consistent with several existing goals and policies

of the Comprehensive Plan. The plan map amendment also meets the same applicable goals and policies of the Tualatin Community Plan in that it allows for the application of the RH-HR zone in a location that is considered buildable.

Members of the Byrom Community Involvement Organization (CIO) Executive Board and members of a Joint Residential CIO Executive Board provided comments in response to TDC 33.070(5)(c) (Exhibit U). The CIO argues that the Comprehensive Plan does not make any mention of building residential high rises outside of the downtown area. The CIO further argues that the subject site is not identified as a potential area for future high-density residential development. Additionally, the CIO and other public commenters (Exhibit W) argue that the Comprehensive Plan specified the RH-HR zone is to be in areas with the greatest access to amenities and argues that the subject site does not have the greatest access to amenities. Commenters have provided lists of alternative sites to zone RH-HR.

The applicant provided a supplemental memorandum (Exhibit D) that stated the Tualatin Development Code does not define what qualifies as an amenity. The applicant stated that “access to amenities” is not an approval criterion for the applications. The memorandum argued that the Comprehensive Plan provides a section that generally describes the purpose of each planning district, but those are generalized provisions that are non-binding and not a basis for denying the application. The applicant provided the following list of services and corresponding map (Exhibit D) that are available near the subject site; TriMet Route 96, places of worship (Horizon Church, Bridge NW Church), recreational facilities (Horizon sports fields, Tualatin Swim Center, etc), future park west of Boones Ferry Rd, Tualatin Valley Fire and Rescue Station 56 and commercial uses (future neighborhood commercial, existing large retail, dining and services. The applicant also stated the project is planning to provide amenities to onsite residents including open spaces, a pool, a dog park and a clubhouse for community gatherings.

(d) The following factors were consciously considered:

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

Finding:

Plan Map Amendment: *Page 22 of the applicant’s narrative addressed the various characteristics of the area of the subject property. The site is located near public transportation bus lines, future goods and services, and employment areas. The site is in an area of growth and in close proximity to the Basalt Creek Employment Area which is expected to provide up to 2,300 jobs in the next 16 years. The subject site location would provide housing opportunities closer to future local workplaces in the Basalt Creek area. The applicant stated the subject site would allow for the provision of housing in a relatively undeveloped greenfield area without the reduction of housing stock or displacement of current residents. The proposed plan map amendment is not in an area with known environmental constraints, and would not be in need of environmental protection. The applicant provided a Transportation Impact Analysis including a Transportation Planning Rule analysis attached in Exhibit E. The report found that a traffic signal at the intersection of SW Norwood Road and SW Boones Ferry Road would be necessary even without the proposed apartment project due to the current conditions. With the addition of the traffic signal, the proposed zoning could be accommodated by the surrounding transportation network and frontage improvements.*

The applicant provided a memorandum from Johnson Economics (Exhibit M) that stated the subject location is advantageous in terms of site size and configuration, transportation access, multi-family housing will be in demand and market feasible at this location. The memorandum continued to state buildable residential sites of this size, and roughly rectangular are rare not just locally but in much of the Metro area.

This style of site is well suited for multi-family development, while low density development can more easily adjust to smaller and more irregular parcels. The Johnson Economics memorandum concluded the subject site and location are well-suited for multi-family housing, and the proposal is likely the “highest and best” economic use for a parcel of this size and configuration. The applicant has identified several characteristics of the area relative to the City’s plans and goals for housing that it argues makes this location suitable for the type of housing that could be developed under the proposed amendment.

Members of the Byrom Community Involvement Organization (CIO) Executive Board provided comments in response to TDC 33.070(5)(d)(i) (Exhibit U) arguing the proposed apartments on the subject site would not be in context with the neighborhood and would not match the characteristics of the community. The CIO stated the next nearest quasi residential structure of similar height is Marquis assisted living, a shorter, 3 story structure located 1.9 miles from the proposed development site at SW Boones Ferry and SW Sagert. The approved, though as of yet not constructed Plambeck Garden apartments, will be over 1000 feet from the nearest RML zoned structure. Creating a 50 foot, 4 story structure within less than 500 feet of single family homes, as proposed in the PMA, is without precedent in the Byrom CIO community, and no abutment of an RH-HR zone within 500 feet of RML single family structures as proposed by the PMA exists anywhere else in Tualatin. Other public testimony was received that also argues that the location is unsuitable (Exhibit W).

The applicant submitted a supplemental memorandum (Exhibit D) that stated the application provides the City a rare opportunity with a willing property owner who desires to add residential land to the City and help meet housing need. The memorandum stated the site has excellent access to Norwood Road (a Major Collector) and Boones Ferry Road (A Major Arterial) and it is compatible with adjacent uses (Church to the west and Horizon church and school to the east and south, Norwood Road and tree buffer between the site and the existing residential uses to the north, recently approved residential projects in the vicinity).

Plan Text Amendment: *The proposed text amendment would allow the application of High Density High Rise (RH-HR) zone to an area that meets the above factors and is not in a floodplain. The proposed text amendment requests to limit the height of future buildings on the subject site to four stories or 50 feet (Exhibit C). The applicant argues that the proposed height limitation would reduce the visual impacts and characteristics of the future site improvements in surrounding areas.*

Public comments were received (Exhibit W) that express concerns that by allowing the RH-HR zoning designation to be applied to lands outside of Tualatin’s downtown will “open the door” to high density high rise buildings throughout the city limits.

The applicant provided a supplemental memorandum (Exhibit D) which stated the approval of the proposed Text Amendment will not result in the construction of high-rises all over the City. Rather, the Text Amendment will remove the current locational requirement of the RH-HR zone that restricts the zone to a very small unbuildable part of the City. This will simply allow the City flexibility to locate higher density residential uses where it concludes that the approval criteria are met. A Map Amendment application, which is only approvable by the City Council, would need to be approved through a public process for each site where a rezoning is desired.

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

Finding:

Plan Map Amendment: *Within the submitted narrative (Exhibit A), the applicant addressed the*

suitability of this particular geographic area on page 23 for the proposed land use which would be multi-family residential units. The applicant provided a Utility Capacity Analysis included as Exhibit H to address the proposed plan map amendment. The applicant noted nearby service and planned improvements to include water, sanitary sewer, stormwater, transportation and public transit. The services and improvements are reviewed in greater detail in Section 33.070(5)(i).

Members of the Byrom Community Involvement Organization (CIO) Executive Board provided comments in response to TDC 33.070(5)(d)(ii) (Exhibit U) that argue that the area is not suitable for use as a residential high rise due to the poor traffic infrastructure, an inadequate parking plan, a lack of access to amenities and a lack of support by public transportation. Other public testimony was received that also argue that the location is unsuitable (Exhibit W). Both the CIO and public commenters have argued that there are other sites within Tualatin that would be more suitable to the proposed project due to better access to existing amenities.

The applicant provided a memorandum from Johnson Economics (Exhibit M) that stated the subject location is advantageous in terms of site size and configuration, transportation access, multi-family housing will be in demand and market feasible at this location. The memorandum continued to state buildable residential sites of this size, and roughly rectangular are rare not just locally but in much of the Metro area. This style of site is well suited for multi-family development, while low density development can more easily adjust to smaller and more irregular parcels. The Johnson Economics memorandum concluded the subject site and location are well-suited for multi-family housing, and the proposal is likely the “highest and best” economic use for a parcel of this size and configuration. The applicant has identified several characteristics of the area relative to the City’s plans and goals for housing that it argues makes this location suitable for the type of housing that could be developed under the proposed amendment. The applicant submitted a supplemental memorandum (Exhibit D) that stated the application provides the City a rare opportunity with a willing property owner who desires to add residential land to the City and help meet housing need. The memorandum stated the site has excellent access to Norwood Road (a Major Collector) and Boones Ferry Road (A Major Arterial) and it is compatible with adjacent uses (Church to the west and Horizon church and school to the east and south, Norwood Road and tree buffer between the site and the existing residential uses to the north, recently approved residential projects in the vicinity).

Plan Text Amendment: *The proposed text amendment would allow the application of High Density High Rise (RH-HR) zone to an area that meets the above factors and is not in a floodplain. The locational factors of the current development code do not allow for a suitable area for RH-HR land uses. The proposed text amendment requests to limit the height of future buildings on the subject site to four stories or 50 feet (Exhibit C). The proposed height limitation would reduce the visual impacts and characteristics of the future site improvements in surrounding areas. The applicant provided a Utility Capacity Analysis included as Exhibit H to address the proposed plan text amendment. The applicant noted nearby service and planned improvements to include water, sanitary sewer, stormwater, transportation and public transit. The services and improvements are reviewed in greater detail in Section 33.070(5)(i).*

(iii) Trends in land improvement and development;

Finding:

Plan Map Amendment: *The applicant’s narrative (Exhibit A) cited the City’s Housing Needs Analysis identified need for diverse housing choices and additional multifamily dwelling units on page 24. The surrounding areas are also experiencing housing development. The Autumn Sunrise subdivision is under*

development to the east of the subject site. Plambeck Gardens Apartments has completed the land use process to construct a 116 unit multi-family development southwest of the subject site. The applicant supplied a memorandum from Johnson Economics (Exhibit M) that compared the proposed project to the recently approved Plambeck Gardens apartments. The memorandum stated the proposed multi-family development would be very similar in form and density to Plambeck Gardens which is located roughly 500 feet to the south of the site. The applicant stated the proposed plan map amendment would provide additional housing opportunities in an area of the City currently experiencing growth. The applicant cited the City's most recent Housing Needs Analysis (HNA) conducted in 2019 stating the lack of vacant units and continued demand for housing will drive the need to provide additional multifamily housing, which is expected to be 45% of Tualatin's future housing stock. Providing housing of various densities and levels of affordability are key housing needs addressed in Tualatin's HNA.

Members of the Byrom Community Involvement Organization (CIO) Executive Board provided comments in response to TDC 33.070(5)(d)(iii) (Exhibit U) that argue that there are no trends of building high rise apartments in any other areas of Tualatin, including presently in the only approved area downtown. High rise apartment projects should focus on the area where zoning is already approved before considering expanding the zoning area.

The applicant provided a supplemental memorandum (Exhibit D) which stated the 2019 HNA identified a goal of having at least 45% of new residential units be multifamily apartments in order to increase the availability of rental units within the City. The HNA identified that the RH-HR zone is a suitable zone for providing needed multifamily housing because that zone's allowed densities are an efficient use of a limited supply land. The memorandum stated the City has a current limited range of housing and the lack of apartments constructed in recent years. (Only three market rate projects of larger than 50 units have been approved in Tualatin since 2003. See Exhibit B.) Two-thirds of the City's existing housing stock is single-family detached housing, which typically is only available to those with higher incomes, especially because today's higher mortgage rates have significantly impacted home buying affordability.

Plan Text Amendment: *The proposed text amendment would remove the zoning district locational language from the purpose statement of Chapter 44 of the Tualatin Development Code. The existence of the locational language does not allow the High Density High Rise (RH-HR) zoning to be permitted in a location that is considered buildable. The text amendment would allow RH-HR to be permitted on other properties with access to facilities, services, and without the constraints of the wetlands, floodplains and lack of public access.*

Public comments were received (Exhibit W) that the height of the proposed project would not match the development trends in the surrounding area.

The applicant provided a supplemental memorandum (Exhibit D) in response which stated the RH-HR zone description unfortunately uses the term "high rise." Typically, a density of 30 units to the acre (the maximum allowed in this zone) can be achieved in four story buildings. Four story buildings are considered "low rise" under the building code. This application includes a Text Amendment to limit the height of this site to four stories, or 50 feet, whichever is less. The RH-HR density maximum, which provides the greatest efficiency and affordability, is still achievable with this height limitation. The four-story height also preserves area for a tree buffer along Norwood and for sufficient parking with a 1.65 parking ratio that exceeds the City's minimum standards.

(iv) Property values;

Finding:

The applicant submitted a memorandum from Johnson Economics (Exhibit M) that stated the subject development is unlikely to have negative impacts on the property values of the surrounding properties. Page 9 of the memorandum also provided studies that have demonstrated that multifamily housing does not have an impact on the value of neighboring properties, and in many cases increased the value of adjacent homes.

Members of the Byrom Community Involvement Organization (CIO) Executive Board provided comments in response to TDC 33.070(5)(d)(iv) (Exhibit U) that stated precedents that construction of a high rise apartment complex is associated with negative impacts on nearby single family home property values. Public comments (Exhibit W) have been received that note concerns over the property value of homes declining in the surrounding neighborhoods due to the proposed plan map and text amendments and future site development.

The applicant supplied Johnson Economics memorandum (Exhibit M) stated the new multi-family uses in the area (the subject site and Plambeck Gardens) should be expected to increase the value of nearby uses in the long run, as it increases the viability of more intensive development on those sites as well, if the property owners should choose to pursue it. This includes the adjacent high school site, and church site, though these users may not choose to sell their property for a very long time, if ever. Adding new households in an area also tends to attract new services and amenities to the area that can benefit the property values of everyone in the neighborhood.

(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:

Plan Map Amendment: *Page 25 of the submitted narrative stated that providing multifamily residential zoning in the proposed area relieves pressure to rezone other non-residential lands for the purpose of housing. The narrative added that an employment center with nearby residences could create an attractive environment for companies relocating to the Basalt Creek Planning Area. The subject site would be close to future employment centers and would provide the opportunity for employees to live nearer to their workplace. The applicant stated a future right-of-way dedication along SW Norwood Road would be provided to meet the short-term and long-term transportation improvement needs identified by the City and Washington County. Any future development would be reviewed through the Architectural Review process to address specific right-of-way and access needs for the site development.*

Members of the Byrom Community Involvement Organization (CIO) Executive Board provided comments in response to TDC 33.070(5)(d)(v) (Exhibit U) argued the Comprehensive Plan includes economic development of the Basalt Creek Planning area which did not include the Norwood property and there is no support for the creation of the Norwood high rise apartments having been factored into consideration. The CIO expressed interest in exploring mixed use zoning options.

Plan Text Amendment: *The proposed text amendment would remove the zoning district locational language from the purpose statement of Chapter 44 of the Tualatin Development Code. The existence of the locational language does not allow the RH-HR zoning to be permitted in a location that is considered*

buildable. The text amendment would allow RH-HR to be permitted on other properties with access to facilities, services, and without the constraints of the wetlands, floodplains and lack of public access.

Public comments were received (Exhibit W) that express concerns that by allowing the RH-HR zoning designation to be applied to lands outside of Tualatin's downtown will "open the door" to high density high rise buildings throughout the city limits.

The applicant provided a supplemental memorandum (Exhibit D) which stated the approval of the proposed Text Amendment will not result in the construction of high-rises all over the City. Rather, the Text Amendment will remove the current locational requirement of the RH-HR zone that restricts the zone to a very small unbuildable part of the City. This will simply allow the City flexibility to locate higher density residential uses where it concludes that the approval criteria are met. A Map Amendment application, which is only approvable by the City Council, would need to be approved through a public process for each site where a rezoning is desired.

- (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:

There are no mapped natural resources on the site affected by the plan map and text amendment. No physical development is proposed with this application for the plan map and text amendment. The subject site would be further examined for natural resources with future development of the site. Future development of the site would need to comply with local, regional, state, and federal requirements for the protection of air, water, and land resources.

Members of the Byrom Community Involvement Organization (CIO) Executive Board provided comments in response to TDC 33.070(5)(d)(vii) (Exhibit U) that stated a forest was removed to build the neighbor development, Autumn Sunrise, and what remains of the forest is on the subject site. The comments stated the City has provided no evidence that protection and conservation of natural resources was considered in the proposed map amendment. The comments noted the proposed text amendment could have a reaching impact on natural resources through the city if it enables remaining natural land to be developed as high rise apartments. Public comments (Exhibit W) have been received in reference to the loss of trees along SW Norwood Road due to nearby development. Concerns have been raised regarding the habitats of local animals and birds. However, none of these features are listed as natural resources of the City.

The applicant voluntarily proposes to preserve the 60-foot-wide buffer of Douglas-fir trees south of Norwood Road. The applicant has also submitted a supplemental memorandum (Exhibit D) that provided additional voluntary conditions to build a sustainable apartment project that meets a US Green Building Council LEED green building standard. The memorandum stated a LEED-certified building saves money, improves efficiency, lowers carbon emissions, enhances resilience, and supports a more equitable community. In addition, the applicant also proposed to construct 40 electric vehicle charging stations onsite.

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

Finding:

Plan Map Amendment: *The proposed plan map amendment would change the subject site zoning*

and development standards from Institutional (IN) and Medium Low Density Residential (RML) to High Density High Rise (RH-HR). The proposed map amendment could allow for the construction of up to 276 housing units on the ±9.2-acre site. The applicant supplied a memorandum from Johnson Economics (Exhibit M) that stated the proposed multi-family development is compatible with neighboring uses. The memorandum provided the existing high school on the subject site produces traffic, noise, and other activity expected of an active daytime use. Multi-family development is often used as a buffer between active daytime uses, such as a school or commercial use, and neighboring low density residential. Multi-family zoning is a common “step down” land use between higher activity land uses, and low activity neighborhoods.

The applicant provided an Arborist Report conducted by Todd Prager & Associates, LLC (Exhibit L) that concluded adjustments to the preliminary design for the Norwood Multi-Family project have maximized tree preservation near Norwood Road. The report stated preserving the 60-foot-wide buffer of Douglas-fir south of Norwood Road is compatible with the proposed road improvements and site plan at this stage of the planning process. Construction impacts and tree preservation measures would be further reviewed through the Architectural Review process.

Plan Text Amendment: *The removal of the locational criteria by itself is not anticipated to have an impact on the elements listed above, considerations of these factors would be applicable on where to apply the zone. The applicant’s text amendment proposal (Exhibit C) requests to revise the height limitation of development to four stories or 50 feet for future projects on the subject site. The applicant proposed a 60-foot buffer of vegetation to remain along SW Norwood Road to create a visual barrier to the site on page 4 of the narrative. The applicant stated these measures will make the future development of the site compatible with the existing neighborhoods.*

Members of the Byrom Community Involvement Organization (CIO) Executive Board provided comments in response to TDC 33.070(5)(d)(viii) (Exhibit U) that stated that South Tualatin has already experienced a reduction in healthful, safe and aesthetic surrounding due to the tree removal from the neighboring Autumn Sunrise subdivision. The comments stated the removal of additional trees as a result of the proposed Norwood project would further reduce the healthful, aesthetic surroundings of South Tualatin. Public comments (Exhibit W) have been received that have concerns about higher crime rates around apartment developments. Comments have also been received that multi-story developments would look out of place in the area.

The applicant has also submitted a supplemental memorandum (Exhibit D) that provided additional voluntary conditions to build a sustainable apartment project that meets a US Green Building Council LEED green building standard. The memorandum stated a LEED-certified building saves money, improves efficiency, lowers carbon emissions, enhances resilience, and supports a more equitable community. In addition, the applicant also proposed to construct 40 electric vehicle charging stations onsite. The memorandum stated the proposed project will deliver 276 units in six residential buildings (plus a community building) on approximately 9 acres. That level of density is only allowed under the RH-HR zone. The RH-HR zone description unfortunately uses the term “high rise.” Typically, a density of 30 units to the acre (the maximum allowed in this zone) can be achieved in four story buildings. Four story buildings are considered “low rise” under the building code. This application includes a Text Amendment to limit the height of this site to four stories, or 50 feet, whichever is less. The RH-HR density maximum, which provides the greatest efficiency and affordability, is still achievable with this height limitation. The four-story height also preserves area for a tree buffer along Norwood and for sufficient parking with a 1.65 parking ratio that exceeds the City’s minimum standards.

(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 factors to consider.

Finding:

Page 26 of the applicant's narrative noted the Basalt Creek Planning Area south of SW Norwood Road is an area planned for future growth within the Cities of Tualatin and Wilsonville. The concept plan for the area includes lands planned for residential, neighborhood commercial, and industrial uses. Housing developments are underway on the Autumn Sunrise Subdivision located east of the subject site and the Plambeck Gardens Apartments located to the southwest of the subject site. The City of Tualatin has purchased ±14 acres of land in the vicinity of the project for the purpose of providing public parks. The parks are intended to provide amenities to existing and future residents in this area of the City. The applicant stated there was no mistake in the plan text or map for the property under consideration, however, the Housing Needs Analysis has identified that the City has a deficit of High Density High Rise (RH-HR) lands with no buildable acres available due to constraints.

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

Finding:

The applicant provided comments from the Sherwood School District included as Exhibit K. Sherwood School District Chief Operations Officer, Jim Rose, provided confirmation that the school district could accommodate any additional students from the future multifamily development on the subject site.

City staff provided an email notice of public hearing and request for comment that was sent to the Sherwood School District on March 17, 2023 included in Exhibit O. As of the date of writing this report, the City of Tualatin has not received any response from the school district.

Members of the Byrom Community Involvement Organization (CIO) Executive Board provided comments in response to TDC 33.070(5)(e) (Exhibit U) that stated the Tigard Tualatin School District was not contacted to identify how they could accommodate students that may petition to enroll in the Tigard Tualatin School District in order to not have to travel to Sherwood School District schools. The comments stated there is no assurance that school district boundary lines would remain in place and Tigard Tualatin School District should also be consulted should boundary lines change in the future. Public comments (Exhibit W) have been received that express concerns of overcrowding in the surrounding Tigard-Tualatin Schools, as well as, students bussing and driving to the Sherwood schools.

The applicant provided an additional memorandum "Supplemental Information on School Capacity" dated April 19, 2023 found in Exhibit N. The memorandum stated, ORS 195.110 dictates the rules regarding school capacity. ORS 195.110(12) states that a development moratorium cannot be based on school capacity. Under ORS 195.110(13), a city can deny an application for residential development based on lack of school capacity if three requirements are met: 1) the issue is raised by the school district; 2) the lack of school capacity is based on a school facility plan formally adopted under the statute and incorporated in the comp plan; and 3) the city has considered options to address school capacity. The memorandum also stated, the Sherwood

School District has not raised the issue of lack of school capacity. Additionally, the Sherwood School District has over 2,500 students, which means it qualifies as a “large school district.” The City of Tualatin is therefore required to include as an element of its Comprehensive Plan a school facility plan per ORS 195.110(2). Tualatin does not have a school facility plan included within the Comprehensive Plan. Instead, there is a general policy related to coordination (see Policy 5.1.7). Therefore, pursuant to ORS 195.110(13), the City cannot deny the application based on lack of school capacity. TDC 33.070.5.e is not an independent basis for denial because it does not satisfy the standards in ORS 195.110.

(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:

The applicant provided a review of Oregon’s Transportation Planning Rule (TPR) (OAR 660-012-0060) and a trip generation analysis by Lancaster Mobley included in Exhibit E. This standard was previously addressed in Section B. Oregon Administrative Rules.

On behalf of the City of Tualatin, DKS Associates conducted a review of the applicant’s Transportation Impact Analysis and Transportation Planning Rule analysis (Exhibit F). The development is proposed on existing Medium Low Density Residential (RML) and Institutional (IN) zoned land. The development proposes to change the zoning to High Density High Rise (RH-HR), a reasonable worst-case analysis must be performed to show no significant impact of the zone change per the Transportation Planning Rule. Operations analysis was performed for the existing and proposed zoning scenarios under year 2040 conditions. The study intersections generally performed slightly better in the AM peak hour and the same or slightly worse in the PM peak hour under the proposed zoning. Under both zoning scenarios the intersection of Boones Ferry Road/Norwood Road would fail without signalization. This triggers OAR 660-012-0060 section (1)(c)(C). With signalization the intersection performs at LOS B and v/c ratio 0.73 under the proposed zoning. Thus, with the proposed mitigation of signalization, the analysis concludes the significant effect due to the proposed zoning change is mitigated per OAR 660-012-0660(2)(d). The proposed mitigation of a signal at Boones Ferry Road/Norwood Road should include a separate striped westbound left turn lane for safety reasons, consistent with the functional classification. It is recommended the westbound left turn run on a separate phase to protect the pedestrians on the south crosswalk, which is directly adjacent to a transit stop. A leading pedestrian interval could also be used and a northbound right turn overlap could be implemented to shorten the right turn queue length.

The review from DKS Associates concluded that the benefit to the public of the proposed plan map amendment would be the requirement of the development to install a new traffic signal as mitigation at SW Norwood Rd and SW Boones Ferry Rd. The signal would decrease existing delays at the intersection and increase safety with the existing crash risks. The installation of the traffic signal would create a safer, protected crossing for pedestrians to access the nearby transit stop and the future proposed park to the west.

Members of the Byrom Community Involvement Organization (CIO) Executive Board provided comments in response to TDC 33.070(5)(f) (Exhibit U) that stated the increased population as a result of the proposed apartments would overburden SW Norwood and SW Boones Ferry Road. Comments stated there is inadequate public transportation. The Byrom CIO stated the proposed apartments are not consistent with the TPR. Public comments (Exhibit W) have been received that express concerns over the validity of the traffic studies and crash data. Comments have been received that say SW Norwood Road and SW Boones

Ferry Road cannot handle additional traffic. Comments have been received that question the potential of individuals being able to turn left onto SW Norwood Road from the proposed development. Comments have stated that they believe people will cut through the existing neighborhoods to avoid traffic. Comments are concerned about traffic accidents in the area. Some comments express that the proposed traffic signal will not help the situation.

The applicant supplied a supplemental memorandum (Exhibit D) in repose which stated that a full Transportation Impact Analysis (TIA) including an evaluation of the state Transportation Planning Rule (TPR) was completed by Lancaster Mobley and provided with the applications. The City's engineer, the City's independent traffic engineer (DKS) and Washington County Transportation all agreed with the scope, the analysis, the conclusions, and the recommendations of the report. Additional information from Lancaster Mobley was provided on May 25, 2023 in response to comments received from ODOT and the City of Wilsonville. The TIA concludes that the change in zoning from Institutional and RML to RH-HR, and the impacts of the proposed apartment project, can be accommodated by the surrounding transportation network. The apartment project will create a minor impact on the transportation system which will be mitigated by the recommended traffic signal at the SW Norwood Road and SW Boones Ferry Road intersection. Additional transportation improvements include widening SW Norwood Road and a new multiuse path along the project frontage. The memorandum stated these critically important improvements will not occur without the development of this project. All of the technical experts agree that the evidence in the TIA support the conclusion that with the conditioned transportation improvements, the impacts of the proposed zone change are mitigated in compliance with OAR 660.012.0060(2)(d) of the TPR. The memorandum also stated that In addition to ensuring that the application complies with all applicable approval criteria, the required transportation improvements will clearly help to mitigate access from Norwood onto Boones Ferry for existing residents, approved developments, and futures needs, as well as provide a much-needed safe crossing for individuals intending to use the planned City Park on the west side of Boones Ferry. The applicant's memorandum also included the apartment project provides a tangible incentive for the City, Washington County, and TriMet to discuss and implement service improvements to Bus Route 96.

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

Finding:

The proposed amendment would not adversely impact the City's compliance with Titles 1-14 of the Metro Chapter 3.07, Urban Growth Management Functional Plan as discussed in Section C of these findings.

Members of the Byrom Community Involvement Organization (CIO) Executive Board provided comments in response to TDC 33.070(5)(g) (Exhibit U) that argue the proposed project, as well as, the building of any high rise developments in Tualatin is not needed due to Tualatin's forecasted housing needs outlined in the 2040 Comprehensive Plan. The Byrom CIO argues that the proposed apartments are contradictory to the Metropolitan Service District's Urban Growth Management Functional Plan, specifically Title 12: Protection of Residential Neighborhoods and Title 13 Nature in Neighborhoods.

(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 10-4), and E/E for the rest of the 2040 Design Types in the City's planning area.

Finding:

Plan Map Amendment: *The subject site is outside of the Town Center Design Type area. The applicant submitted a Transportation Planning Rule Review and a trip generation analysis provided in Exhibit E. The Level of Service in relation to the proposed changes is expected to meet the City standards. Operations analysis was performed for the existing and proposed zoning scenarios under year 2040 conditions. The study intersections generally performed slightly better in the AM peak hour and the same or slightly worse in the PM peak hour under the proposed zoning. Under both zoning scenarios the intersection of Boones Ferry Road/Norwood Road would fail without signalization. This triggers OAR 660-012-0060 section (1)(c)(C). With signalization the intersection performs at LOS B and v/c ratio 0.73 under the proposed zoning. Thus, with the proposed mitigation of signalization, the analysis concludes the significant effect due to the proposed zoning change is mitigated per OAR 660-012-0660(2)(d). The proposed plan map amendment and plan text amendment will not alter the transportation needs of the affected parcels in Tualatin's Transportation System Plan.*

Plan Text Amendment: *The criterion is not applicable to the proposed plan text amendment.*

Members of the Byrom Community Involvement Organization (CIO) Executive Board provided comments in response to TDC 33.070(5)(h) (Exhibit U) that stated the project integrated data from the neighboring Autumn Sunrise subdivision to complete the traffic study. The comment stated the study gathered data during the pandemic when driving patterns were irregular. The Byrom CIO also said the project's traffic impacts were not comprehensively considered with the impact of Plambeck Gardens and the industrial development in the Basalt Creek Planning area. The comment stated that if a comprehensive study were to be completed there would be significant failures on both SW Boones ferry Road and SW Norwood Roads. Public comments (Exhibit W) have been received that express concerns over traffic increases and congestion as a result of the proposed plan map and text amendments. There is not specific evidence to indicate the overall level of service would be degraded as a result of the amendments.

The applicant supplied a supplemental memorandum (Exhibit D) in repose which stated that a full Transportation Impact Analysis (TIA) including an evaluation of the state Transportation Planning Rule (TPR) was completed by Lancaster Mobley and provided with the applications. The City's engineer, the City's independent traffic engineer (DKS) and Washington County Transportation all agreed with the scope, the analysis, the conclusions, and the recommendations of the report. Additional information from Lancaster Mobley was provided on May 25, 2023 in response to comments received from ODOT and the City of Wilsonville. The TIA concludes that the change in zoning from Institutional and RML to RH-HR, and the impacts of the proposed apartment project, can be accommodated by the surrounding transportation network. The apartment project will create a minor impact on the transportation system which will be mitigated by the recommended traffic signal at the SW Norwood Road and SW Boones Ferry Road intersection. Additional transportation improvements include widening SW Norwood Road and a new multiuse path along the project frontage. The memorandum stated these critically important improvements will not occur without the development of this project. All of the technical experts agree that the evidence in the TIA support the conclusion that with the conditioned transportation improvements, the impacts of the proposed zone change are mitigated in compliance with OAR 660.012.0060(2)(d) of the TPR. The memorandum also stated that in addition to ensuring that the application complies with all applicable approval criteria, the required transportation improvements will clearly help to mitigate access from Norwood onto Boones Ferry for existing residents, approved developments, and futures needs, as well as provide a much-needed safe crossing for individuals intending to use the planned City Park on the west side of Boones Ferry. The applicant's memorandum also included that the apartment project provides a tangible incentive for the City, Washington County, and TriMet to discuss and implement service improvements to

Bus Route 96.

(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 applicant submitted a Utility Capacity Analysis (Exhibit H) in response to the City's objectives and policies regarding potable water, sanitary sewer, and stormwater management.

Water: *Water service for the subject site will tie into existing public water mains within SW Norwood Road. Per the 9300 SW Norwood – Water System Capacity Analysis, dated September 11, 2022, from Brian Ginter, PE of Murraysmith, Inc. included as part of Exhibit I, “adequate water service for domestic use and fire suppression is available” for the proposed development.*

Sanitary Sewer: *An 8-inch gravity sanitary sewer line will be constructed north of the proposed site within the SW Norwood Road and SW Boones Ferry Road rights-of-way. This line is planned to lead to an existing sanitary sewer line within SW Boones Ferry Road north of its intersection with SW Norwood Road. Adequate capacity is available to serve the proposed increase in residential density*

Stormwater: *A new connection to an existing stormwater main within SW Boones Ferry Road is planned. Using a combination of an existing on-site stormwater pond and new underground detention facilities, CWS water quality and hydromodification requirements can be met that ensure release rates for the site will be less than or equal to those currently observed.*

The City of Wilsonville provided comments (Exhibit S) that the submitted application materials lack sufficient information on stormwater to determine any downstream impact on City of Wilsonville stormwater system.

Public comments have been received (Exhibit W) that expressed concern regarding the City of Tualatin's lack of a Stormwater Management Plan adoption for the Basalt Creek Area. Comments state that no projects should be approved in the Basalt Creek Area without an adopted Stormwater Management Plan.

The applicant provided a memorandum response to stormwater comments in Exhibit T. The memorandum stated that the approval of the Plan Text Amendment and Plan Map Amendment applications does not include approval of any site improvements, and any improvements would be reviewed as part of subsequent land use processes. As noted in the previously provided utility capacity analysis, this development will be required to comply with water quality (Section 4.04), water quantity (Section 4.02), and hydromodification (Section 4.03) requirements per CWS Design Standards R&O 19-5 (as amended by R&O 19-22). A combination of surface LIDA facilities and proprietary underground systems will be used to treat and detain water in accordance with these requirements. Therefore, overall release rates from the subject site and accompanying public improvements will be less than or equal to the existing condition. Flows from this development will be conveyed via an existing outfall and drainageway to Tapman Creek to the west. This project will be required to assess the downstream conveyance system per CWS R&O 19-5 Section 2.04.2.m.3 and do a hydromodification assessment CWS R&O 19-5 Section 2.04.2.m.4. In addition, per conversations with City staff, a site assessment in conjunction with City and CWS staff will be required

to assess the potential for erosion downstream of the site. Additional information regarding these processes will be provided in subsequent reports as required by land use and permitting processes.

Chapter 41: Medium Low Density Residential Zone (RML)

Section 41.000 Purpose

The purpose of this zone is to provide household living uses with a variety of housing types at moderately low densities. This district is primarily oriented toward middle housing types including attached dwellings, multi-family development, and manufactured dwelling parks.

Finding:

In the submitted narrative, the applicant cited Tualatin's Housing Needs Analysis which identified a surplus of 27-acres of Medium Low Density Residential (RML) designated land.

Plan Map Amendment: *The proposed plan map amendment would reduce the quantity of RML lands by approximately one acre.*

Plan Text Amendment: *The proposed text amendment does not reference or affect the RML district.*

Chapter 44: High Density High Rise Zone (RH-HR)

Section 44.100 Purpose.

The purpose of the High Density High Rise (RH-HR) zone is to provide areas of the City within the City's Central Urban Renewal area, an area west of the Central Urban Renewal area, north of the wetlands, and south of the Tualatin Country Club that are suitable for high density apartment or condominium towers.

Finding:

The purpose statement of the High Density High Rise (RH-HR) zoning district restricts the zoning designation to Tualatin's Central Urban Renewal Area.

Plan Map Amendment: *The proposed map amendment would be applicable to the ±9.2-acre site that is currently zoned Medium Low Density Residential (RML) and Institutional (IN). The applicant has identified a surplus of both of these zoning types in Tualatin's Housing Needs Analysis (HNA) and Economic Opportunities Analysis, while there is an existing deficient in buildable RH-HR lands.*

Plan Text Amendment: *The draft plan text amendment language is included in Exhibit C. The proposed text amendment would remove the locational restrictions from the purpose statement, as well as, the statement to only provide residences in "towers". The proposed plan text amendment would impose a four story or 50 foot height limitation for the area south of SW Norwood Road, which is applicable to the subject site. The existence of the locational language does not allow the RH-HR zoning to be permitted in a location that is considered buildable. The text amendment would allow RH-HR to be permitted on other properties with access to facilities, services, and without the constraints of the wetlands, floodplains and lack of public access.*

Section 44.300 Development Standards.

Development standards in the RH-HR zone are listed in Table 44-3. Additional standards may apply to some uses and situations, see TDC 44.310.

**Table 44-3
 Development Standards in the RH-HR Zone**

STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
MAXIMUM DENSITY		
Household Living Uses	Maximum: 30 units per acre Minimum: 26 units per acre	
Retirement Housing or Congregate Care Facility	45 units per acre	
Nursing Facility	45 units per acre	
Group Living Uses	30 units per acre	Does not apply to Nursing Facility or Congregate Care Facility.
MINIMUM LOT SIZE		
Multi-Family Structure		
• Development on Less than One Acre	10,000 square feet	For up to two units, plus an additional 1,198 square feet for each unit exceeding two.
• Development on More than One Acre	1,452 square feet per unit	
Multi-Family Structure under Condominium Ownership	20,000 square feet	Limited to the primary condominium lot.
All Other Permitted Uses	10,000 square feet	
Conditional Uses	20,000 square feet	
Infrastructure and Utilities Uses	—	As determined through the Subdivision, Partition, or Lot Line Adjustment process.
MINIMUM AVERAGE LOT WIDTH		
Townhouses (Rowhouses)	14 feet	
Multi-Family Structure	75 feet	May be 40 feet on a cul-de-sac street.
Multi-Family Structure under Condominium Ownership	75 feet	Limited to the primary condominium lot. Minimum lot width at street is 40 feet.
All Other Permitted Uses	75 feet	
Conditional Uses	100 feet	Minimum lot width at street is 40 feet.
Flag Lots	—	Must be sufficient to comply with minimum access requirements of TDC 73C.
MINIMUM SETBACKS		
Front Setback		Minimum setback to a garage door must be 20 feet.
• 1 story structure	20 feet	
• 1.5 story structure	25 feet	
• 2 story structure	30 feet	
• 2.5 story structure	35 feet	
• Over 2.5 story structure	—	
Side and Rear Setback		Where living spaces face a side yard, the minimum setback must be 10 feet.
• 1 story structure	5 feet	
• 1.5 story structure	7 feet	
• 2 story structure	10 feet	
• 2.5 story structure	12 feet	

• Over 2.5 story structure	—	As determined through Architectural Review process. No setback must be required which is greater than the height of the structure.
Corner Lots	—	On corner lots, the setback is the same as the front yard setback on any side facing a street other than an alley.
Minimum Distance Between Buildings within One Development	10 feet	
Parking and Vehicle Circulation Areas	10 feet	
Conditional Uses	—	As determined through Architectural Review process. No minimum setback must be greater than 50 feet.
Any Yard Adjacent to a Wetland Protected Area	100 feet	As defined in TDC Chapter 71.
Any Yard Area Adjacent to Basalt Creek Parkway	50 feet	
STRUCTURE HEIGHT		
Minimum Height, Multi-Family and Condominium Developments	4 stories	
Maximum Height	64 feet	If structure does not include underground parking, maximum height is 5 stories. If the first story includes underground parking, maximum height is 6 stories. Regardless of the number of stories, structure height must not exceed 64 feet.

Finding:

Plan Map Amendment: *The proposed map amendment would be applicable to the ±9.2-acre site that is currently zoned Medium Low Density Residential (RML) and Institutional (IN). The applicant has identified a surplus of both of these zoning types in Tualatin’s Housing Needs Analysis (HNA) and Economic Opportunities Analysis, while there is an existing deficient in buildable RH-HR lands.*

Plan Text Amendment: *The proposed text amendment would modify the development standards of TDC 44.300 to place a 4-story height limitation or 50-foot maximum on structures in the High Density High Rise (RH-HR) zoning district in areas south of SW Norwood Road. The described area would be applicable to the subject site. Due to the development constraints of the areas currently zoned RH-HR that are available within the City’s core areas, properties that may be designated for this zoning may be proximate to lower density zoning. The subject site is generally surrounded by Medium Low Density Residential (RML) and Institutional (IN) uses. The proposed plan text amendment would limit the height of buildings to four stories or 50 feet to remain compatible with the adjacent residential and institutional uses.*