



November 19, 2020

Analysis and Findings

Case #:	PTA 20-0004
Project:	Housing Element Comprehensive Plan Update

TABLE OF CONTENTS

I.	INTRODUCTION.....	2
A.	Applicable Criteria.....	2
B.	Project Description.....	2
C.	Public Comments.....	3
D.	Exhibit List	3
II.	FINDINGS	4
A.	Oregon Statewide Planning Goals	4
B.	Oregon Administrative Rules	10
C.	Metro Chapter 3.07, Urban Growth Management Functional Plan	16
D.	Tualatin Development Code Chapter 33.070 Plan Amendments	18

I. INTRODUCTION

A. Applicable Criteria

Applicable Statewide Planning Goals; Divisions 7 and 18 of the Oregon Administrative Rules; applicable Sections of the City of Tualatin Development Code, including Section 33.070 (Plan Amendments).

B. Project Description

The scope of Plan Text Amendment PTA 20-0004 includes adoption of the Housing Needs Analysis and Housing Strategies document (2019) developed through the Tualatin 2040 effort focused on improving housing policy, as well as reorganization of Chapters 1 through 30 of the Tualatin Development Code (also known as the *Tualatin Community Plan, Exhibit D*) into a stand-alone Comprehensive Plan document.

These changes include:

- A new Housing Element (Chapter 3) of the proposed updated Comprehensive Plan reflecting the 2019 Housing Needs Assessment and Housing Strategies through updated Goals and Policies.
- A policy-neutral reorganization to the remainder of the Comprehensive Plan. Goals and Policies are more centralized and easily identified than previous objectives.
- Policy-neutral updates to language and references, including broad deletion of outdated and extraneous data. The majority of the text was written in the late 70's looking toward the year 2000, and references such as population projections to years past, the composition of decades-old advisory bodies, and similar details are no longer informative.
- Updates to the text of the Introduction of the Plan.
- Modern formatting with pictures and graphics.

Table 1—Overview of Proposed Comprehensive Plan Organization

Updated Comprehensive Plan	Tualatin Community Plan
Chapter 1—Community Involvement	TDC 2.050
Chapter 2—Community Design	TDC 10 Community Design TDC 20 Sign Design
Chapter 3—Housing	TDC 4 Community Growth TDC 5 Residential Growth
Chapter 4—Economy, Commercial and Industrial Development	TDC 3.070 Economics TDC 6 Commercial Planning Districts TDC 7 Manufacturing Planning Districts TDC 30 Tualatin Urban Renewal
Chapter 5—Other Land Use	TDC 3.060 Land Use TDC 8 Public, Semi-Public, and Miscellaneous Land Use
Chapter 6—Historic Preservation	TDC 3.050 TDC 16 Historic Preservation
Chapter 7—Parks, Open Space, Environment	TDC 3.030 Natural Resources

	TDC 3.040 Natural Hazards Chapter 15 Parks and Recreation (includes supporting information for natural resource areas and regulation)
Chapter 8—Transportation	3.080 Public Facilities TDC 11 Transportation
Chapter 9 – Public Facilities	3.080 Public Facilities Chapter 12 Water Services Chapter 13 Sewer Services Chapter 14 Drainage Plan
Chapter 10 Land Use Designations	TDC 5.040 Planning District Objectives (Residential) TDC 6.040 Commercial Planning District Objectives TDC 7.040 Manufacturing Planning District Objectives TDC 8.100 Institutional Planning District Objectives TDC 9 Plan Map

Additional updates to the Tualatin Development Code are also needed to accurately and consistently refer to the Comprehensive Plan, and to correct the placement of information that more appropriately is contained at the Development Code level.

C. Public Comments

D. Exhibit List

- A. Proposed Text Changes
- B. 2019 Housing Needs Analysis
- C. 2019 Housing Strategy Analysis
- D. Tualatin Development Code Chapters 1-30 (Tualatin Community Plan)
- E. Tualatin Planning Commission Comments

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 Housing Element updates reflect work that is part of the Tualatin 2040 effort and conducted under the guidance of a Community Advisory Committee and Technical Advisory Committee. The current Plan Text Amendment is the beginning of incorporating that public voice into the Comprehensive Plan. Staff drafted the Housing Element directly based on the final documents associated with this earlier phase of work, and daylighted incremental drafts at Tualatin Planning Commission meetings held between July and November 2020.

The remainder of the Comprehensive Plan reorganization is intended to be policy-neutral and does not reflect the broad public involvement that would be desired for greater changes.

While neutral in its policy impacts, the proposed changes to the Comprehensive Plan include the creation of a new chapter, “Chapter 1—Community Involvement.” This chapter collects the existing information on community involvement that can be gleaned from the Tualatin Community Plan document (Exhibit D) and highlights it for consideration as a goal and three distinct policies to be explicitly considered where future code and policy changes must refer to the Comprehensive Plan. Any future efforts to improve community involvement policies and practices will likewise have a clear organizational structure to plug into, versus the current organization where it is buried under a chapter called, “Introduction.” The change further emphasizes and makes plain that the practices of the City of Tualatin must be consistent with Statewide Planning Goal 1.

The proposed amendments conform to Goal 1.

Goal 2 – Land Use Planning

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

[...] Goal 2 outlines the basic procedures of Oregon's statewide planning program. It says that land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted. It requires that plans be based on "factual information"; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. OAR 660-015-0000(2)

Finding:

The factual basis for policy changes in Chapter 3 is primary composed of the Housing Needs Analysis (2019) (Exhibit 2) and Housing Strategy Analysis (2019) (Exhibit 3). The City Council accepted the Housing Needs Analysis and Housing Strategy Analysis through Resolution No. 5479-19, on December 9, 2019. This factual basis includes an evaluation of population and economic changes, the existing

inventory of structures and vacant land, and the City of Tualatin's responsibilities in the context of other jurisdictions and actors with influence over the existing housing inventory and our region's ability to meet housing demand. The proposed changes advance the aims of Goal 2 by taking into account changing public policies and circumstances. The changes partially implement citizen opinion as determined through the Tualatin 2040 engagement process; further changes to the Tualatin Development Code and potentially other programmatic changes will be needed to fully implement the Tualatin 2040 background documents.

The remainder of the Comprehensive Plan reorganization is intended to be policy-neutral and staff do not claim an updated factual basis. As clear as it is that maintaining the status quo is never truly neutral, and may be seen as inadequate in the face of broad systemic crises, without an updated factual basis, staff is refraining from updates to the related policies for the remainder of the Comprehensive Plan. It is staff's understanding that City Council seeks these organizational changes to facilitate future changes and better understand the existing contents of that which comprises Tualatin's Comprehensive Plan.

The proposed amendments conform to Goal 2 and satisfy the applicable OAR.

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:

Applicability of Goal 5 to post-acknowledgment plan amendments is governed by OAR 660-023-0250.

Natural Resources

The proposed amendments do not modify the acknowledged Goal 5 resource list or the effective Tualatin Development Code. Proposed changes do not include any changes to permitted uses, and would therefore not allow uses that would conflict with a particular Goal 5 resource site on an acknowledged resource list. In 1994, The City prepared the Wetland and Natural Areas Plan as part of a Periodic Review effort toward Goal 5 compliance.

Drainage, storm water and surface water runoff in Tualatin are addressed in the Tualatin Drainage Plan, the Surface Water Management Ordinance (SWM Ordinance) (Ord. No. 846-91), the Northwest Tualatin Concept Plan 2005, the Southwest Tualatin Concept Plan 2010 and TDC Chapter 74, the objective of which includes compliance with Metro's Urban Growth Management Functional Plan (UGMFP) Title 3 and by extension, Goal 5. The surface water management policies and requirements in the SWM Ordinance were adopted by the City and other jurisdictions in the Tualatin River Basin to implement Clean Water Services requirements for control of sedimentation and water quality, which had been found by Metro to be consistent with Title 3, thus bringing Tualatin into conformance with Title 3 as well.

Compliance with Title 13 is satisfied by Tualatin's participation in the Tualatin Basin Plan (Exhibit 6). Previously adopted amendments to Tualatin Development Code (Chapter 72) remain unchanged but for document reference updates. Previously adopted amendments to Chapter 4 of the Tualatin Community

Plan (Comprehensive Plan) are effectively preserved in the proposed text of Chapter 7, Parks, Open Space, Environment. The impact of any specific proposed development would be reviewed by Clean Water Services for potential natural resource impacts as part of that future land use application.

Historic Resources

The proposed amendments likewise do not modify the Historic Resource Inventory or Designated Landmark List (Tualatin Development Code Chapter 68). Modifications to the Historic Resources chapter of the Comprehensive Plan do remove references specific to individual properties, leaving guidance on specific properties to be determined by the broader policies of the Comprehensive Plan in tandem with more specific information in the inventory and Tualatin Development Code.

The proposed amendments conform to Goal 5 and satisfy the applicable OAR.

Goal 6 – Air, Water and Land Resources Quality

This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution. OAR 660-015-0000(6)

Finding:

The Oregon Department of Environmental Quality (DEQ) regulates air, water and land with Clean Water Act (CWA) Section 401 Water Quality, Water Quality Certificate, State 303(d) listed waters, Hazardous Wastes, Clean Air Act (CAA), and Section 402 NPDES Construction and Stormwater Permits. The Oregon Department of State Lands and the U.S. Army Corps of Engineers regulate jurisdictional wetlands and CWA Section 404 water of the state and the country respectively. Clean Water Services (SWC) coordinates storm water management, water quality and stream enhancement projects throughout the city. Future development will still need to comply with these state, national and regional regulations and protections for air, water and land resources. The PTA does not include proposed changes to TDC Chapter 63 (Industrial Uses and Utilities and Manufacturing Zones - Environmental Regulations). The proposed amendments conform to Goal 6 and satisfy the applicable OAR.

Goal 7 – Areas Subject to Natural Disasters and Hazards

Goal 7 deals with development in places subject to natural hazards such as floods or landslides. OAR 660-015-0000(7).

Finding:

The proposed amendments do not affect policies associated with Goal 7 established by the Comprehensive Plan. Approval of the proposed amendments will not eliminate the requirement for future development to meet the requirements of the Chapters 70 and 72 of the Tualatin Development Code. The proposed amendments conform to Goal 7.

Goal 8 – Recreation Needs

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

Finding:

Tualatin adopted the Tualatin Parks and Recreation Master Plan in 2019 through Ordinance 1427-19.

Proposed Comprehensive Plan Chapter 7 retains the existing recreation policies and reflects some of the additional language contained within the Parks and Recreation Master Plan (2018).

The proposed amendments conform to Goal 8.

Goal 9 – Economy of the State

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

Finding:

The reorganization of the Comprehensive Plan includes consolidating objectives in Chapter 6 (Commercial Planning Districts) and Chapter 7 (Manufacturing Planning Districts) into a single Comprehensive Plan chapter (Chapter 4: Economy, Commercial and Industrial Development) and breaking out descriptions of specific land use designations (which double as zones) in Chapter 10, Land Use Designation. The substance of the objectives are retained and clarified as goals and policies. Outdated references to the closed Urban Renewal Area are removed.

The proposed amendments do not impact the inventory of commercial and industrial lands. The proposed amendments do not rezone any land uses and there are no changes proposed to the boundaries of lands zoned for commercial and industrial uses, as indicated on the City's adopted Planning District Map. The types of commercial and industrial uses and overall intensities of use in the current code will continue to be permitted under the proposed amendments. Therefore, the PTA will not impact the City's current or future need for commercial and industrial land.

The proposed amendments conform to Goal 9.

Goal 10 – Housing

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

Finding:

The City of Tualatin completed a Buildable Lands Inventory and Housing Needs Analysis in 2019 as part of the City's ongoing efforts through the Tualatin 2040 project. These efforts aim to improve local housing policies and development regulations to create a broader range of housing responsive to the region's needs and fully responsive to the charge to provide needed housing presented by Goal 10. The City Council accepted the Housing Needs Analysis and Housing Strategy Analysis through Resolution No. 5479-19, on December 9, 2019.

A new consolidated Chapter 3 of the Comprehensive Plan is intended to reflect this updated factual basis and better comply with Goal 10.

Updated policy statements under Goal 3.1 directly relate to housing supply and the City's responsibilities to ensure that an adequate land supply is provided in relationship to the findings of the Housing Needs

Analysis, as well as requirements to provide for clear and objective review, maintain citywide minimum residential densities in compliance with state and regional requirements, coordinate with infrastructure development, and consider residential development in balance with coordinated infrastructure development, and urban services. The policies stop short of directing greater density or zoning to changes to this end, but include supportive actions for continuing to evaluate the city's development code and practices. Goal 3.1 and supportive policies therefore mostly directly speak to the provisions of Guidelines under "A. Planning" in Goal 10, as well as section 1 of "B. Implementation" establishing a need to revise the City's evaluation of housing need.

Updated policy statements under Goal 3.2 relate to housing diversity and proactively respond to changes that will be necessary under HB 2001. Goal 3.3 speaks to supporting development of affordable housing. Goal 3.4 and related policies speak to coordination between economic development efforts and housing as well as encouraging mixed-use development types.

Goal 3.5 and related policies relate to coordinating housing and transportation development, while Goal 3.6 and related policies relate to coordinating residential development with other regional actors and consistently with state and regional policies. Finally, Goal 3.7 acknowledges the need to plan for housing in relationship to environmental impacts of development.

The proposed amendments conform to Goal 10.

Goal 11 – Public Facilities and Services

Finding:

The proposed amendments retain the City's Water Plan and Sanitary Sewer Plan (Exhibit XX), with updated organization and renumbering. Provision of public services including water, sewer, and emergency services are unchanged.

TDC Chapters 8 (Public, Semi-Public and Misc. Land Uses), TDC Chapter 12 (Water Service), TDC Chapter 13 (Sewer Service), and TDC Chapter 14 (Drainage Plan and Surface Water Management) contain the existing objectives and policies related to the City's provision of public facilities and services. The proposed amendments retain the substance of these policies organized into a single chapter and with goals and policy directions more clearly highlighted. The implementing requirements in TDC Chapter 74 (Public Improvement Requirements) are unchanged. The extent to which public service uses, such as fire stations, are permitted in the Tualatin Development Code is unchanged. The amendments likewise do not include any map amendments or amendments to residential densities or permitted housing types or to the type or intensities of permitted non-residential uses; therefore, the PTA will have no direct impact on demand for public facilities and services.

The proposed amendments conform to Goal 11.

Goal 12 – Transportation

Finding:

Goal 12 requires the provision and encouragement of a safe, convenient, multimodal and economic transportation system. The Comprehensive Plan and Transportation System Plan (TSP) describes the transportation system necessary to accommodate the transportation needs of the City.

The Transportation Planning Rule requires certain actions 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. The PTA does not include any changes to the transportation standards in TDC Chapter 74 (Public Improvement Requirements) or TDC Chapter 75 (Access Management). No changes are proposed to the boundaries of lands zoned for residential uses or non-residential uses as indicated on the City's adopted Planning District Map. The types of residential and non-residential uses, and the density and intensities of such development permitted today by the current TDC within the various zoning districts, will continue to be permitted by the updated TDC. Therefore, the PTA will have no impact on the provision of, or demand for, transportation facilities.

Implementing measures are contained in the Tualatin Development Code and (TDC 74 and 75) Public Works Construction Code (Tualatin Municipal Code Chapter 02-03). The proposed amendments improve consistency with other adopted planning efforts. The amendments are consistent with the City's acknowledged policies and strategies for the provision of transportation facilities and services as required by Goal 12 the Transportation Planning Rule (TPR), the findings for which are found in Section C under Oregon Administrative Rules Chapter 660, Division 12. The proposed amendments are consistent with the acknowledged policies and strategies for the provision of transportation facilities and services as required by Goal 12, the TPR, the Oregon Highway Plan (OHP) and the Regional Transportation Functional Plan (RTFP). The proposed amendments conform to Goal 12.

The proposed amendments would not directly change any residential density; no additional impacts to transportation facilities and services are anticipated. The proposed amendments conform to Goal 12.

Goal 13: Energy Conservation
To conserve energy.

Finding:

Provisions to comply with Goal 13 were included in the existing, adopted and DLCD acknowledged Comprehensive Plan and Development Code (TDC Chapters 4 and 7 which are incorporated into Comprehensive Plan Chapter 3 and 4 respectively). The amendments proposed to the plan would not eliminate or alter the existing energy conservation provisions of the Code. Coordinated design and development allows for maximized use of transportation systems and public facilities in the area, thereby further increasing energy efficiency. The proposed amendments conform to Goal 13.

Goal 14: Urbanization

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Finding:

No changes are proposed to the boundaries of lands zoned for residential uses or non-residential uses as indicated on the City's adopted Planning District Map. The types of residential and non-residential uses, and the density and intensities of such development permitted today by the current Tualatin Development Code within the various zoning districts, will continue to be permitted. Therefore, the PTA is not expected to impact the City's current or future need for land. The proposed amendments conform to Goal 14.

B. Oregon Administrative Rules

OAR Chapter 660 Division 7 (Metropolitan Housing)
[...]

660-007-0015

Clear and Objective Approval Standards Required

(1) Except as provided in section (2) of this rule, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of needed housing on buildable land. The standards, conditions and procedures may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

(2) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in section (1) of this rule, a local government may adopt and apply an optional alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if:

(a) The applicant retains the option of proceeding under the approval process that meets the requirements of section (1);

(b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and

(c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in section (1) of this rule.

(3) Subject to section (1), this rule does not infringe on a local government's prerogative to:

(a) Set approval standards under which a particular housing type is permitted outright;

(b) Impose special conditions upon approval of a specific development proposal; or

(c) Establish approval procedures.

Finding:

The changes to the Housing Element, Chapter 3 of the Comprehensive Plan, do not include the scope of changes to the Tualatin Development Code necessary to provide for clear and objective standards for housing development for housing types other than detached single family as seen in TDC Chapter 33, Applications and Approval Criteria. Meanwhile, the adoption of the Housing Needs Analysis (2019) represented through the subject amendments clarifies that the scope of needed housing includes

attached and multi-family housing types. The present scope of changes represents the first step in this necessary update; the changes to the Comprehensive Plan, specifically proposed Policy 3.1.4 reflect the requirement to implement clear and objective approval standards and would move the City's policy toward compliance. Full implementation of this state requirement will remain to be implemented through anticipated future changes to the Tualatin Development Code. The proposed amendments are thereby consistent with these requirements.

660-018-0020: Notice of a Proposed Change to a Comprehensive Plan or Land Use Regulation

(1) Before a local government adopts a change to an acknowledged comprehensive plan or a land use regulation, unless circumstances described in OAR 660-018-0022 (Exemptions to Notice Requirements Under OAR 660-018-0020) apply, the local government shall submit the proposed change to the department, including the information described in section (2) of this rule. The local government must submit the proposed change to the director at the department's Salem office at least 35 days before holding the first evidentiary hearing on adoption of the proposed change.

(2) The submittal must include applicable forms provided by the department, be in a format acceptable to the department, and include all of the following materials:

(a) The text of the proposed change to the comprehensive plan or land use regulation implementing the plan, as provided in section (3) of this rule;

(b) If a comprehensive plan map or zoning map is created or altered by the proposed change, a copy of the relevant portion of the map that is created or altered;

(c) A brief narrative summary of the proposed change and any supplemental information that the local government believes may be useful to inform the director and members of the public of the effect of the proposed change;

(d) The date set for the first evidentiary hearing;

(e) The notice or a draft of the notice required under ORS 197.763 (Conduct of local quasi-judicial land use hearings) regarding a quasi-judicial land use hearing, if applicable; and

(f) Any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained.

(3) The proposed text submitted to comply with subsection (2)(a) of this rule must include all of the proposed wording to be added to or deleted from the acknowledged plan or land use regulations. A general description of the proposal or its purpose, by itself, is not sufficient. For map changes, the material submitted to comply with Subsection (2)(b) must include a graphic depiction of the change; a legal description, tax account number, address or similar general description, by itself, is not sufficient. If a goal exception is proposed, the submittal must include the proposed wording of the exception.

(4) If a local government proposes a change to an acknowledged comprehensive plan or a land use regulation solely for the purpose of conforming the plan and regulations to new requirements in a land use statute, statewide land use planning goal, or a rule implementing the statutes or goals, the local government may adopt such a change without holding a public hearing, notwithstanding contrary provisions of state and local law, provided:

(a) The local government provides notice to the department of the proposed change identifying it as a change described under this section, and includes the materials described in section (2) of this rule, 35 days before the proposed change is adopted by the local government, and

(b) The department confirms in writing prior to the adoption of the change that the only effect of the proposed change is to conform the comprehensive plan or the land use regulations to the new requirements.

(5) For purposes of computation of time for the 35-day notice under this rule and OAR 660-018-0035 (Department Participation)(1)(c), the proposed change is considered to have been “submitted” on the day that paper copies or an electronic file of the applicable notice forms and other documents required by section (2) this rule are received or, if mailed, on the date of mailing. The materials must be mailed to or received by the department at its Salem office.

Finding:

Notice of a proposed Post-Acknowledgement Plan Amendment was submitted to the Department of Land Conservation and Development (DLCD) via the PAPA Online portal on **November 6, 2020, 38** days before the scheduled hearing.

660-007-0022

Restrictions on Housing Tenure

Any local government that restricts the construction of either rental or owner occupied housing on or after its first periodic review shall either justify such restriction by an analysis of housing need according to tenure or otherwise demonstrate that such restrictions comply with ORS 197.303(1)(a) and 197.307(3).

Finding:

The City of Tualatin has no restrictions on the construction of rental or owner occupied housing. Moreover, the proposed changes eliminate language that suggests bias with regard to housing tenure. The proposed amendments are consistent with these requirements.

660-007-0030: New Construction Mix

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

- (a) Metro forecasts of dwelling units by type;**
- (b) Changes in household structure, size, or composition by age;**
- (c) Changes in economic factors impacting demand for single family versus multiple family units; and**
- (d) Changes in price ranges and rent levels relative to income levels.**

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

[...]

660-007-0033

Consideration of Other Housing Types

Each local government shall consider the needs for manufactured housing and government assisted housing within the Portland Metropolitan UGB in arriving at an allocation of housing types.

660-007-0035: Minimum Residential Density Allocation for New Construction

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

[...]

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

[...]

Finding:

While the policies outlined in proposed Chapter 3 suggest possible changes to density and permitted housing types, it does not implement any changes that would directly influence the new construction mix, density, or allowed housing types. The proposed amendments remain consistent with these requirements.

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.

Finding:

The proposed changes include adopted the Buildable Lands Inventory for the entire City. Buildable land has been identified consistent with the requirements of Metro Title 11. The proposed amendments are consistent with these requirements.

660-009-0020

Industrial and Other Employment Development Policies

(1) Comprehensive plans subject to this division must include policies stating the economic development objectives for the planning area. These policies must be based on the community economic opportunities analysis prepared pursuant to OAR 660-009-0015 and must provide the following:

(a) Community Economic Development Objectives. The plan must state the overall objectives for economic development in the planning area and identify categories or particular types of industrial and other employment uses desired by the community. Policy objectives may identify the level of short-term supply of land the planning area needs. Cities and counties are strongly encouraged to select a competitive short-term supply of land as a policy objective.

(b) Commitment to Provide a Competitive Short-Term Supply. Cities and counties within a Metropolitan Planning Organization must adopt a policy stating that a competitive short-term supply of land as a community economic development objective for the industrial and other employment uses selected through the economic opportunities analysis pursuant to OAR 660-009-0015.

(c) Commitment to Provide Adequate Sites and Facilities. The plan must include policies committing the city or county to designate an adequate number of sites of suitable sizes, types and locations. The plan must also include policies, through public facilities planning and transportation system planning, to provide necessary public facilities and transportation facilities for the planning area.

- (2) Plans for cities and counties within a Metropolitan Planning Organization or that adopt policies relating to the short-term supply of land, must include detailed strategies for preparing the total land supply for development and for replacing the short-term supply of land as it is developed. These policies must describe dates, events or both, that trigger local review of the short-term supply of land.**
- (3) Plans may include policies to maintain existing categories or levels of industrial and other employment uses including maintaining downtowns or central business districts.**
- (4) Plan policies may emphasize the expansion of and increased productivity from existing industries and firms as a means to facilitate local economic development.**
- (5) Cities and counties are strongly encouraged to adopt plan policies that include brownfield redevelopment strategies for retaining land in industrial use and for qualifying them as part of the local short-term supply of land.**
- (6) Cities and counties are strongly encouraged to adopt plan policies pertaining to prime industrial land pursuant to OAR 660-009-0025(8).**
- (7) Cities and counties are strongly encouraged to adopt plan policies that include additional approaches to implement this division including, but not limited to:**
 - (a) Tax incentives and disincentives;**
 - (b) Land use controls and ordinances;**
 - (c) Preferential tax assessments;**
 - (d) Capital improvement programming;**
 - (e) Property acquisition techniques;**
 - (f) Public/private partnerships; and**
 - (g) Intergovernmental agreements.**

Finding:

Proposed Chapter 4 of the Comprehensive Plan reflects the existing policies for industrial and commercial land contained within the Tualatin Community Plan Chapters 3, 6, and 7 (Exhibit D). No changes are proposed to the land use map. The proposed amendments are consistent with these requirements.

660-012-0015

Preparation and Coordination of Transportation System Plans

- (1) ODOT shall prepare, adopt and amend a state TSP in accordance with ORS 184.618, its program for state agency coordination certified under ORS 197.180, and OAR 660-012-0030, 660-012-0035, 660-012-0050, 660-012-0065 and 660-012-0070. The state TSP shall identify a system of transportation facilities and services adequate to meet identified state transportation needs:**
 - (a) The state TSP shall include the state transportation policy plan, modal systems plans and transportation facility plans as set forth in OAR chapter 731, division 15;**
 - (b) State transportation project plans shall be compatible with acknowledged comprehensive plans as provided for in OAR chapter 731, division 15. Disagreements between ODOT and affected local governments shall be resolved in the manner established in that division.**
- (2) MPOs and counties shall prepare and amend regional TSPs in compliance with this division. MPOs shall prepare regional TSPs for facilities of regional significance within their jurisdiction. Counties shall prepare regional TSPs for all other areas and facilities:**

- (a) Regional TSPs shall establish a system of transportation facilities and services adequate to meet identified regional transportation needs and shall be consistent with adopted elements of the state TSP;**
- (b) Where elements of the state TSP have not been adopted, the MPO or county shall coordinate the preparation of the regional TSP with ODOT to assure that state transportation needs are accommodated;**
- (c) Regional TSPs prepared by MPOs other than metropolitan service districts shall be adopted by the counties and cities within the jurisdiction of the MPO. Metropolitan service districts shall adopt a regional TSP for areas within their jurisdiction;**
- (d) Regional TSPs prepared by counties shall be adopted by the county.**
- (3) Cities and counties shall prepare, adopt and amend local TSPs for lands within their planning jurisdiction in compliance with this division:**
 - (a) Local TSPs shall establish a system of transportation facilities and services adequate to meet identified local transportation needs and shall be consistent with regional TSPs and adopted elements of the state TSP;**
 - (b) Where the regional TSP or elements of the state TSP have not been adopted, the city or county shall coordinate the preparation of the local TSP with the regional transportation planning body and ODOT to assure that regional and state transportation needs are accommodated.**
 - (4) Cities and counties shall adopt regional and local TSPs required by this division as part of their comprehensive plans. Transportation financing programs required by OAR 660-012-0040 may be adopted as a supporting document to the comprehensive plan.**
 - (5) The preparation of TSPs shall be coordinated with affected state and federal agencies, local governments, special districts, and private providers of transportation services.**
 - (6) Mass transit, transportation, airport and port districts shall participate in the development of TSPs for those transportation facilities and services they provide. These districts shall prepare and adopt plans for transportation facilities and services they provide. Such plans shall be consistent with and adequate to carry out relevant portions of applicable regional and local TSPs. Cooperative agreements executed under ORS 197.185(2) shall include the requirement that mass transit, transportation, airport and port districts adopt a plan consistent with the requirements of this section.**
 - (7) Where conflicts are identified between proposed regional TSPs and acknowledged comprehensive plans, representatives of affected local governments shall meet to discuss means to resolve the conflicts. These may include:**
 - (a) Changing the draft TSP to eliminate the conflicts; or**
 - (b) Amending acknowledged comprehensive plan provision to eliminate the conflicts;**
 - (c) For MPOs which are not metropolitan service districts, if conflicts persist between regional TSPs and acknowledged comprehensive plans after efforts to achieve compatibility, an affected local government may petition the Commission to resolve the dispute.**

Finding:

The scope of proposed changes does not amend the Transportation System Plan (TSP) adopted for the City of Tualatin. Only the numbering as applied in the Comprehensive Plan format is altered. This and further requirements for TSP updates are not applicable.

C. Metro Chapter 3.07, Urban Growth Management Functional Plan

The following Chapters and Titles of Metro Code are applicable to the proposed amendments:

Chapter 3.07, Urban Growth Management Functional Plan

Title 1 – Requirements for Housing and Employment Accommodation

This section of the Functional Plan facilitates efficient use of land within the Urban Growth Boundary (UGB). Each city and county has determined its capacity for providing housing and employment which serves as their baseline and if a city or county chooses to reduce capacity in one location, it must transfer that capacity to another location. Cities and counties must report changes in capacity annually to Metro.

Finding:

The requirements of Title 1 pertain to reductions in residential or employment uses. The proposed amendments do not directly change the provision of land for housing and employment uses. The proposed amendments are consistent with Title 1.

Title 3 – Water Quality and Flood Management

This section of the Functional Plan acts to protect beneficial water uses and functions. Additionally, this section addresses mitigation of the impact of flooding of developed areas.

Finding:

The City of Tualatin's compliance with Title 3 is effectively administered by Clean Water Services. Future development in Tualatin will be comply with Clean Water Services' Design and Construction Standards. Sensitive areas such as vegetated corridors surrounding streams and wetland habitat are identified, protected and maintained by Clean Water Services. The City's floodplain management code in TDC Chapter 70 is also unchanged by the proposed amendments. The proposed amendments are consistent with Title 3.

Title 4 – Industrial and Other Employment Areas

Title 4 of the Metro Plan establishes a regional framework for economic organization. Key industrial areas are identified by Metro to capitalize on a more regional perspective. The Title calls for clustering of industrial areas.

Finding:

The proposed amendments do not directly make any changes to the provision of buildable industrial lands. The proposed amendments are consistent with Title 4.

Title 7 – Housing Choice

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

Finding:

Title 7 is generally applicable to a City government, calling for programs and incentives for housing choices. While the proposed amendments do not directly create incentives for affordable housing, they do set a more supportive policy framework for formal affordable housing, as well as more diverse attainable housing types. The proposed amendments are consistent with Title 7.

Title 8 – Compliance Procedures

Finding:

Title 8 sets forth Metro's procedures for determining compliance with the Urban Growth Management Functional Plan (UGMFP). Included in this title are steps local jurisdictions must take to ensure that Metro has the opportunity to review amendments to comprehensive plans. Title 8 requires jurisdictions to submit notice to Metro at least 35 days prior to the first evidentiary hearing for a proposed amendment to a comprehensive plan. Consistent with Title 8, staff sent a copy of the proposed amendments to Metro on **November 6, 2020, 38** days prior to the first evidentiary hearing. The proposed amendments are consistent with Title 8.

Title 12 – Protection of Residential Neighborhoods

The purpose of this title is to protect the region's existing residential neighborhoods from air and water pollution, noise and crime, and to provide adequate levels of public services.

Finding:

The proposed amendments do not directly alter the City of Tualatin's regulations regard air and water pollution, noise and crime, or provision of public services. The proposed amendments are consistent with Title 12.

Title 13 – Nature in Neighborhoods

The purpose of this title is to conserve, protect and restore a continuous ecologically viable streamside corridor system that is integrated with upland wildlife habitat and the surrounding urban landscape.

Finding:

Compliance with Title 13 is satisfied by Tualatin's participation in the Tualatin Basin Plan and previously adopted amendments to the Comprehensive Plan and Development Code. Future development in Tualatin must comply with Clean Water Services' Design and Construction Standards for impacts in sensitive areas such as vegetated corridors surrounding streams and wetland habitat. Tualatin's local natural resources regulations are moved from Tualatin Community Plan Chapters 3 Technical Memoranda, and Chapter 15 Parks and Recreation (Exhibit D), to Tualatin Comprehensive Plan Chapter 7, Parks, Open Space, Environment. The proposed amendments are consistent with Title 13.

D. Tualatin Development Code Chapter 33.070 Plan Amendments

(5) Approval Criteria.

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

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

Finding:

The changes to the Housing Element, Chapter 3, reflect updated insights from community members and data about the present housing stock and future needs as established during the Tualatin 2040 engagement process. These changes and additional changes reflect direction from Tualatin City Council to reorganize the Comprehensive Plan into a discrete and more understandable unit, outside of a more time-intensive periodic review effort.

The changes to the Housing Element are important to advancing the public interest at this time; the Portland, Oregon metropolitan region is experiencing a documented housing crisis that is only exacerbated by apparent short-term trends. The City of Tualatin is no exception to this trend, and as a suburban employment hub has an additional impetus to encourage housing that can facilitate job access and potentially shorten average commutes in the region by bridging the spatial disconnect between housing and jobs. Adopting the Housing Needs Analysis (2019) delivers additional data to understanding the scope of the housing crisis and a beginning to understanding the kinds of additional housing development that would be valuable to the future of the Tualatin community.

The remaining policy-neutral changes to the Comprehensive Plan provide clarity for future Plan Text Amendments and Plan Map Amendments that must reference Comprehensive Plan policies. Providing a more legible and compact format for the relevant criteria can make it easier for private interests, city staff, elected decision-makers, and the general public alike to identify and address relevant criteria. While land use decisions, especially Plan Text Amendments, can involve obscure concepts and prescribed processes, it should at least be easier for the general public to evaluate proposals against the Comprehensive Plan policies where they are identifiable as policies.

Criteria (a) and (b) are met.

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

Finding:

The updates the Housing Element of the Tualatin Community Plan (Exhibit D) into a new Comprehensive Plan chapter are an appropriate update to said plan and reflect the outcomes of the Tualatin 2040 Housing Strategies Analysis and Housing Needs Analysis (2019). These changes are considered under the terms of applicable Oregon Statewide Planning Goals, Oregon Administrative Rules, and the Urban Growth Functional Plan. The factual basis of the Tualatin Community Plan is outdated with regard to population projections and other evaluation of Tualatin's housing need, to the extent that population data within the Tualatin Community Plan is from the late 1970's projected forward to the year 2000, a full two decades prior to this moment.

To the extent that the remainder of changes are policy-neutral, the reorganization of the Tualatin Community Plan chapters into the Tualatin Comprehensive Plan does not conflict with the Tualatin Community Plan objectives. The updated chapters remain consistent with the substance of the stated objectives and add additional clarity.

This criterion is met.

(d) The following factors were consciously considered:

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

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

Finding:

The proposed Comprehensive Plan does not change the uses, densities, and/or intensities of development, or the applicable development and design standards of the current Tualatin Development Code. Future changes to the Tualatin Development Code or Planning District Map based on the current Comprehensive Plan Update will need to consider geographic characteristics. The updated Comprehensive Plan does not change development outcomes. Therefore, the suitability of areas for a particular land use or amendment to the Planning District Map is not applicable to the amendments under consideration.

Finding:

(iii) Trends in land improvement and development;

Finding:

Tualatin's Housing Needs Analysis (2019) is the most recent and applicable evaluation of trends in land improvement and development with regard to housing. Adopting this document enables the City of Tualatin to better incorporate these trends in further decision-making with regard to policy decisions, programmatic actions, and changes to the Tualatin Development Code. Additional data concerning land improvement and development is further encouraged by the changes in the Housing Element of the Comprehensive Plan, since updating this information in response to dynamic conditions is an explicit

(iv) Property values;

Finding:

The proposed Comprehensive Plan does not change the uses, densities, and/or intensities of development, or the applicable development and design standards of the current Tualatin Development Code and therefore would not be anticipated to have a direct impact on property values. This criterion is met.

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

Finding:

The proposed Comprehensive Plan does not change the uses, densities, and/or intensities of development, or the applicable development and design standards of the current Tualatin Development Code. Sites-specific impacts such as right-of-way and access are not directly impacted by the limited scope of changes to the Housing Element. Further, standards related to Public Improvement Requirements in TDC Chapter 74 and Access Management in TDC Chapter 75 will continue to apply. To the extent that the remainder of changes to the Comprehensive Plan is limited to clarifying changes and improving the distinction of the Comprehensive Plan from the Development Code, economic development efforts would generally be better enabled by the proposed changes. This criterion is met.

- (vi) Natural resources of the City and the protection and conservation of said resources;**
- (vii) Prospective requirements for the development of natural resources in the City;**

Finding:

The proposed amendment would not result in legislative changes to protection and conservation of natural resources in the City. The standards related to natural resources including Flood Plain District (TDC Chapter 70), Wetlands Protection District (TDC Chapter 71) and Natural Resource Protection Overlay District (TDC Chapter 72) will continue to apply. Protection and conservation of said resources is implemented by the City, as well as Clean Water Services. This criterion is met.

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

[...]

Finding:

The proposed amendments would not change current development requirements. The Comprehensive Plan policies most related to community design are consolidated and streamlined in Chapter 2. Some policy statements that are better handled at the Development Code level are removed from the Comprehensive Plan; this enables the Development Code to stand out more clearly as the controlling document on community design standards, while also enabling the City to be more nimble in making future changes to the code that respond to changing needs, emerging technology, and other dynamic considerations in the built environment. This criterion is met.

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

Finding:

The proposed change does not affect the maximum residential density and as such, would not directly pose a difference in projected school attendance from future families in this area as compared with the existing code language. The data from the Housing Needs Analysis do strongly show the need for additional residential development, however, any future changes to the Tualatin Development Code and Planning District map will require more specific information analyzing residential capacity and effects on school districts. This criterion is met.

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

Finding:

Discussion of State of Oregon Planning Goals and applicable Oregon Administrative Rules is found in Sections A and B of these findings and find consistency. No map amendments or amendments to residential densities or housing types or to intensities of permitted non-residential uses are proposed; therefore, the amendments will have no impact on transportation facilities. The Transportation System Plan remains intact. The PTA is consistent with the State of Oregon Planning Goals and applicable Oregon Administrative Rules; therefore this criterion is satisfied.

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

Finding:

The proposed amendments will remain consistent with Titles 1-14 of the Metro Urban Growth Management Functional Plan as discussed in Section C of these findings. This criterion is met.

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

Finding:

The proposed changes do not include any direct change to the allowed residential density; as such, no transportation impact over and above what is allowed under the existing code is anticipated. This criterion is met.

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

[...]

Finding:

The objectives and policies for potable water, sanitary sewer, and surface water management are retained as a single chapter in the proposed Comprehensive Plan, with policy directions more clearly highlighted. The functional requirements of the Tualatin Development Code with regard to implementing these objectives and policies is not changed. This criterion is met.