CITY OF TUALATIN
Planning Division

Analysis and Findings for
Willow Glen Plan Map Amendment or Adjustment

Case #:	PMA 24-0001
Project:	Willow Glen Zoning Map Adjustment
Owner:	Life Front 2 LLC (Tax Lot 3200) and LU QBF II LLC (Tax Lots 3100 and 2900)
Applicant:	Blakely Vogel, Attorney, Miller Nash LLP

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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

Miller Nash LLP on behalf of the property owners, Life Front 2 LLC and LU QBF II LLC, is requesting a zoning map adjustment for an approximately 3,681 square-foot portion of land that has been historically occupied by the Willow Glen Mobile Home Park (Figure 1). This subject property will be deeded from the property owner to Willow Glen Mobile Home Park through property line adjustment. The Willow Glen Mobile Home Park, located at 9700 SW Tualatin Road (Tax Map/Lot 2S123BA03200) is zoned Medium Low Density Residential (RML). The proposed zoning map adjustment (Plan Map Amendment (PMA)) will rezone the 3,681 square foot portion of property located at 9975 SW Herman Road (Tax Map/Lot 2S123BA002900) and 9905 SW Herman Road (Tax Map/Lot 2S123BA03100) from Light Manufacturing (ML) to RML, consistent with its historical use as part of the Mobile Home Park. No additional dwelling units will result in approval of this PMA. The three tax lots consists of a total of 12.87 acres. Tax Lot 2900 consists of approximately 6.6 acres before the adjustment and 6.5 acres after the adjustment. Tax Lot 3100 consists of approximately 1.87 acres before the adjustment and 1.86 after the adjustment. Tax Lot 3200 consists of approximately 4.3 acres before the adjustment and 4.4 acres after the adjustment.

Figure 1: Land (Adjusted Lot Area) that is currently being utilized by Willow Glen Mobile Home Park and is the subject of this Plan Map Amendment (PMA).

C. Site Description and Surrounding Zoning

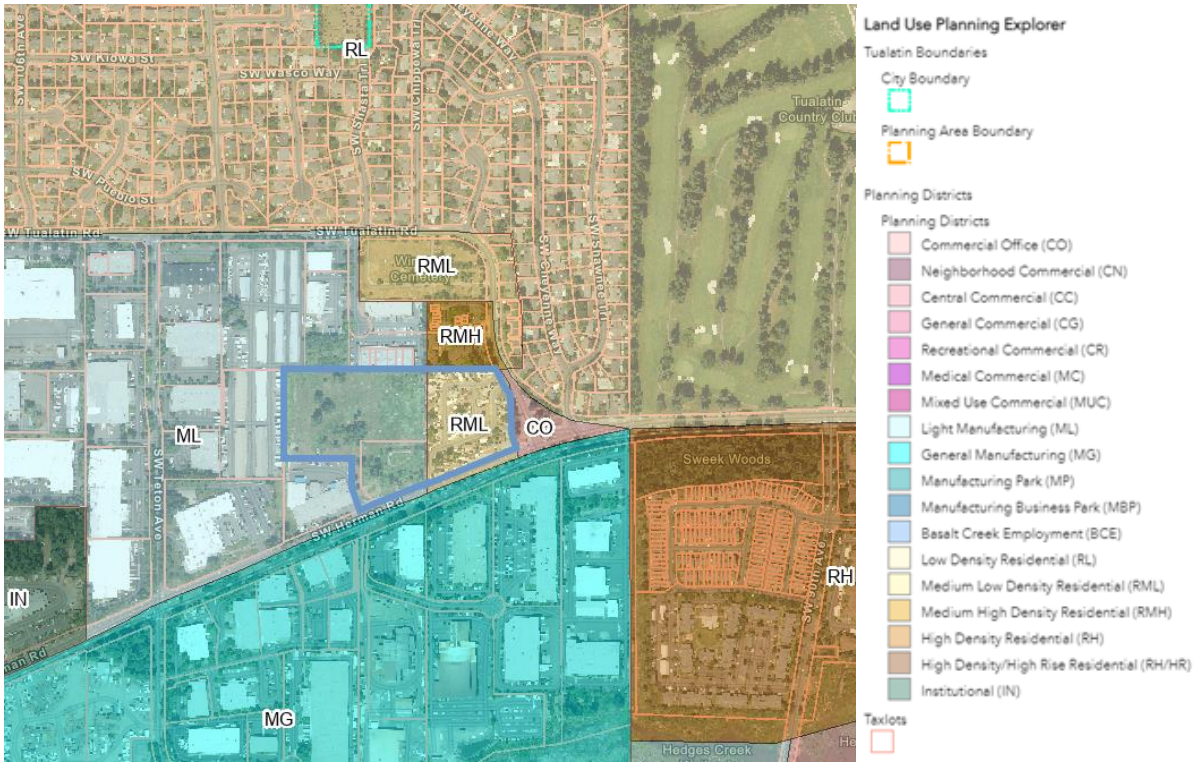

Figure 2: Surrounding Zoning and Land Use

Tax Lots 2900 and 3100 are zoned Light Manufacturing (ML) and take access from SW Herman Road with two recently constructed industrial buildings, associated landscaping and parking as approved by Architectural Review AR 22-0002 on these lots. Willow Glen Mobile Home Park is located on Tax Lot 3200, zoned Medium-Low Density Residential (RML) and has access to both SW Herman Road (secondary entrance) and SW Tualatin Road (main entrance). The surrounding zoning includes ML and Medium-High Density Residential (RMH) to the north, Office Commercial (CO) to the east, General Manufacturing (MG) to the south and ML zoned property to the west (see Section E., below).

D. Previous Land Use Actions

Tax Lots 2900 and 3100

- PLA24-0001 – Adjusted the property lines transferring the subject property of this PMA to Tax Lot 3200.
- AR 22-0002 – Approved the construction of two industrial buildings, parking and landscaping.
- PLA 20-0002 – Property Line Adjustment
- AR 81-04 – Westway Manufacturing Company (Adjacent lot under common ownership, PLA 20-0002 adjusted this lot to accommodate Lots 2900 and 3100.)
- AR 79-05 – Westway Gear (Adjacent lot under common ownership, PLA 20-0002 adjusted this lot to accommodate Lots 2900 and 3100.)
- ANN 77-07 – Annexation

Tax Lot 3200

- PLA24-0001 – Adjusted the property lines transferring the subject property of this PMA to Tax Lot

3200.

- AR 89-01 - Willow Glen Mobile Home Court Expansion
- AR 88-03 - Willow Glen Mobile Home Expansion
- AR 87-34 - Willow Glen Mobile Home Expansion
- ANN 77-07 – Annexation

E. Surrounding Uses

Surrounding uses include:

North: Medium-High Density Residential (RMH) District

- Multi-Family Residential

South: General Manufacturing (MG) District

- SW Herman Road
- Industrial
- Railroad Tracks

West: Light Manufacturing (ML) District

- Industrial (two buildings and associated improvements recently constructed on tax lots 2900 and 3100)

East: Office Commercial (CO) and Low-Density Residential (RL) Districts

- SW Tualatin Road
- Stormwater Facility (swale)
- Duplex Residential Development (zoned RL, located east of SW Tualatin Road)

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 will review the proposed Plan Map Amendment (PMA) at a public meeting on July 17, 2024. 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 Plan Map 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 E) 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 June 11, 2024 (Exhibit E). The Tualatin Times published the City Council public hearing notice on June 20, 2024 (Exhibit E). The proposed amendment will be considered at a City Council Public Hearing on August 12, 2024.

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 stormwater 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 land. There would be a small reduction of industrial lands, 3,681 square-foot, with the approval of this amendment. This small strip of land has been utilized for residential use by the Willow Glen Mobile Home Park for decades and would not be developable for industrial use and did not impact the recent development of Tax Lots 2900 and 3100. 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 Light

Manufacturing (ML) to Medium-Low Density Residential (RML). This is a small strip of land that is approximately 9 feet wide by 405 feet long or 3,681 square-feet so no additional dwelling units will result if this PMA is approved. Willow Glen's residents have been utilizing this strip of land for decades and the property owner of tax lots 3100 and 2900 is transferring the subject property to Willow Glen's property owner and rezoning it to RML.

The map amendment, as proposed, does not conflict 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. No additional utility need will result from the approval of this PMA. The proposed amendment does not affect policies related to public facilities and services including water, sewer, and emergency services.

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 did not trigger the need for a TPR analysis due to no additional trip generation as a result of the proposed amendment. TPRs are further addressed below under the applicable OAR Section.

Goal 13 – Energy

Findings:
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). 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. As previously noted, no additional dwelling units or increase in density will result from the approval of this proposal.

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 amendment would not result in additional trip generation. The applicant has previously processed a Property Line Adjustment (PLA24-0001) that matches the area being rezoned from ML to RML. The proposed map amendment only amends the zoning to match the current use of the land by the Willow Glen Mobile Home Park. Therefore, a trip generation analysis is not warranted.

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 map amendment would maintain Tualatin's housing capacity.*

Title 2 – Regional Parking Policy: repealed.

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

- *Water Quality and Flood Management are addressed in Tualatin Development Code Chapters 70, 71, and 74. No amendments are proposed to these chapters. No physical development is proposed with this application for the plan map amendment. The subject site would be further examined for natural resources with future development or redevelopment 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. Given that the Willow Glen Mobile Home Park is fully developed, no impact to Title 3 will occur if this PMA is approved.*

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

- *The lots are currently zoned to allow Medium Low Density Residential (RML) and Light Manufacturing (ML) uses. Tax lots 2900 and 3100 are located within the "Industrial Area" according to Metro's Title 4 Industrial and other Employment Areas Map. The proposed map amendment does not significantly diminish the industrial or commercial capacities of the City because the ML zoned lots are already fully developed and the small strip of land that is the subject of this PMA will be transferred to the Willow Glen and align with the subject properties current use for residential purposes. Industrial uses will remain clustered.*

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 land that is the subject of the PMA has not been identified as 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 will not create additional dwelling units. The proposed amendment is an adjustment of zoning to match the current use of the land by the residents of Willow Glen Mobile Home Park.*

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. The map amendment was initially shared and posted on the DLCD website on May 31, 2024 – 52 days before the scheduled hearing. The notice was updated with a new City Council Public Hearing date of August 12, 2024 and the updated notice posted on the DLCD website on June 7, 2024 – 45 days before the scheduled hearing. The need to update the DLCD notice was due to a lack of a Planning Commission quorum for the advisory meeting originally scheduled on June 26, 2024.*

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.

- *All three tax lots are within the City of Tualatin City Limits, therefore the map amendment does 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 is adequately serviced by existing infrastructure and services. Infrastructure and public services will be discussed in greater detail in TDC 33.070(5)(i). No new dwelling units or developable land will result from approval of this PMA.*

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 this map amendment. Approval of this PMA will not affect Title 13 because there are no streamside corridor systems with upland wildlife habitat within or near the subject site.*

- *The subject site would be further examined for natural resources with future development of the site through an Architectural Review it they ever redeveloped. At this time all three lots are fully developed and no impact to surrounding natural resources or wildlife habitat would occur. Future development or redevelopment 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 72 are proposed under this application.

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

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

D: Tualatin Comprehensive Plan

Chapter 1 – Community Involvement:
GOAL 1.1. Implement community involvement practices in line with Statewide Planning Goal 1.

POLICY 1.1.1. Support community advisory committees to provide recommendations on planning matters.

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 July 12, 2023, that discussed the PMA (Exhibit D). 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 will be sought before the Tualatin Planning Commission prior to the City Council meeting. City staff issued public notice and request for comment in accordance with the noticing procedures outlined in TDC 32.240 and included as Exhibit E. These policies are satisfied.

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.

Light Manufacturing Planning District (ML)
Suitable for warehousing, wholesaling and light manufacturing processes that are not hazardous and that do not create undue amounts of noise, dust, odor, vibration, or smoke. Also suitable, with appropriate restrictions, are the retail sale of products not allowed for sale in General Commercial areas, subject to applicable zoning overlay standards. . Also suitable are accessory commercial uses subject to area limitations for the sale of products manufactured, assembled, packaged or wholesaled on the site.

The purpose of this district is to provide sites for manufacturing uses that are more compatible with adjacent commercial and residential uses and would serve to buffer heavy manufacturing uses. The purpose is also to allow the retail sale of products manufactured, assembled, packaged or wholesaled on the site subject to area limitations. Certain heavier manufacturing uses may be allowed as conditional uses.

Finding:

The proposed amendment would adjust the zoning of small portion of the site from Light Manufacturing (ML) to Medium Low Density Residential (RML). The approximately 9' wide by 405' long strip (3,681 square feet) has been utilized by residents of the Willow Glen Mobile Home Park for decades. The owner of tax lots 2900 and 3100 (ML zoned) has applied to transfer this currently industrial zoned land to the residentially zoned property via a Property Line Adjustment PMA24-0001. With the Willow Glen residents utilizing the industrial land for residential purposes it creates a nonconforming use of land. Industrial land is used for industrial purposes like manufacturing while residential land is used for household living and not industrial use. This change would eliminate any nonconforming use of land by changing the ML zoned land to RML, matching the current residential use of this area of land.

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						

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

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

Finding:
The proposed PMA application is subject to the Type IV-A procedures according to Table 32-1. This application has 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 32.030. - 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 PMA is an amendment to the City's Comprehensive Plan Map 10-1, 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 PMA applications. The applicant participated in a Pre-Application meeting on March 8, 2023 with a follow up meeting on February 28, 2024. The applicant submitted their application for completeness check on May 5, 2024, a little over 2-months after the follow up pre-application meeting.

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 July 12, 2023 where the PMA and development of the industrial lots was discussed. The applicant provided documentation of sign posting and notification in compliance with Section 32.120 in Exhibit D.

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 in Exhibit D, showing Life Front 2 LLC owning Tax Lot 3200 and LU QBF II LLC owning Tax Lots 3100 and 2900. The application has been submitted by a representative of the property owner's affected by the proposed PMA.

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 PMA24-0001 on May 2, 2024. The application was deemed complete on May 15, 2024. The 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 D, that signs for the PMA application in conformance with Section 32.150 were properly posted.

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 PMA24-0001 on May 2, 2024. The application was deemed complete on May 15, 2024, within the allotted 30-day review period.

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 August 12, 2024 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 PMA24-0001 was mailed by city staff on June 11, 2024. The mailed notice contained the information required by this section, as attached in Exhibit E. The Oregon Department of Land Conservation and Development (DLCD) was first notified prior to the 35-day notice period on May 31, 2024 and updated on July 7, 2024, attached in Exhibit E. The DLCD notice was updated with a new hearing date after we learned that there would not be a Planning Commission quorum for the advisory meeting originally scheduled for June 26th. This also pushed out the City Council first evidentiary hearing to August 12, 2024 which required updating the DLCD notice. Public notice has been published in the Tualatin Times during the week of June 20, 2024, attached in Exhibit E. Public notice was posted in two public places within the City on June 11, 2024, attached as Exhibit E. No public comments have been received.

(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 public hearing will be conducted according to these requirements. 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 provide processes for the review of proposed amendments to the Zone Standards of the Tualatin Development Code and to the Text or the Plan Map of the Tualatin 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

(b) Map or text amendment applications which are legislative in nature are subject to Type IV-B 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 PMA is 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:
The applicant's narrative stated "amending the plan map as proposed will provide the public with an accurate depiction of property lines as they currently exist between the above-stated tax lots. Additionally, it will provide any prospective purchasers of any of the properties adjacent to the property line in question with an accurate understanding of the true extent of the property or properties in question. Amending the map as proposed will provide accurate information about the affected properties and protect the public interest." No public comments have been received. By approving this PMA what is a nonconformity, industrially zoned land being used for residential use, would be negated and bring the Willow Glen property more into compliance with the TDC.

Comprehensive Plan goals and policies serve as the adopted expression of the public interest. As identified in Section D, above, and with the applicant stating "the impact of this proposed map amendment is extremely limited in scope and matches existing use of the affected properties. None of the policies in the Tualatin Comprehensive Plan are implicated by this project" the public interest will be protected. City staff have determined that the proposed map amendment would satisfy Comprehensive Plan Goal 1 Public Involvement, Goal 1.1 and Policies 1.1.1 and 1.1.3, and therefore the change would be in the public interest. Because of the limited scope of the PMA, a non-developable strip of land, other Comprehensive Plan policies, goals and objective would not be affected or applicable.

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

Finding:
The applicant's narrative states "amending the map as proposed will provide accurate information about the affected properties and protect the public interest". Tax Lots 2900 and 3100 are both zoned ML and should be utilized by uses listed in Table 60-1 Use Categories. The ML Zone only allows household living as a conditional use limited to caretaker residence, accessory to a permitted industrial use. Tax Lot 3200 is zoned RML and no industrial uses are permitted in this residential planning district. The 3,681 square feet strip of land is currently utilized by the Willow Glen Mobile Home Park for residential household living use which creates a non-conformity in terms of use. A Property Line Adjustment, PLA24-0001, was approved on June 17, 2024, which aligned the property line with the current uses. The ML zoning still remains for the strip of land that was the subject of PLA24-0001. The proposed PMA will rezone the strip of land to RML and then the nonconforming use of industrial zoned land for residential use will be negated.

(c) The proposed amendment is in conformity with the applicable goals and policies of the Tualatin Comprehensive Plan.

Finding:
As discussed above in Section D, the PMA will bring the Willow Glen Mobile Home Park into compliance with the TDC and consistent with several existing goals and policies of the Comprehensive Plan.

(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;
(iii) Trends in land improvement and development;
(iv) Property values;
(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;
(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;
(viii) The public need for healthful, safe, esthetic surroundings and conditions;

Finding:
The scope of this proposed PMA is extremely limited and will be more akin to correcting a mapping error than a rezone. The applicant's narrative states "the proposed Plan Map Amendment is intended to correct the current plan map to account for the actual property lines between the affected properties. As such, none of the above criteria will be affected by amending the map." Willow Glen Mobile Home Park has utilized the 3,681 square-feet of land for residential use for decades. The property owner of Tax Lots 2900 and 3100 has initiated this PMA through their representative and are transferring a portion of their property to the Willow Glen Mobile Home Park. It is worth noting that the above criteria calls for the various characteristics of the areas in the City to be "consciously considered" but does not provide a standard by which an amendment should be approved or denied. The above "factors" do not seem to apply to such a small PMA that will not increase dwelling units or have the potential of creating additional lots.

(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:
The applicant's narrative states "the current Plan Map is inaccurate, as the property line between the affected properties is currently drawn roughly 9 feet to the east of the actual line, which impacts

the proper representation of the affected properties' zoning districts as shown on the City's Plan Map. The inaccuracy of the current Plan Map is a relevant factor to consider in amending the Plan Map as proposed." City Staff agree that the proposed PMA is adjusting the land use of the residential use of Willow Glen Mobile Home Park to match the property lines and proper use for RML zoned land.

(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:
Although Tax Lot 3200 is a residential use, there will be no new dwelling units created if this PMA is approved and therefore no impact to the Tigard Tualatin School District capacity to educate students will occur.

(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:
Because the purpose of this PMA is to change the ML zoning of the strip of industrially zoned land to RML in order to match the current residential land use by Willow Glen Mobile Home Park. No new dwelling units or developable land will result with the proposed PMA being approved. Oregon's Transportation Planning Rule (TPR) (OAR 660-012-0060) is not applicable and no Transportation Impact Analysis was required or conducted.

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

Finding:
The proposed amendment or adjustment would not adversely impact the City's compliance with Titles 1-14 of the Metro Chapter 3.07, Urban Growth Management Functional Plan due to the scope of this amendment being extremely limited.

(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:
The criterion is not applicable due to no additional dwelling units being created as a result of this map amendment and therefore no impact to Tualatin transportation system will occur.

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

[…]

Finding:
The proposed PMA will not impact public utilities because no additional dwelling units will be created and no additional utility service need will result if this amendment is approved.

Chapter 60: Light Manufacturing Zone (ML)
Section 60.100 Purpose.

The purpose of this zone is to provide areas of the City that are suitable for industrial uses and compatible with adjacent commercial and residential uses. The zone serves to buffer heavy manufacturing uses from commercial and residential areas. Industrial uses that are environmentally adverse or pose a hazard to life and safety are prohibited. The zone is suitable for warehousing, wholesaling, and light manufacturing processes that are not hazardous and do not create undue amounts of noise, dust, odor, vibration, or smoke. The purpose is also to allow a limited amount of commercial uses and services and other support uses, including office uses in limited locations in close proximity to the Commercial Office (CO) district. Commercial uses are not permitted in the Limited Commercial Setback.

Finding:
The purpose statement of the Light Manufacturing (ML) zoning district pertains to industrial use and its compatibility of adjacent residential use and provide a general list of appropriate industrial uses and provide the appropriate location for commercial uses.

The proposed PMA would align property lines with appropriate land use. The small strip of ML zoned land is currently being utilized by residents of the Willow Glen Mobile Home Park. The abutting property owner has decided to transfer this small strip of ML zoned land to the RML zoned lot owner via PLA24-0001. If this PMA is approved the zoning of this strip of land will change from ML zoning to RML zoning thereby eliminating any nonconforming use of industrially zoned land.

Chapter 41: Medium Low Density Residential Zone (RML)
Section 41.100 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:
No additional dwelling units will result from approval of this PMA, therefore there will be no change to the density of Tax Lot 3200.

TDC 41.200. - Use Categories.
(1) *Use Categories.* Table 41-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the RML zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 41-1 and restrictions identified in TDC 41.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.
(2) *Overlay Zones.* Additional uses may be allowed in a particular overlay zone. See the overlay zone Chapters for additional uses.

Table 41-1
Use Categories in the RML Zone

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
RESIDENTIAL USE CATEGORIES		
Household Living	**P/C**	**Permitted housing types subject to TDC** 41.220**.**
Residential Accessory Uses	**P (L)**	**Permitted uses limited to Family Child Care Home subject to ORS 329A.440.**
[…]		

TDC 41.220. - Housing Types.

Table 41-2 lists Housing Types permitted in the RML zone. Housing types may be Permitted Outright (P), Conditionally Permitted (C), or Not Permitted (N) in the RML zone.

Table 41-2
Housing Types in the RML Zone

HOUSING TYPE	STATUS	LIMITATIONS AND CODE REFERENCES
[…]		
Manufactured Dwelling Park	**P**	**Limited to locations designated by the Tualatin Community Plan Map and subject to TDC 34.190.**
[…]		

Section 41.300 Development Standards.

(1) Development standards in the RML zone are listed in Table 41-3. Additional standards may apply to some uses and situations, see TDC 41.310 and TDC 41.330. The standards in Table 41-3 may be modified for greenway and natural area dedications as provided in TDC 36.420. The standards for lot size, lot width, building coverage, and setbacks that apply to single-family dwellings in small lot subdivisions are provided in TDC 36.410(2)(b).

(2) ***Exceptions.*** **Existing non-conforming situations may be developed according to the provisions of TDC Chapter 35.**

Table 41-3
Development Standards in the RH-HR Zone

STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
MAXIMUM DENSITY		
[…]		
Manufactured Dwelling Parks	**12 units per acre**	**Limited to single-wide dwelling parks or any part of a single-wide dwelling park.**
[…]		

MINIMUM LOT SIZE		
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		
[…]		
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		
[…]		
Multi-family (5 or more units), Conditional Uses, and Other Permitted Uses Not Listed		
Front		
<12 feet	**20 feet**	
12—<25 feet	**25 feet**	
25—<30 feet	**30 feet**	
30+ feet	**35 feet**	
Side	**5 feet**	
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 except for duplexes, triplexes, and quadplexes where the setback is 10 feet.**
OTHER DEVELOPMENT TYPES		
[…]		
Minimum Distance Between Building within One Development	**10 feet**	
Parking and Vehicle Circulation Areas	**10 feet**	**For Townhouses, determined through the Architectural Review process**
[…]		
MAXIMUM STRUCTURE HEIGHT		
All Uses	**35 feet**	**If all setbacks are equal to or greater than 1½ times the height of the building, the height may be increased to a maximum of 50 feet with a conditional use permit.**
MAXIMUM LOT COVERAGE		
[…]		
All Other Permitted Uses	**40%**	
[…]		

Finding:

The proposed PMA would not create any use or development standard nonconformities.