



# ANALYSIS AND FINDINGS

## CFEC WALKABLE DESIGN STANDARDS

October 15, 2025

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Case #:	PTA 25-0002
Project:	CFEC Walkable Design Standards Implementation
Procedure:	Type IV-B, Legislative

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### TABLE OF CONTENTS

<b>I. INTRODUCTION .....</b>	<b>2</b>
A. Applicable Criteria.....	2
B. Project Description .....	2
C. Exhibits.....	4
<b>II. PLANNING FINDINGS .....</b>	<b>5</b>
A. Oregon Statewide Planning Goals.....	5
B. Oregon Administrative Rules .....	7
C. Metro Code.....	13
E. Tualatin Development Code .....	15



## I. INTRODUCTION

### A. Applicable Criteria

Applicable Statewide Planning Goals; Oregon Administrative Rules 660-012-0330; Tualatin Comprehensive Plan Chapters 8 and 10; and Tualatin Development Code Chapters 32 and 33.

### B. Project Description

The City of Tualatin proposes legislative amendments to the Tualatin Development Code (TDC) in order to comply with the Climate Friendly and Equitable Communities (CFEC) Rules adopted by the State of Oregon's Land Conservation and Development Commission in July 2022. Executive Order 20-04 directed state agencies to take urgent action to meet Oregon's climate pollution reduction targets while ensuring equitable outcomes for underserved populations. Following two years of public input and rulemaking, state legislators adopted the CFEC rules within the Transportation Planning Rules (Oregon Administrative Rules chapter 600, division 12; OAR 660-012).

While the CFEC mandates involve several components, the proposed amendments to Tualatin's Development Code are limited to the requirements related to Walkable Design Standards in OAR 660-012-0330. These requirements are intended to promote walkable and bike-friendly design in residential, commercial, and mixed-use development throughout the city by promoting pedestrian-oriented site design and access, neighborhood connectivity, and compact development.

**Table 1—Summary of proposed code amendments**

CHAPTER	TITLE	PROPOSED AMENDMENT
31	General Provisions	<ul style="list-style-type: none"><li>• High Density Residential- High Rise has been renamed to better reflect purpose of the designation.</li><li>• Updates code definitions in support of proposed amendments.</li></ul>
32	Procedures	<ul style="list-style-type: none"><li>• Corrects an error from the TSP update, specific to the Driveway Approach Permit.</li></ul>
33	Applications and Approval Criteria	<ul style="list-style-type: none"><li>• Corrects code citations under Architectural Review.</li><li>• Corrects an error from the TSP update, specific to the Driveway Approach Permit.</li></ul>
36	Land Divisions	<ul style="list-style-type: none"><li>• TDC 36.040: Adds new submittal requirement to reflect the block length and perimeter requirements in TDC 74.</li><li>• TDC 36.110 and 36.120: Adds or revises criteria to reflect OAR requirements for connections to key destinations.</li><li>• TDC 36.115, 36.125, and 36.140: Updates criteria to clarify that the requirements for pedestrian, bicycle and transit circulation improvements are limited to the boundaries of the site. Corrects typos.</li></ul>
39	Use Categories	<ul style="list-style-type: none"><li>• Replaces the term “drive-up use” with “drive-through facility.”</li></ul>

<b>41</b>	Medium Low Density Residential	<ul style="list-style-type: none"> <li>Reduces minimum front setback requirements to further promote walkable design in residential areas.</li> </ul>
<b>42</b>	Medium High Density Residential	<ul style="list-style-type: none"> <li>Reduces minimum front setback requirements to further promote walkable design in residential areas.</li> <li>Corrects an error from a previous code update.</li> </ul>
<b>43</b>	High Density Residential	<ul style="list-style-type: none"> <li>Reduces minimum front setback requirements and adds new maximum setback requirements to further promote walkable design in residential areas.</li> <li>Adds provisions for minimum frontage requirements, which support the maximum setback standards.</li> <li>Corrects an error from a previous code update.</li> </ul>
<b>44</b>	High Density High Rise	<ul style="list-style-type: none"> <li>Changes the name of this zone to “High Density – Corridor.”</li> <li>Reduces minimum front setback requirements and adds new maximum setback requirements to further promote walkable design in residential areas.</li> <li>Adds provisions for minimum frontage requirements, which support the maximum setback standards.</li> <li>Corrects an error from a previous code update.</li> </ul>
<b>51</b>	Neighborhood Commercial	<ul style="list-style-type: none"> <li>Adds new maximum setback requirements to further promote walkable design in this zone.</li> <li>Adds provisions for minimum frontage requirements, which support the maximum setback standards.</li> </ul>
<b>53</b>	Central Commercial Zone	<ul style="list-style-type: none"> <li>Adds new maximum setback requirements to further promote walkable design in this zone.</li> <li>Adds provisions for minimum frontage requirements, which support the maximum setback standards.</li> </ul>
<b>56</b>	Medical Center	<ul style="list-style-type: none"> <li>Replaces the term “drive-up” with “drive-through facility.”</li> </ul>
<b>57</b>	Mixed Use Commercial	<ul style="list-style-type: none"> <li>Prohibits new drive-through facilities in the MUC zone.</li> <li>Minor amendments to support consistent language throughout code.</li> </ul>
<b>58</b>	Central Tualatin Overlay Zone	<ul style="list-style-type: none"> <li>Clarifies how existing drive-through facilities are treated in the CC zone.</li> </ul>
<b>65</b>	Basalt Creek Employment	<ul style="list-style-type: none"> <li>Replaces the term “drive-up” with “drive-through facility.”</li> </ul>
<b>73A</b>	Site Design Standards	<ul style="list-style-type: none"> <li>73A.020: Corrects an error from a previous code update.</li> <li>73A.030: Amends the walkway standards for single-family dwellings, duplexes, triplexes, quadplexes, and townhouses to add a requirement for a walkway connection from the sidewalk to main entrances.</li> <li>73A.060: Adds a requirement for a walkway connection from the sidewalk to main entrances.</li> <li>73A.070: Corrects an error from a previous code update.</li> </ul>

		<ul style="list-style-type: none"> <li>• 73A.090: Corrects an error from a previous code update.</li> <li>• 73A.100: Adds new entry orientation standards for multi-family development with frontage on a local street.</li> <li>• 73A.110: Extends applicability to expansions over a certain size; adds exceptions allowing alternative approaches if meeting the standards is not practical or if the proposed design equally or better meets the purpose of the standard; adds or amends standards for walkways, entry orientation, parking location, and drive-through facilities for consistency with the OAR requirements.</li> <li>• 73A.120: Adds or amends standards for walkways, entry orientation, and drive-through facilities for consistency with the OAR requirements.</li> <li>• 73A.130: Section renumbered.</li> </ul>
<b>73C</b>	Parking Standards	<ul style="list-style-type: none"> <li>• 73C.040: Makes minor updates to the use of terms.</li> <li>• 73C.090: Limits driveway widths to 24 feet for all single-family and middle housing types, regardless of garage size.</li> </ul>
<b>74</b>	Public and Private Transportation, Facilities, and Utilities	<ul style="list-style-type: none"> <li>• Corrects minor errors from the TSP code update.</li> </ul>
<b>75</b>	Access Management	<ul style="list-style-type: none"> <li>• Corrects minor errors from the TSP code update.</li> </ul>

### C. Attachments

Exhibit 2. PTA 25-0002 Walkable Design Standards Text Amendments

## **II. PLANNING FINDINGS**

### **A. Oregon Statewide Planning Goals**

*State planning regulations require cities to adopt and amend Comprehensive Plans and land use regulations in compliance with state land use goals. Because the proposed code amendments have a limited scope, their impact to Statewide Planning Goals is limited to those goals addressed below.*

#### **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 Department of Land Conservation and Development (DLCD) conducted a comprehensive public engagement process for the amendments to the Transportation Planning Rules (Oregon Administrative Rules chapter 600, division 12). This legislative amendment will bring Tualatin's Development Code into compliance with those administrative rules and the associated state law.*

*The following opportunities for community engagement were provided:*

- *The City held three work sessions with the City Council to receive input on the project on February 10, May 27, 2025, and September 22, 2025.*
- *The City conducted three meetings with community stakeholders in December 2024 and January 2025 to discuss the project objectives and to receive initial input on draft code concepts. Participants included community residents, transportation and accessibility advocates, and those involved in local real estate development.*
- *The City maintained a project website throughout the project with public meeting information and project documents.*
- *The City created and distributed a project flyer to inform the public on the purpose and goals of the walkable design standards project. The flyer describes the project background and objectives, potential code concepts, and where they can learn more about the project. The flyer was made available on the [project website](#).*

*Additionally, the amendments are subject to the public notification requirements specified in TDC 32.250. The City will send notice to DCLD as required, and a notice will be published in the Tualatin Times as required. A minimum of two public hearings will be held. A public meeting before the Planning Commission will be held on October 15, 2025 and the hearing will be held before the City Council on November 24, 2025. Any comments submitted by the community will be included in the City Council hearing packet. The proposed amendments conform to Goal 1.*

#### **Goal 2 – Land Use Planning**

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

##### **Finding:**

*DLCD has acknowledged the City's Comprehensive Plan as being consistent with the statewide planning goals. And the Development Code provides a policy framework which service as the basis for all decisions and actions related to land use. The proposed text amendments to the Tualatin Development Code have been processed in accordance with these procedures. The proposed text amendments are needed to comply with state administrative rules. The proposed amendments conform to Goal 2.*

#### **Goal 6 – Air, Water, and Land Resources Quality**

**To maintain and improve the quality of the air, water and land resources of the state.**

**Finding:**

*The proposed text amendments related to walkable design will support compact and efficient land use patterns that will contribute to reduced vehicle miles traveled and reduced air pollution and sprawl. The proposed amendments do not affect the City's compliance with local, state, and federal regulation of air, water, and land resources. The proposed amendments conform to Goal 6.*

#### **Goal 10 – Housing**

**To provide for the housing needs of residents of Oregon.**

**Finding:**

*The proposed text amendments reduce minimum setbacks in the following residential zones: Medium Low Density Residential (RML), Medium High Density Residential (RMH), High Density Residential (RH), and High Density – High Rise (RH-HR) (proposed to be renamed as High Density – Corridor [RH-C]). While the primary intent of these amendments is to promote walkability by encouraging efficient and sociable development patterns, in compliance with OAR 660-012-0330(5), the proposed amendments also will reduce potential impediments to housing development. The current TDC requires relatively large minimum front setbacks in the City's residential zones. Taller buildings are subject to stricter setbacks. Larger minimum setback standards limit the feasibility of housing development and limit the number of housing units achievable within a given area. Therefore, reducing these minimum setback standards will enhance development opportunities for housing. The proposed amendments conform to Goal 10.*

#### **Goal 12 – Transportation**

**To provide and encourage a safe, convenient, and economic transportation system.**

**Finding:**

*A primary purpose of the proposed text amendments and the Transportation Planning Rules is to foster a built environment that supports a broader range of transportation options, including walking, biking, and public transit. The proposed text amendments related to walkable design are intended to enhance both site-scale and neighborhood-scale connectivity and create a safer and friendlier environment for pedestrians. This contributes to the City's efforts to enhance the safety of the local transportation system, and to make it easier for community members to meet their daily needs without driving. Reducing dependence on the private automobile contributes to lower vehicle trips and reduced traffic congestion.*

*In addition, the Transportation Planning Rules in OAR 660-012 implement Goal 12, and the proposed text amendments respond directly to the requirements of those rules, as described in Section II-B of the findings, Oregon Administrative Rules Findings. The proposed amendments conform to Goal 12.*

#### **Goal 13 – Energy Conservation**

**Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.**

**Finding:**

*As described in the findings under Goal 12, the proposed text amendments will help reduce dependence on the private automobile, thereby contributing to reduced energy usage by reducing fossil fuel consumption. 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:**

*The proposed text amendments will promote walkable design and ensure safe non-vehicular connectivity is provided in new development within the urban growth boundary, which will provide more opportunities for people to meet their daily needs without needing to drive, which promotes community livability. The proposed amendments conform to Goal 14.*

### **B. Oregon Administrative Rules**

#### **660-012-0330**

##### **Land Use Requirements**

**(1) Cities and counties shall implement plans and land use regulations to support compact, pedestrian-friendly, mixed-use land use development patterns in urban areas. Land use development patterns must support access by people using pedestrian, bicycle, and public transportation networks.**

#### **Finding:**

*This is a general rule that is further elaborated in the subsequent, more specific, rules in OAR 660-012-0330 (2) through (8). Findings related to the subsequent rules are provided below.*

**(2) Cities and counties may allow exemptions to provisions in this rule when conditions on a site or class of sites would make those provisions prohibitively costly or impossible to implement. Cities or counties may adopt land use regulations that provide for exemptions as provided in this section. Any allowed exemption shall advance the purposes of this rule to the extent practical. Conditions that may provide for an exemption include, but are not limited to:**

- (a) Topography or natural features;**
- (b) Railroads, highways, or other permanent barriers;**
- (c) Lot or parcel size, orientation, or shape;**
- (d) Available access;**
- (e) Existing or nonconforming development;**
- (f) To provide for accessibility for people with disabilities; or**
- (g) Other site constraints.**

#### **Finding:**

*The proposed text amendments comply with this rule as follows:*

- *Exceptions to General Building Design Standards for nonresidential buildings (TDC 73A.110) have been added to mirror the existing language in the Mixed-Use Commercial (MUC) zone (73A.130 renumbered 73A.120). This includes exceptions to the building entry and parking location standards. Exceptions to the standards may be allowed if the applicant demonstrates that the physical characteristics of the site (including but not limited to steep slopes, wetlands, other bodies of water, trees or other natural features of the site, buildings or other existing development, utility*

*lines and easements, etc.) make meeting the requirements impractical. This aligns with the conditions listed in OAR 660-012-0330(2)(a)-(g). Additionally, the applicant can demonstrate that the proposed design equally or better meets the purpose of the standard.*

- Exceptions to the maximum block length and perimeter standards were incorporated under Ordinance 1451-25 in TDC 74.030 are allowed “where prevented by barriers.” “Barriers” are defined in the TDC to include many of the same conditions listed in OAR 660-012-0330(2)(a)-(g). Exceptions were also be granted for the Mid-Block Accessway requirements under Ordinance 1451-25 in TDC 74.040 in circumstances where the applicant demonstrates that the physical characteristics of the site make compliance impractical.*
- Variances may also be allowed to provide relief from the development standards that implement this rule by TDC 33.120. The approval criteria for a variance include consideration for conditions listed in OAR 660-012-0330(2)(a)-(g). The approval criteria for a variance advance the purposes of this rule to the extent practical by requiring the applicant demonstrate minimum necessary to address the special or unique physical circumstances related to the subject site.*

**(3) Cities and counties shall have land use regulations that provide for pedestrian-friendly and connected neighborhoods. Land use regulations must meet the following requirements for neighborhood design and access:**

- (a) Neighborhoods shall be designed with connected networks of streets, paths, accessways, and other facilities to provide circulation within the neighborhood and pedestrian and bicycle system connectivity to adjacent districts. A connected street network is desirable for motor vehicle traffic but may be discontinuous where necessary to limit excessive through-travel, or to protect a safe environment for walking, using mobility devices, and bicycling in the neighborhood.**
- (b) Neighborhoods shall be designed with direct pedestrian access to key destinations identified in OAR 660-012-0360 via pedestrian facilities.**
- (c) Cities and counties shall set block length and block perimeter standards at distances that will provide for pedestrian network connectivity. Cities and counties may allow alleys or public pedestrian facilities through a block to be used to meet a block length or perimeter standard.**
- (d) Cities and counties shall set standards to reduce out-of-direction travel for people using the pedestrian or bicycle networks.**

**Finding:**

*The proposed text amendments comply with this rule as follows:*

- The existing development code requires residential and mixed-use developments to meet street connectivity requirements in TDC 74.030 (Street Standards). These provisions require new streets to give access to, or permit future development of adjoining land; provide for additional direct and convenient pedestrian, bicycle and vehicle circulation; and implement street connections that are shown in the Transportation System Plan.*
- The existing street connectivity requirements in TDC 74.030 also limit the use of dead-end streets or cul-de-sacs by requiring proposals for a dead-end/cul-de-sac street to meet certain criteria established in TDC 74.030(2)(a)(ii).*
- The street connectivity requirements in TDC 74.030(2)(a)(i)(B) allow for pedestrian/bicycle accessways to be proposed in lieu of a full street connection when a full street connection is not feasible. Accessways that are proposed must meet minimum improvement standards in TDC 74.100*



*to ensure they are accessible, safe, comfortable, and provide direct connections for all users.*

- The street connectivity criteria for land divisions in TDC 36.110 through 36.140 require that developments provide connections to key destinations listed in OAR 660-012-0360. Separately, on-site pedestrian/bicycle circulation requirements in TDC 73A.100(8) and TDC 73A.110(3-4), and 73A.120(3-4), which apply to multi-family and non-residential developments, require developments to provide internal site walkways or accessways that connect to those key destinations where adjacent to the site.*
- Ordinance 1451-25 established maximum block length of 400 feet and maximum block perimeter standards of 1,600 feet in TDC 74.030 Blocks of this size or smaller allow for a high degree of pedestrian network connectivity and reduce out-of-direction travel for people walking, bicycling, or using a mobility device. The code allows for pedestrian/bicycle accessways to be used to satisfy the maximum block length and perimeter standards.*
- The on-site pedestrian/bicycle circulation standards in various sections of Chapter 73A Site Design Standards, require developments to provide reasonably direct connections between the street, main entrances, and other on-site destinations, reducing out-of-direction travel.*

**(4) Cities and counties shall have land use regulations in commercial and mixed-use districts that provide for a compact development pattern, easy ability to walk or use mobility devices, and allow direct access on the pedestrian, bicycle, and public transportation networks. Commercial or mixed-use site design land use regulations must meet the following requirements:**

- (a) Primary pedestrian entrances to buildings must be oriented to a public pedestrian facility and be accessible to people with mobility disabilities. An uninterrupted accessway, courtyard, plaza, or other pedestrian-oriented space must be provided between primary pedestrian entrances and the public pedestrian facility, except where the entrance opens directly to the pedestrian facility. All pedestrian entrances must be designed to be barrier-free.**
- (b) Motor vehicle parking, circulation, access, and loading may be located on site beside or behind buildings. Motor vehicle parking, circulation, access, and loading must not be located on site between buildings and public pedestrian facilities on or along the primary facing street. Bicycle parking may be permitted.**
- (c) On-site accessways must be provided to directly connect key pedestrian entrances to public pedestrian facilities, to any on-site parking, and to adjacent properties, as applicable.**
- (d) Any pedestrian entrances facing an on-site parking lot must be secondary to primary pedestrian entrances as required in this section. Primary pedestrian entrances for uses open to the public must be open during business hours.**
- (e) Large sites must be designed with a connected network of public pedestrian facilities to meet the requirements of this section.**
- (f) Development on sites adjacent to a transit stop or station on a priority transit corridor must be oriented to the transit stop or station. The site design must provide a high level of pedestrian connectivity and amenities adjacent to the stop or station. If there is inadequate space in the existing right of way for transit infrastructure, then the infrastructure must be accommodated on site.**
- (g) Development standards must be consistent with bicycle parking requirements in OAR 660-012-0630.**
- (h) These site design land use regulations need not apply to districts with a predominantly industrial or agricultural character.**

**Finding:**

*The existing development code and proposed amendments comply with this rule as follows:*

- *The regulations of TDC 73A.110 and TDC 73A.120 require that non-residential developments provide primary (“main”) building entrances that are oriented to the street and provide pedestrian connections between the main building entrance and the street. Main entrances are required to either face the street or be within 25 feet of the public sidewalk. Main entrances are defined in TDC 31.060 to ensure that entrances that are used most frequently are subject to these standards. Main entrances are required to be unlocked during business hours by TDC 73A.110(10) and TDC 73A.120(8).*
- *The regulations of TDC 73A.110(5) and TDC 73A.120(5) require that parking and vehicle circulation areas not be located between the building and the street. Additionally, standards of TDC 51.300 (CN Zone), TDC 53.300 (CC Zone), and TDC 57.300 (MUC Zone) require that buildings meet a maximum setback standard, which ensures the building is placed within a close proximity of the street, is convenient to access for pedestrians, and contributes to a pedestrian-friendly streetscape.*
- *The on-site pedestrian/bicycle circulation standards in TDC 73A.110(3) and TDC 73A.120(3), require developments provide walkway connections between the street, main entrances, and other on-site destinations.*
- *Sites adjacent to a transit street are subject to additional requirements in TDC 73A.110(9) and TDC 73A.120(6). These standards require developments to provide either a transit stop pad on-site, or an on-site or public sidewalk connection to a transit stop along the street frontage. The standards also require sites abutting major transit stops to locate buildings or pedestrian plazas near the transit stop and to provide walkway connections, a landing pad, and lighting.*
- *Minimum bicycle parking ratios and bike parking design standards for multifamily residential and non-residential uses in TDC 73C.040 are consistent with OAR 660-012-0630. Bike parking must be located near regularly used entrances with access from the right-of-way, and spaces and maneuvering areas must meet minimum dimensional, illumination, and surface standards.*
- *The land use regulations above are required in all commercial and mixed-use zones. The City does not apply these relevant standards to the ML, MG, MP, MBP, or BCE zones that have predominantly industrial or agricultural character.*

**(5) Cities and counties shall have land use regulations in residential neighborhoods that provide for slow neighborhood streets comfortable for families, efficient and sociable development patterns, and provide for connectivity within the neighborhood and to adjacent districts. Cities and counties must adopt land use regulations to meet these objectives, including but not limited to those related to setbacks, lot size and coverage, building orientation, and access.**

**Finding:**

*The existing development code and proposed amendments comply with this rule as follows:*

- *The street design standards of TDC 74.070(5) require that lots with access to an alley take vehicular access from the alley in order to limit conflict points with pedestrians on the public sidewalk. Alleys are allowed to be included in new developments by TDC 74.070 (Public Alleys).*
- *The driveway standards of TDC 73C.090 comply with this rule by regulating the number of*

*driveways on residential lots and limiting the width of driveways to reduce crossing distance for pedestrians. The driveway approach requirements of TDC 75.020 require sufficient separation between driveways to create space for landscaping and street trees. These standards are consistent with the intent of the rule to create comfortable neighborhood streets.*

- The Residential Design Standards in TDC 73A.100(3) require multi-family developments on local streets to have entrances that orient to the street. The standards in TDC 73A.030(4) and TDC 73A.100(7) require walkways to connect main building entrances to the sidewalk. These standards work together to promote a sociable development pattern.*
- The current Residential Design Standards of TDC 73A.050 also require that the ground floor of residential dwellings contribute to a sociable, pedestrian-friendly environment by including a minimum amount of windows on the façade and creating transition areas between the street and the dwelling for dwellings that are placed close to the street.*

**(6) Cities and counties shall have land use regulations that ensure auto-oriented land uses are compatible with a community where it is easy to walk or use a mobility device. Auto-oriented land uses include uses related to the operation, sale, maintenance, or fueling of motor vehicles, and uses where the use of a motor vehicle is accessory to the primary use, including drive-through uses. Land use regulations must meet the following requirements:**

- (a) Auto-oriented land uses must provide safe and convenient access opportunities for people walking, using a mobility device, or riding a bicycle. Ease of access to goods and services must be equivalent to or better than access for people driving a motor vehicle.**
- (b) Outside of climate-friendly areas, cities and counties may provide for exemptions to this rule in cases where an auto-oriented land use cannot reasonably meet the standards of this rule. Standards developed in cases of an exemption must protect pedestrian facilities.**

**Finding:**

*The existing Development Code and proposed text amendments comply with these rules as follows:*

- The existing code prohibits new drive-through facilities in the Community Commercial (CC) zone within the Central Tualatin Overlay Zone. The proposed amendments also prohibit new drive-through facilities in the Mixed Use Commercial (MUC) zone.*
- The proposed amendments in TDC 73A.110(6) include new and revised design standards for drive-through facilities that improve pedestrian access to drive-through uses by addressing walk-up service areas, pedestrian paths to walk-up windows, location of service areas and stacking lanes, and spacing of drive-through entrances from street intersections. These standards will ensure that access to drive-through businesses for people walking, using a mobility device, or riding a bicycle will be equivalent to or better than access for people driving a motor vehicle.*
- As allowed by OAR 660-012-0330(6)(b), vehicle service uses such as gas stations and oil change businesses are exempt from the drive-through facility standards.*

**(7) Cities and counties with an urban area over 100,000 in population must have reasonable land use regulations that allow for development of low-car districts. These districts must be developed with no-car or low-car streets, where walking or using mobility devices are the primary methods of travel within the district. Cities and counties must make provisions for emergency vehicle access and local freight delivery. Low-car districts must be allowed in locations where residential or mixed-use development is authorized.**

**Finding:**

*This requirement is not applicable based on urban population.*

- (8) Cities and counties must implement land use regulations to protect transportation facilities, corridors, and sites for their identified functions. These regulations must include, but are not limited to:**
- (a) Access control actions consistent with the function of the transportation facility, including but not limited to driveway spacing, median control, and signal spacing;**
  - (b) Standards to protect future construction and operation of streets, transitways, paths, and other transportation facilities;**
  - (c) Standards to protect public use airports as provided in OAR 660-013-0080;**
  - (d) Processes to make a coordinated review of future land use decisions affecting transportation facilities, corridors, or sites;**
  - (e) Processes to apply conditions to development proposals in order to minimize impacts and protect transportation facilities, corridors, or sites for all transportation modes;**
  - (f) Regulations to provide notice to public agencies providing transportation facilities and services, railroads, Metropolitan Planning Organizations, the Oregon Department of Transportation, and the Oregon Department of Aviation of:**
    - (A) Land use applications that require public hearings;**
    - (B) Subdivision and partition applications;**
    - (C) Other applications that affect private access to roads; and**
    - (D) Other applications within airport noise corridors and imaginary surfaces that affect airport operations.**
  - (g) Regulations ensuring that amendments to land use designations, densities, and design standards are consistent with the functions, capacities, and performance standards of facilities identified in the TSP.**

**Finding:**

*The existing Development Code and proposed text amendments comply with these rules as follows:*

- *The existing code contains access management requirements for new driveway and street connections in Chapter 75 (Access Management). These include spacing requirements and vision clearance areas. The code complies with this rule by regulating driveway spacing based on classification of the street, size, and location of the site. TDC 73C.090 also provides minimum requirements for parking lot driveways and walkways for residential uses such as single-family, duplex, and multi-family developments. Parking lot driveways and walkways for other residential uses are detailed under TDC Chapter 73A (Site Design Standards).*
- *The existing code protects future construction and operation of streets, transitways, paths, and other transportation facilities by requiring consistency with the Transportation System Plan (TSP). The code requires the following to be consistent with the TSP (Comprehensive Plan, Chapter 8): street systems for tentative partition and subdivision plans (TDC 36.110 through TDC 36.125); street improvements for streets within and abutting new development (TDC 74.030); pedestrian and bikeway facilities (TDC 74.090); and transit facilities (TDC 73A.110(10) and TDC 73A.120(6)).*
- *Tualatin does not have an airport in their city limits; therefore, this requirement is not applicable.*
- *The proposed amendments contain standards to ensure that land use decisions affecting transportation facilities will consider adequate capacity and consistency with adopted plans, as described below:*

- *TDC 33.020(6) allows for Architectural Review that conditions of approval be applied to ensure adequate public facilities, including transportation facilities.*
- *TDC 33.040(5) requirements for Conditional Use Permit review include adequacy of transportation systems.*
- *TDC 36.110 through 36.125 requires the street system for tentative partition and subdivision plans to be consistent with the TSP and TDC Chapters 74 (Public and Private Transportation, Facilities, and Utilities) and 75 (Access Management).*
- *TDC 74.030(1)(e) requires developments to comply with the requirements of the Oregon Department of Transportation (ODOT), Tri-Met, Washington County, and Clackamas County (as applicable) when a proposed development site is adjacent to a roadway under any of their jurisdictions.*
- *TDC 74.050 states that the City Manager may require a traffic study when necessary to assure that transportation facilities can accommodate expected traffic and/or assure that internal traffic circulation of the proposed development will not result in conflicts with on-site traffic, parking, or loading or impact traffic on adjacent streets.*
- *TDC Chapters 32 (Procedures) and 33 (Applications and Approval Criteria) allow the City to require conditions of approval for a land use decision. While transportation facilities are not specifically mentioned, this may include conditions that ensure compliance with transportation standards, to protect transportation facilities for all modes.*
- *TDC 32.220 states that where a project either adjoins or directly affects a state highway, then the Oregon Department of Transportation (ODOT) shall be notified; where the project site would access a County Road or otherwise be subject to review by the County, then the County shall be notified. Similar requirements are provided in TDC 32.230 for Type III procedures and TDC 32.240 for Type IV procedures.*
- *TDC 33.070(5) lists the approval criteria for amendments to the TDC and comprehensive plan text or maps. Amendments must be consistent with the comprehensive plan, applicable State of Oregon Planning Goals and applicable Oregon Administrative Rules, including compliance with the Transportation Planning Rule TPR (OAR 660-012-0060).*

*The state administrative rule requirements are met.*

## **C. Metro Code**

### **Regional Transportation Functional Plan (RTFP)**

#### **Finding:**

*The current Regional Transportation Functional Plan (RTFP) was adopted in 2012 and has not been updated for consistency with the CFEC Transportation Planning Rule updates. Metro anticipates beginning the update process for the RTFP in 2025, with adoption planned for 2026 or 2027. The 2023 Regional Transportation Plan (RTP) identifies the RTFP update as a near-term implementation action (pgs. 8-37 – 8-*

38).<sup>1</sup> In addition, a recent Metro report on CFEC implementation outlines needed RTFP updates:<sup>2</sup>

- Align the functional plan language and requirements with recent statewide rulemaking and policy development to implement the Climate-Friendly and Equitable Communities Program.
- Define how the updated mobility policy will be implemented in local TSPs and local comprehensive plan amendments in coordination with local governments and the statewide CFEC implementation program and Oregon Highway Plan update.

*Because the RTFP does not reflect the CFEC requirements, the proposed amendments have not been evaluated for consistency with the RTFP.*

## **Urban Growth Management Functional Plan**

### **Title 6: Centers, Corridors, Station Communities, and Main Streets**

#### **3.07.620 Actions and Investments in Centers, Corridors, Station Communities and Main Streets**

[...]

**(d) A plan of actions and investments to enhance the Center, Corridor, Station Community or Main Street must consider the assessment completed under Subsection 3.07.620(c) and include at least the following elements:**

- (1) Actions to eliminate, overcome or reduce regulatory and other barriers to mixed-use, pedestrian-friendly and transit-supportive development;**
- (2) Revisions to its comprehensive plan and land use regulations, if necessary, to allow:**
  - (A) In Regional Centers, Town Centers, Station Communities and Main Streets, the mix and intensity of uses specified in Section 3.07.640; and**
- [...]
- (4) A plan to achieve the non-SOV mode share targets, adopted by the city or county pursuant to Subsections 3.08.230(a) and (b) of the RTFP, that includes:**
  - (A) The transportation system designs for streets, transit, bicycles and pedestrians consistent with Title 1 of the RTFP;**
  - (B) A transportation system or demand management plan consistent with Section 3.08.160 of the RTFP; and**
  - (C) A parking management program for the Center, Corridor, Station Community or Main Street, or portion thereof, consistent with Section 3.08.410 of the RTFP.**

#### **Finding:**

*Central Tualatin is shown on Metro's Title 6 Centers, Corridors, Station Communities, and Main Streets Adopted Boundaries map as an Adopted Town Center. The purpose of the proposed amendments is to update code requirements to facilitate pedestrian-friendly, transit-supportive, and compact development.*

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<sup>1</sup> Metro Regional Transportation Plan (RTP, 2023).

<https://www.oregonmetro.gov/sites/default/files/2024/08/19/2023-Regional-Transportation-Plan-all-chapters.pdf>

<sup>2</sup> 2023 Major Report on CFEC Implementation – Portland Metropolitan Area.

<https://www.oregon.gov/lcd/CL/Documents/MetroReport2023.pdf>

*Amendments enable site designs that support walkability, provide pedestrian and bicycle connections, and support access to transit. Drive-through facilities are regulated to ensure safety and access for those using non-vehicular modes. The amendments promote somewhat higher intensity of uses by reducing minimum setbacks in residential zones. The proposed amendments are consistent with the requirements of Title 6.*

## **Title 7: Housing Choice**

**3.07.730 Requirements for Comprehensive Plan and Implementing Ordinance Changes Cities and counties within the Metro region shall ensure that their comprehensive plans and implementing ordinances:**

- (a) Include strategies to ensure a diverse range of housing types within their jurisdictional boundaries.**
  - (b) Include in their plans actions and implementation measures designed to maintain the existing supply of affordable housing as well as increase the opportunities for new dispersed affordable housing within their boundaries.**
  - (c) Include plan policies, actions, and implementation measures aimed at increasing opportunities for households of all income levels to live within their individual jurisdictions in affordable housing.**
- [Ord. 97-715B, Sec. 1. Ord. 00-882, Sec. 2. Ord. 03-1005A, Sec. 1. Ord. 06-1129B, Sec. 2.]**

### **Finding:**

*The proposed amendments do not affect allowable densities or housing types allowed in different zoning districts. While the primary intent of these amendments is to promote walkability by encouraging efficient and sociable development patterns, the proposed amendments also will reduce potential impediments to housing development. As described in the findings for Statewide Planning Goal 10 in Section II-A of the findings, this includes reducing minimum setbacks in several residential zones. Reducing these minimum setback standards will enhance development opportunities for housing. The proposed amendments are consistent with the requirements of Title 7.*

## **E. Tualatin Development Code**

### **Chapter 32: Procedures**

#### **TDC 32.010. - Purpose and Applicability.**

**(2) Applicability of Review Procedures.** All land use and development permit applications and decisions, will be made by using the procedures contained in this Chapter. The procedure "type" assigned to each application governs the decision-making process for that permit or application. There are five types of permit/application procedures as described in subsections (a) through (e) below. Table 32-1 lists the City's land use and development applications and corresponding review procedure(s).

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

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

**Table 32-1—Applications Types and Review Procedures**

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

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

**Finding:**

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

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

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

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



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

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

[...]

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

**(i)** Any affected governmental agency;

**(ii)** Any person who requests notice in writing;

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

**(iv)** Designated representatives of recognized Citizen Involvement Organizations;

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

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

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

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

[...]

**Finding:**

*As discussed in response to the previous criterion, the proposed amendments are legislative in nature and have been processed consistent with the Type IV-B requirements. The amendments will bring the City into compliance with the mandatory Climate Friendly and Equitable Communities (CFEC) Rules adopted by the State of Oregon's Land Conservation and Development Commission through OAR 660-012-0330. These rules are the result of Executive Order No.20-04 which directs state agencies to take action to reduce and regulate greenhouse gas emissions from transportation. City staff will follow the appropriate notification procedures including DLCD notice, agency notice, newspaper notice, and posted notice. These criteria are met.*

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

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

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

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

**Finding:**

*The City Council public hearing is scheduled for November 24, 2025 and will be conducted following legislative hearing procedures. If adopted, a notice of adoption will be mailed and effective consistent with the above provisions. These criteria can be met.*

**Chapter 33: Applications and Approval Criteria**

**Section 33.070 Plan Amendments**

**[...]**

**(2) Applicability. [...]** Legislative amendments may only be initiated by the City Council.

**(3) Procedure Type.**

**(b) Map or text amendment applications which are legislative in nature are subject to Type IV-B Review in accordance with TDC Chapter 32.**

**Finding:**

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

**(5) Approval Criteria.**

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

**Finding:**

*Executive Order No.20-04 directs state agencies to take action to reduce and regulate greenhouse gas emissions from transportation. In response, the Department of Land Conservation and Development adopted Climate Friendly and Equitable Communities rulemaking in the Transportation Planning Rules (Oregon Administrative Rules chapter 600, division 12). As part of this effort, OAR 660-012-0330(1) requires cities and counties to implement plans and land use regulations to support compact, pedestrian-friendly, mixed-use land use development patterns in urban areas. Development patterns must support access by people using pedestrian, bicycle, and public transportation networks.*

*The proposed amendments meet the objectives of the OAR requirements and support the public interest by promoting transportation choices; promoting safer and more convenient access for pedestrians, those using mobility devices, bicyclists, and transit riders; and making it easier for community members to meet their daily needs without driving.*

*Additionally, the amendments are subject to the public notification requirements specified in TDC 32.250. A notice will be published in the Tualatin Times as required. A minimum of two public hearings will be held. The first hearing before the Planning Commission was held on October 15, 2025 and the second hearing will be held before the City Council on November 24, 2025. Any comments submitted by the community will be included in the City Council hearing packet. The City also sought input from the City Council at three work sessions, and with various community stakeholders, as described in the findings under Statewide Planning Goal 1 in Section II-A of the findings. Both the City Council and stakeholders generally expressed support for the code concepts and amendments. Therefore, granting the proposed amendments is in the public interest. This criterion is met.*

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

**Finding:**

*The public interest is best protected by complying with state mandates to reduce greenhouse gas emissions from transportation. This criterion is met.*

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

**Finding:**

*The proposed amendments are in response to state rulemaking to reduce greenhouse emissions from transportation, and are in conformity with the following applicable objectives of the Tualatin Comprehensive Plan:*

- *POLICY 1.1.1 Support community advisory committees to provide recommendations on planning matters.*
- *POLICY 2.1.3 Promote design that fosters a sense of place and community identity through the Central Design District.*
- *POLICY 4.1.1 Locate and design areas that allow commercial development in a manner that increases access to goods and services while minimizing traffic impacts, including the location of commercial services where accessible through transit and active transportation modes, the encouragement of mixed use development, and small neighborhood commercial nodes.*
- *POLICY 4.1.3 Encourage functional and attractive commercial development through standards for site design and landscaping.*
- *POLICY 8.1.8 Develop connectivity standards that improve access to destinations, by limiting block lengths, unconnected streets, cul-de-sacs, and other non-through connections.*
- *POLICY 8.3.3 Require development adjacent to transit routes to provide direct pedestrian accessibility.*
- *POLICY 8.4.2 Support land use patterns that reduce vehicle fuel consumption and greenhouse gas emissions and preserve the function of the transportation system.*

*The Tualatin Planning Commission, which serves as an advisory committee will have an opportunity to provide a recommendation to City Council on October 15, 2025 in support of Policy 1.1.1. The amendments also implement Policies 2.1.3 and 8.1.8 by requiring compact and sociable development patterns, pedestrian connectivity, and site design standards which help create a sense of place and community. The updates to site and building design standards for commercial and mixed-use development help implement Policies 4.1.1, 4.1.3, and 8.4.2 by designing new developments to be more walkable and accessible to other modes of transportation, which promotes economic activity in these areas. Policy 8.3.8 is also implemented by improving pedestrian connectivity to transit stops. Therefore, the proposed amendments are in conformity with the Tualatin Comprehensive Plan and this criterion is met.*

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

- (i) The various characteristics of the areas in the City;**
- (ii) The suitability of the areas for particular land uses and improvements in the areas;**

**Finding:**

*The proposed amendments implement state rulemaking which include requirements for compact and sociable development, pedestrian connectivity, and site design standards more conducive to walking, biking, and taking transit. Different standards apply to different types of development and in different areas of the city (e.g., residential zones versus the Mixed Use Commercial zone or other commercial zones). These standards have some flexibility built-in for situations where meeting the standards may not be practical. This will encourage more walkable design outcomes in new development which in turn will support non-auto transportation options like walking and biking in commercial and residential areas. These criteria are met.*

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

**Finding:**

*The state mandates promote compact development, pedestrian connectivity, and site design standards more conducive to walking, biking, and taking transit within mixed use, commercial, and residential areas. This creates development patterns that encourage walkability and reduce greenhouse gas emissions from transportation. This type of development can also lead to greater economic activity in downtown areas and city centers. The amendments include new standards for pedestrian connections to main building entrances and other neighborhood destinations; making walking safer, convenient, and pleasant. Encouraging more destinations within close proximity to one another supports current trends in land improvement and development. This criterion is met.*

**(iv) Property values;**

**Finding:**

*The amendments include standards that will encourage more pedestrian friendly outcomes in the built environment. This can lead to more sociable neighborhoods and greater economic activity in commercial areas. Exceptions have also been added to allow for flexibility in cases where meeting the standards may not be practical. Therefore, the proposed amendments support property values and the 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 amendments support the needs of economic enterprise by requiring better site and building design for pedestrians, which encourages economic activity in those areas. The proposed amendments also support better transportation connectivity and access to sites in the city. 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 amendments do not impact natural resource protection nor application of requirements to*

*future development, which would fully apply to any new development. Therefore, this criterion is met.*

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

**Finding:**

*The proposed amendments implement state rulemaking to reduce greenhouse gas emissions from transportation by supporting compact and sociable development, pedestrian connectivity, and site design standards that take into consideration people who are walking, biking, or taking transit. Creating better pedestrian connections in new developments will give people more opportunities to walk and be active which improves overall public health. This also helps reduce greenhouse gas emissions and improves air quality. By creating better outcomes in building design for pedestrians and providing more pedestrian connections, walking trips will become more available, attractive, and pleasant. Therefore, the amendments support the public need for healthful, safe, and esthetic surroundings. The criterion is met.*

**(ix) Proof of change in a neighborhood or area, or a mistake in the Plan Text or Plan Map for the property under consideration are additional relevant factors to consider.**

**Finding:**

*The proposed amendments do not apply to a specific property or neighborhood. Therefore, this criterion is not applicable.*

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

**Finding:**

*The proposed amendments do not create a direct impact to residential capacity for school districts, and therefore this criterion is not applicable.*

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

**Finding:**

*The proposed amendments comply with the mandatory Climate Friendly and Equitable Communities (CFEC) Rules adopted by the State of Oregon's Land Conservation and Development Commission through OAR 660-012-0330. These rules are the result of Executive Order No.20-04 which directs state agencies to take action to reduce and regulate greenhouse gas emissions from transportation. While the CFEC mandates also require updates to our land use regulation and Transportation System Plan, this amendment is limited to the implementation of walkable design standards.*

*The proposed amendments are limited to compliance with CFEC walkable design mandates and address requirements for compact, pedestrian-friendly, mixed-use land use development patterns in urban areas. Discussion of State of Oregon Planning Goals and applicable Oregon Administrative Rules is found in Sections II-A and B of these findings, which finds consistency. This criterion is met.*

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

**Finding:**

*Discussion of the Urban Growth Management Functional Plan is found in Section II-C of the findings, which finds consistency. Therefore, 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 10-4), and E/E for the rest of the 2040 Design Types in the City's planning area.**

**Finding:**

*The proposed amendments do not include changes to the functional classification of transportation facilities, nor the standards implementing the functional classification system. The proposed amendments also will not result in types or levels of travel or access that are inconsistent with adopted functional classifications. These factors were consciously considered but this criterion is not applicable.*

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

[...]

**Finding:**

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