



City of Tualatin

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November 13, 2019

**Analysis and Findings for
PTA 19-0003 and PMA 19-0003**

Case #: PTA 19-0003 and PMA 19-0003
Project: Parks and Recreation Master Plan

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I. INTRODUCTION

A. Applicable Criteria

Applicable Statewide Planning Goals; Division 34 of the Oregon Administrative Rules; Title 4 of Metro Chapter 3.07 (Urban Growth Management Functional Plan); applicable Goals and Policies from the City of Tualatin Comprehensive Plan; City of Tualatin Development Code, including Section 33.070 (Plan Amendments).

B. Project Description

City Council adopted the Tualatin Parks and Recreation Master Plan on November 13, 2018 with Resolution No. 5407-18, representing the first full update of the Master Plan since 1983. With that Resolution, the Council directed staff to prepare Comprehensive Plan Amendments related to the Parks and Recreation Master Plan.

In order to further implement the Parks and Recreation Master Plan, Plan Text Amendment (PTA) 19-0003 proposes amendments to Tualatin Development Code (TDC) Chapters 11, 15, 31, 36, 39, 41-44, 49-52, 55, 57, 60, 61, 64, 72, 73C, and 74, as well as the Transportation System Plan. The proposed text amendments primarily serve to update references to the Parks and Recreation Master Plan.

The Plan Map Amendment (PMA) 19-0003 updates trail designations in line with the Parks and Recreation Master Plan. Specifically, PMA 19-0003 would follow the adoption of the Ice Age Tonquin Trail Master Plan into the Parks and Recreation Master Plan by adopting this proposed trail alignment into the Tualatin Development Code, following up on Resolution 5133-13 directing staff to implement the Ice Age Tonquin Trail Master Plan. PMA 19-0003 would also remove a map depicting zones for street tree planting, which does not reflect current practice informed by modern urban forestry.

C. Exhibit List

- (a) Proposed Amended Tualatin Development Code Amendments
- (b) TDC Figure 11-4: Bicycle and Pedestrian Plan (Updated)
- (c) TDC Map 72-2: Greenway and Trail Development Plan (Updated)
- (d) TDC Map 74-1: Street Tree Plantings (Deleted)
- (e) Figure 3-4 (Recreation Resources) from 1983 Parks and Recreation Master Plan
- (f) Parks and Recreation Master Plan (2018)

D. Proposed Amendments

The following Comprehensive Plan Text Amendments, Development Code Text Amendments, and Map Amendments have been proposed (Figure 1).

Figure 1: Summary of Proposed Amendments

Subject	Proposed Action	Notes
MAPS AND FIGURES		
Figure 3-4 (Recreation Resources) of the Parks Master Plan	Eliminate references to outdated Parks Master Plan figure in the Tualatin Development Code.	TDC contains references to "Other Natural Areas" in Figure 3-4 of the Parks Master Plan. The updated Master Plan does not retain this figure.
TDC Figure 11-4: Bicycle and Pedestrian Master Plan	Update to reflect greenway trail changes as seen in Map 3 of Parks and Recreation Master Plan and promote consistency between Figure 72-2 and Figure 11-4.	
TDC Map 72-2: Greenway and Trail Development Plan	Update to reflect greenway trail changes as seen in Map 3 of Parks and Recreation Master Plan and promote consistency between Figure 72-2 and Figure 11-4.	
TDC Map 74-1: Street Tree Planting	Delete	Map 74-1 exists solely to distinguish between two different zones of permitted street tree plantings. This package of amendments proposes to unify the list of permitted street trees and remove the arbitrary regional distinction between where different trees are allowed, reflecting current discretionary practice otherwise allowed by code.
TUALATIN COMMUNITY PLAN		
TDC 15.010	Generalize document references (e.g. "Parks and Recreation Master Plan" in place of discussing the background of the 1983 plan).	
TDC 15.020(18)	Update objective.	New language more inclusive.
TDC 15.100	Update references to refer to the relevant code maps.	
TUALATIN DEVELOPMENT CODE		
<ul style="list-style-type: none"> • TDC 36.400(5)(b) • TDC 41.320(3)(b) • TDC 42.320(3)(b) • TDC 43.320(3)(b) • TDC 44.320(3)(b) • TDC 49.320(3)(b) • TDC 50.310(2)(b) • TDC 51.310(3)(b) 	Delete references to Figure 3-4.	

Subject	Proposed Action	Notes
<ul style="list-style-type: none"> • TDC 52.310(2)(b) • TDC 55.310(2)(b) • TDC 60.310(4)(b) • TDC 61.310(3)(b) • TDC 64.310(7)(b) 		
TDC Chapter 31 Definitions: <i>Fish and Wildlife Habitat Area</i>	Delete references to Figure 3-4.	
TDC Chapter 31 Definitions	Modify trail and path definitions to refine trail definitions for consistency and clarity between Master Plan and within the code	
TDC 36.400(5)	Delete references to Figure 3-4.	
TDC 39.600	Modify Greenways and Natural Areas definitions to clarify range of trails included under category, and amenities in line with Metro stipulations on trails within Regionally Significant Industrial Areas.	
TDC 57.100	Delete references to Figure 3-4.	
TDC 72.010	Delete references to Figure 3-4.	
TDC 72.070	Replace reference to "approved plant list" in Parks Master Plan with general reference to native species.	The updated Parks and Recreation Master Plan dispenses with an approved plant list. This section only applies to plant selection for paths in designated greenways.
TDC 72.055	Delete references to Figure 3-4 and Parks Master Plan page numbers.	Page number references are outmoded.
TDC 72.085	Delete reference to "Other Natural Areas."	
TDC 72.090	Delete reference to "Other Natural Areas."	
TDC 72.100	Delete reference to "Other Natural Areas."	
TDC 72.110	Update map references to include specific figures and consistent document names.	
TDC Table 74-1	Modify street tree list.	Parks and Recreation desires to update street tree list to expand number or explicitly allowed trees.
TDC 74.705(3)	Replace references to "Schedule A" with "Table 74-1."	Table was renamed with January 2019 code update.
TDC 74.707	Replace references to "Schedule A" with "Table 74-1."	Table was renamed with January 2019 code update.

II. FINDINGS

A. Oregon Statewide Planning Goals

The following Oregon Statewide Planning Goals are applicable to the proposed amendments:

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 Parks and Recreation Master Plan was adopted by City Council in November 2018 following an 18-month planning and public involvement period. The Master Plan update and this Plan Text/Plan Map Amendment were additionally considered by the Tualatin Parks and Recreation Advisory Committee. Prior to consideration by City Council, additional notice is to be delivered to property owners where future trail development has been designated, in compliance with ORS 227.175. The proposed amendments conform to Goal 1.

Goal 2 – Land Use Planning

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

[...]

Finding:

The proposed amendments have been reviewed pursuant to the City's established land use planning process and procedures. The existing land use plan references the previous version of the Parks and Recreation Master Plan, and it is appropriate to incorporate changes into the Comprehensive Plan and Development Code. The proposed amendments conform to Goal 2.

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

Finding:

Applicability of Goal 5 to post-acknowledgment plan amendments is governed by OAR 660-023-0250. The proposed map amendments do not modify the acknowledged Goal 5 resource list, or a policy that addresses specific requirements of Goal 5. The proposed amendments do not allow uses that would conflict with a particular Goal 5 resource site on an acknowledged resource list. The proposed amendments conform to Goal 5.

Goal 6 – Air, Water and Land Resources Quality

Finding:

The proposal does not affect policies associated with Goal 6 established by the Comprehensive Plan. As reported in the previous findings for Goal 5, the proposed Comprehensive Plan/Zoning Map Amendment will continue to preserve environmentally sensitive lands. The Oregon Department of

Environmental Quality (DEQ) regulates air, water and land with Clean Water Act (CWA) Section 401 Water Quality, Water Quality Certificate, State 303(d) listed waters, Hazardous Wastes, Clean Air Act (CAA), and Section 402 NPDES Construction and Stormwater Permits. The Oregon Department of State Lands and the U.S. Army Corps of Engineers regulate jurisdictional wetlands and CWA Section 404 water of the state and the country respectively. Clean Water Services (SWC) coordinates storm water management, water quality and stream enhancement projects throughout the city. Future development of trails or parks facilities as indicated by the Parks and Recreation Master Plan will still need to comply with these state, national and regional regulations and protections for air, water and land resources. The proposed amendments conform to Goal 6.

Goal 7 – Areas Subject to Natural Disasters and Hazards

Finding:

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

Goal 9 – Economy of the State

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

[...]

Finding:

The proposed amendments have a limited impact on future economic activities beyond the development of trails and parks facilities. The general health, welfare, and prosperity of Oregon's citizens is enhanced by access to a robust parks network and clarity in planning for regional trails. The proposed amendments conform to Goal 9.

Goal 11 – Public Facilities and Services

Finding:

The proposed code supports the development of trails and parks facilities, which would enhance local and regional services, while not significantly impacting other local transportation and utility facilities. No other amendments to the public facilities plans are necessary in order to accommodate the proposed map amendment. The proposed amendments conform to Goal 11.

Goal 12 – Transportation

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

[...]

Goal 12 requires the provision and encouragement of a safe, convenient, multimodal and economic transportation system. The proposed map amendments apply to both Chapter 11, Transportation, and Chapter 72, Natural Resource Protection Overlay District. These changes to Map 11-4 would present a more consistent depiction of the bicycle and pedestrian plan as it has been established in the Transportation System Plan, as well as paths established by local and regional trail planning, more accurately depicting planned networks and providing a more user-friendly map. The proposed amendments would support multimodal transportation, and are consistent with the City's acknowledged policies and strategies for the provision of transportation facilities and services as required by Goal 12 the Transportation Planning Rule (TPR), the findings for which are found under Oregon Administrative Rules Chapter 660, Division 12. The proposed amendments would add to the potential network of future multimodal trails, and otherwise have little impact on the transportation system; these changes conform to Goal 12.

B. Oregon Administrative Rules

The following Oregon Administrative Rules (OAR) are applicable to the proposed amendments:

OAR Chapter 660, Division 12 (Transportation Planning)

[...]

660-012-0010

Transportation Planning

- (1) As described in this division, transportation planning shall be divided into two phases: transportation system planning and transportation project development. Transportation system planning establishes land use controls and a network of facilities and services to meet overall transportation needs. Transportation project development implements the TSP by determining the precise location, alignment, and preliminary design of improvements included in the TSP.**
- (2) It is not the purpose of this division to cause duplication of or to supplant existing applicable transportation plans and programs. Where all or part of an acknowledged comprehensive plan, TSP either of the local government or appropriate special district, capital improvement program, regional functional plan, or similar plan or combination of plans meets all or some of the requirements of this division, those plans or programs may be incorporated by reference into the TSP required by this division. Only those referenced portions of such documents shall be considered to be a part of the TSP and shall be subject to the administrative procedures of this division and ORS Chapter 197.**
- (3) It is not the purpose of this division to limit adoption or enforcement of measures to provide convenient bicycle and pedestrian circulation or convenient access to transit that are otherwise consistent with the requirements of this division.**

Finding:

The proposed Plan Text Amendment and Plan Map Amendment would update the Transportation System Plan (TSP) consistent with all applicable provisions of Division 12. The previously adopted TSP is consistent with 660-012-0010. As provided under this subsection, development of any specific trails and supporting amenities will be addressed separately at the appropriate time. The proposed amendments are consistent with these requirements.

660-012-0015

Preparation and Coordination of Transportation System Plans

(1) ODOT shall prepare, adopt and amend a state TSP in accordance with ORS 184.618, its program for state agency coordination certified under ORS 197.180, and OAR 660-012-0030, 660-012-0035, 660-012-0050, 660-012-0065 and 660-012-0070. The state TSP shall identify a system of transportation facilities and services adequate to meet identified state transportation needs:

(a) The state TSP shall include the state transportation policy plan, modal systems plans and transportation facility plans as set forth in OAR chapter 731, division 15;

(b) State transportation project plans shall be compatible with acknowledged comprehensive plans as provided for in OAR chapter 731, division 15. Disagreements between ODOT and affected local governments shall be resolved in the manner established in that division.

(2) MPOs and counties shall prepare and amend regional TSPs in compliance with this division. MPOs shall prepare regional TSPs for facilities of regional significance within their jurisdiction. Counties shall prepare regional TSPs for all other areas and facilities:

(a) Regional TSPs shall establish a system of transportation facilities and services adequate to meet identified regional transportation needs and shall be consistent with adopted elements of the state TSP;

(b) Where elements of the state TSP have not been adopted, the MPO or county shall coordinate the preparation of the regional TSP with ODOT to assure that state transportation needs are accommodated;

(c) Regional TSPs prepared by MPOs other than metropolitan service districts shall be adopted by the counties and cities within the jurisdiction of the MPO. Metropolitan service districts shall adopt a regional TSP for areas within their jurisdiction;

(d) Regional TSPs prepared by counties shall be adopted by the county.

(3) Cities and counties shall prepare, adopt and amend local TSPs for lands within their planning jurisdiction in compliance with this division:

(a) Local TSPs shall establish a system of transportation facilities and services adequate to meet identified local transportation needs and shall be consistent with regional TSPs and adopted elements of the state TSP;

(b) Where the regional TSP or elements of the state TSP have not been adopted, the city or county shall coordinate the preparation of the local TSP with the regional transportation planning body and ODOT to assure that regional and state transportation needs are accommodated.

(4) Cities and counties shall adopt regional and local TSPs required by this division as part of their comprehensive plans. Transportation financing programs required by OAR 660-012-0040 may be adopted as a supporting document to the comprehensive plan.

(5) The preparation of TSPs shall be coordinated with affected state and federal agencies, local governments, special districts, and private providers of transportation services.

(6) Mass transit, transportation, airport and port districts shall participate in the development of TSPs for those transportation facilities and services they provide. These districts shall prepare and adopt plans for transportation facilities and services they provide. Such plans shall be consistent with and adequate to carry out relevant portions of applicable regional and local TSPs. Cooperative agreements executed under ORS 197.185(2) shall include the requirement that mass transit, transportation, airport and port districts adopt a plan consistent with the requirements of this section.

(7) Where conflicts are identified between proposed regional TSPs and acknowledged comprehensive plans, representatives of affected local governments shall meet to discuss means to resolve the conflicts. These may include:

- (a) Changing the draft TSP to eliminate the conflicts; or**
- (b) Amending acknowledged comprehensive plan provision to eliminate the conflicts;**
- (c) For MPOs which are not metropolitan service districts, if conflicts persist between regional TSPs and acknowledged comprehensive plans after efforts to achieve compatibility, an affected local government may petition the Commission to resolve the dispute.**

Finding:

The proposed amendments comply with all of the applicable requirements for preparation, coordination and adoption of TSPs required under this section of the TPR. Given that the Plan Map Amendment is proposed to bring the Tualatin Development Code maps into alignment with Metro and Washington County trail maps, along with the City's Parks and Recreation Master Plan, the goal of improving consistency between levels of government is furthered by the proposed changes. Furthermore:

- The TSP and amendments are incorporated as part of the City's Comprehensive Plan.
- As described above, the preparation of proposed amendments followed the process in place for the development of the TSP and was closely coordinated with affected government agencies and service providers.
- OAR 660-012-0015 also requires that regional TSPs, such as Metro's RTP, be coordinated with state transportation plans and policies, such as those found in the Oregon Highway Plan (OHP). Both ODOT and Metro assisted in the development of the plans incorporated into the TSP. The proposed amendments are consistent with these requirements.

660-012-0016

Coordination with Federally-Required Regional Transportation Plans in Metropolitan Areas

(1) In metropolitan areas, local governments shall prepare, adopt, amend and update transportation system plans required by this division in coordination with regional transportation plans (RTPs) prepared by MPOs required by federal law. Insofar as possible, regional transportation system plans for metropolitan areas shall be accomplished through a single coordinated process that complies with the applicable requirements of federal law and this division. Nothing in this rule is intended to make adoption or amendment of a regional transportation plan by a metropolitan planning organization a land use decision under Oregon law.

(2) When an MPO adopts or amends a regional transportation plan that relates to compliance with this division, the affected local governments shall review the adopted plan or amendment and either:

- (a) Make a finding that the proposed regional transportation plan amendment or update is consistent with the applicable provisions of adopted regional and local transportation system plan and comprehensive plan and compliant with applicable provisions of this division; or**
- (b) Adopt amendments to the relevant regional or local transportation system plan that make the regional transportation plan and the applicable transportation system plans consistent with one another and compliant with applicable provisions of this division. Necessary plan amendments or updates shall be prepared and adopted in coordination with the federally-required plan update or amendment. Such amendments shall be initiated no later than 30 days from the adoption of the RTP amendment or update and shall be adopted no later than one year from the adoption of the RTP amendment or update or according to a work plan approved by the commission. A plan amendment is**

"initiated" for purposes of this subsection where the affected local government files a post-acknowledgement plan amendment notice with the department as provided in OAR chapter 660, division 18.

(c) In the Portland Metropolitan area, compliance with this section shall be accomplished by Metro through adoption of required findings or an amendment to the regional transportation system plan.

(3) Adoption or amendment of a regional transportation plan relates to compliance with this division for purposes of section (2) if it does one or more of the following:

(a) Changes plan policies;

(b) Adds or deletes a project from the list of planned transportation facilities, services or improvements or from the financially-constrained project list required by federal law;

(c) Modifies the general location of a planned transportation facility or improvement;

(d) Changes the functional classification of a transportation facility; or

(e) Changes the planning period or adopts or modifies the population or employment forecast or allocation upon which the plan is based.

(4) The following amendments to a regional transportation plan do not relate to compliance with this division for purposes of section (2):

(a) Adoption of an air quality conformity determination;

(b) Changes to a federal revenue projection;

(c) Changes to estimated cost of a planned transportation project; or

(d) Deletion of a project from the list of planned projects where the project has been constructed or completed.

(5) Adoption or amendment of a regional transportation plan that extends the planning period beyond that specified in the applicable acknowledged comprehensive plan or regional transportation system plan is consistent with the requirements of this rule where the following conditions are met:

(a) The future year population forecast is consistent with those issued or adopted under ORS 195.033 or 195.036;

(b) Land needed to accommodate future urban density population and employment and other urban uses is identified in a manner consistent with Goal 14 and relevant rules;

(c) Urban density population and employment are allocated to designated centers and other identified areas to provide for implementation of the metropolitan area's integrated land use and transportation plan or strategy; and

(d) Urban density population and employment or other urban uses are allocated to areas outside of an acknowledged urban growth boundary only where:

(A) The allocation is done in conjunction with consideration by local governments of possible urban growth boundary amendments consistent with Goal 14 and relevant rules, and

(B) The RTP clearly identifies the proposed UGB amendments and any related projects as illustrative and subject to further review and approval by the affected local governments.

Finding:

The proposed map changes reflect trail alignments that are already contained within the 2018 Regional Transportation Plan, which in turn is consistent with the Regional Transportation Functional Plan (RTFP). The proposed amendments are consistent with these requirements.

660-012-0020

Elements of Transportation System Plans

(1) A TSP shall establish a coordinated network of transportation facilities adequate to serve state, regional and local transportation needs.

(2) The TSP shall include the following elements:

(a) A determination of transportation needs as provided in OAR 660-012-0030;

(b) A road plan for a system of arterials and collectors and standards for the layout of local streets and other important non-collector street connections. Functional classifications of roads in regional and local TSP's shall be consistent with functional classifications of roads in state and regional TSP's and shall provide for continuity between adjacent jurisdictions. The standards for the layout of local streets shall provide for safe and convenient bike and pedestrian circulation necessary to carry out OAR 660-012-0045(3)(b). New connections to arterials and state highways shall be consistent with designated access management categories. The intent of this requirement is to provide guidance on the spacing of future extensions and connections along existing and future streets which are needed to provide reasonably direct routes for bicycle and pedestrian travel. The standards for the layout of local streets shall address:

(A) Extensions of existing streets;

(B) Connections to existing or planned streets, including arterials and collectors; and

(C) Connections to neighborhood destinations.

(c) A public transportation plan which:

(A) Describes public transportation services for the transportation disadvantaged and identifies service inadequacies;

(B) Describes intercity bus and passenger rail service and identifies the location of terminals;

(C) For areas within an urban growth boundary which have public transit service, identifies existing and planned transit trunk routes, exclusive transit ways, terminals and major transfer stations, major transit stops, and park-and-ride stations. Designation of stop or station locations may allow for minor adjustments in the location of stops to provide for efficient transit or traffic operation or to provide convenient pedestrian access to adjacent or nearby uses.

(D) For areas within an urban area containing a population greater than 25,000 persons, not currently served by transit, evaluates the feasibility of developing a public transit system at buildout. Where a transit system is determined to be feasible, the plan shall meet the requirements of paragraph (2)(c)(C) of this rule.

(d) A bicycle and pedestrian plan for a network of bicycle and pedestrian routes throughout the planning area. The network and list of facility improvements shall be consistent with the requirements of ORS 366.514;

(e) An air, rail, water and pipeline transportation plan which identifies where public use airports, mainline and branchline railroads and railroad facilities, port facilities, and major regional pipelines and terminals are located or planned within the planning area. For airports, the planning area shall include all areas within airport imaginary surfaces and other areas covered by state or federal regulations;

(f) For areas within an urban area containing a population greater than 25,000 persons a plan for transportation system management and demand management;

(g) A parking plan in MPO areas as provided in OAR 660-012-0045(5)(c);

(h) Policies and land use regulations for implementing the TSP as provided in OAR 660-012-0045;

- (i) For areas within an urban growth boundary containing a population greater than 2500 persons, a transportation financing program as provided in OAR 660-012-0040.**
- (3) Each element identified in subsections (2)(b)–(d) of this rule shall contain:**
 - (a) An inventory and general assessment of existing and committed transportation facilities and services by function, type, capacity and condition:**
 - (A) The transportation capacity analysis shall include information on:**
 - (i) The capacities of existing and committed facilities;**
 - (ii) The degree to which those capacities have been reached or surpassed on existing facilities; and**
 - (iii) The assumptions upon which these capacities are based.**
 - (B) For state and regional facilities, the transportation capacity analysis shall be consistent with standards of facility performance considered acceptable by the affected state or regional transportation agency;**
 - (C) The transportation facility condition analysis shall describe the general physical and operational condition of each transportation facility (e.g., very good, good, fair, poor, very poor).**
 - (b) A system of planned transportation facilities, services and major improvements. The system shall include a description of the type or functional classification of planned facilities and services and their planned capacities and performance standards;**
 - (c) A description of the location of planned facilities, services and major improvements, establishing the general corridor within which the facilities, services or improvements may be sited. This shall include a map showing the general location of proposed transportation improvements, a description of facility parameters such as minimum and maximum road right of way width and the number and size of lanes, and any other additional description that is appropriate;**
 - (d) Identification of the provider of each transportation facility or service.**

Finding:

The proposed update to the TSP, together with the previously adopted and acknowledged comprehensive plan, includes all of the elements required by the TPR, and the proposed amendments are consistent with OAR-660-012-0020. The proposed amendments modify the TSP and Concept Plan only to the extent of modifying Figure 11-4: Bicycle and Pedestrian System to be consistent with local and regional trails that would be managed by Tualatin Parks and Recreation. The proposed amendments are consistent with these requirements.

660-012-0025

Complying with the Goals in Preparing Transportation System Plans; Refinement Plans

- (1) Except as provided in section (3) of this rule, adoption of a TSP shall constitute the land use decision regarding the need for transportation facilities, services and major improvements and their function, mode, and general location.**
- (2) Findings of compliance with applicable statewide planning goals and acknowledged comprehensive plan policies and land use regulations shall be developed in conjunction with the adoption of the TSP.**
- (3) A local government or MPO may defer decisions regarding function, general location and mode of a refinement plan if findings are adopted that:**
 - (a) Identify the transportation need for which decisions regarding function, general location or mode are being deferred;**

- (b) Demonstrate why information required to make final determinations regarding function, general location, or mode cannot reasonably be made available within the time allowed for preparation of the TSP;**
 - (c) Explain how deferral does not invalidate the assumptions upon which the TSP is based or preclude implementation of the remainder of the TSP;**
 - (d) Describe the nature of the findings which will be needed to resolve issues deferred to a refinement plan; and**
 - (e) Set a deadline for adoption of a refinement plan prior to initiation of the periodic review following adoption of the TSP.**
- (4) Where a Corridor Environmental Impact Statement (EIS) is prepared pursuant to the requirements of the National Environmental Policy Act of 1969, the development of the refinement plan shall be coordinated with the preparation of the Corridor EIS. The refinement plan shall be adopted prior to the issuance of the Final EIS.**

Finding:

Consistency with statewide goals is discussed in Section A; this requirement has been addressed. The updated trail maps support human-powered modes of transportation, and depict the function and location of said trails. The proposed amendments do not include any refinement planning nor an Environmental Impact Statement; OAR 660-12-0025(3) – (4) therefore does not apply. The proposed amendments are consistent with these requirements.

[...]

660-012-0035

Evaluation and Selection of Transportation System Alternatives

- (1) The TSP shall be based upon evaluation of potential impacts of system alternatives that can reasonably be expected to meet the identified transportation needs in a safe manner and at a reasonable cost with available technology. The following shall be evaluated as components of system alternatives:**
- (a) Improvements to existing facilities or services;**
 - (b) New facilities and services, including different modes or combinations of modes that could reasonably meet identified transportation needs;**
 - (c) Transportation system management measures;**
 - (d) Demand management measures; and**
 - (e) A no-build system alternative required by the National Environmental Policy Act of 1969 or other laws.**
- (2) Local governments in MPO areas of larger than 1,000,000 population shall, and other governments may also, evaluate alternative land use designations, densities, and design standards to meet local and regional transportation needs. Local governments preparing such a strategy shall consider:**
- (a) Increasing residential densities and establishing minimum residential densities within one quarter mile of transit lines, major regional employment areas, and major regional retail shopping areas;**
 - (b) Increasing allowed densities in new commercial office and retail developments in designated community centers;**
 - (c) Designating lands for neighborhood shopping centers within convenient walking and cycling distance of residential areas; and**

- (d) Designating land uses to provide a better balance between jobs and housing considering:**
- (A) The total number of jobs and total of number of housing units expected in the area or subarea;**
 - (B) The availability of affordable housing in the area or subarea; and**
 - (C) Provision of housing opportunities in close proximity to employment areas.**
- (3) The following standards shall be used to evaluate and select alternatives:**
- (a) The transportation system shall support urban and rural development by providing types and levels of transportation facilities and services appropriate to serve the land uses identified in the acknowledged comprehensive plan;**
 - (b) The transportation system shall be consistent with state and federal standards for protection of air, land and water quality including the State Implementation Plan under the Federal Clean Air Act and the State Water Quality Management Plan;**
 - (c) The transportation system shall minimize adverse economic, social, environmental and energy consequences;**
 - (d) The transportation system shall minimize conflicts and facilitate connections between modes of transportation; and**
 - (e) The transportation system shall avoid principal reliance on any one mode of transportation by increasing transportation choices to reduce principal reliance on the automobile. In MPO areas this shall be accomplished by selecting transportation alternatives which meet the requirements in section (4) of this rule.**
- (4) In MPO areas, regional and local TSPs shall be designed to achieve adopted standards for increasing transportation choices and reducing reliance on the automobile. Adopted standards are intended as means of measuring progress of metropolitan areas towards developing and implementing transportation systems and land use plans that increase transportation choices and reduce reliance on the automobile. It is anticipated that metropolitan areas will accomplish reduced reliance by changing land use patterns and transportation systems so that walking, cycling, and use of transit are highly convenient and so that, on balance, people need to and are likely to drive less than they do today.**
- (5) MPO areas shall adopt standards to demonstrate progress towards increasing transportation choices and reducing automobile reliance as provided for in this rule:**
- (a) The commission shall approve standards by order upon demonstration by the metropolitan area that:**
 - (A) Achieving the standard will result in a reduction in reliance on automobiles;**
 - (B) Achieving the standard will accomplish a significant increase in the availability or convenience of alternative modes of transportation;**
 - (C) Achieving the standard is likely to result in a significant increase in the share of trips made by alternative modes, including walking, bicycling, ridesharing and transit;**
 - (D) VMT per capita is unlikely to increase by more than five percent; and**
 - (E) The standard is measurable and reasonably related to achieving the goal of increasing transportation choices and reducing reliance on the automobile as described in OAR 660-012-0000.**
 - (b) In reviewing proposed standards for compliance with subsection (a), the commission shall give credit to regional and local plans, programs, and actions implemented since 1990 that have already contributed to achieving the objectives specified in paragraphs (A)–(E) above;**
 - (c) If a plan using a standard, approved pursuant to this rule, is expected to result in an increase in VMT per capita, then the cities and counties in the metropolitan area shall prepare and adopt an integrated land use and transportation plan including the elements listed in paragraphs (A)–(E) below.**

Such a plan shall be prepared in coordination with the MPO and shall be adopted within three years of the approval of the standard.

(A) Changes to land use plan designations, densities, and design standards listed in subsections (2)(a)–(d);

(B) A transportation demand management plan that includes significant new transportation demand management measures;

(C) A public transit plan that includes a significant expansion in transit service;

(D) Policies to review and manage major roadway improvements to ensure that their effects are consistent with achieving the adopted strategy for reduced reliance on the automobile, including policies that provide for the following:

(i) An assessment of whether improvements would result in development or travel that is inconsistent with what is expected in the plan;

(ii) Consideration of alternative measures to meet transportation needs;

(iii) Adoption of measures to limit possible unintended effects on travel and land use patterns including access management, limitations on subsequent plan amendments, phasing of improvements, etc.; and

(iv) For purposes of this section a "major roadway expansion" includes new arterial roads or streets and highways, the addition of travel lanes, and construction of interchanges to a limited access highway

(E) Plan and ordinance provisions that meet all other applicable requirements of this division.

(d) Standards may include but are not limited to:

(A) Modal share of alternative modes, including walking, bicycling, and transit trips;

(B) Vehicle hours of travel per capita;

(C) Vehicle trips per capita;

(D) Measures of accessibility by alternative modes (i.e. walking, bicycling and transit); or

(E) The Oregon Benchmark for a reduction in peak hour commuting by single occupant vehicles.

(e) Metropolitan areas shall adopt TSP policies to evaluate progress towards achieving the standard or standards adopted and approved pursuant to this rule. Such evaluation shall occur at regular intervals corresponding with federally-required updates of the regional transportation plan. This shall include monitoring and reporting of VMT per capita.

(6) A metropolitan area may also accomplish compliance with requirements of subsection (3)(e), sections (4) and (5) by demonstrating to the commission that adopted plans and measures are likely to achieve a five percent reduction in VMT per capita over the 20-year planning period. The commission shall consider and act on metropolitan area requests under this section by order. A metropolitan area that receives approval under this section shall adopt interim benchmarks for VMT reduction and shall evaluate progress in achieving VMT reduction at each update of the regional transportation system plan.

(7) Regional and local TSPs shall include benchmarks to assure satisfactory progress towards meeting the approved standard or standards adopted pursuant to this rule at regular intervals over the planning period. MPOs and local governments shall evaluate progress in meeting benchmarks at each update of the regional transportation plan. Where benchmarks are not met, the relevant TSP shall be amended to include new or additional efforts adequate to meet the requirements of this rule.

(8) The commission shall, at regular intervals, evaluate the results of efforts to achieve the reduction in VMT and the effectiveness of approved plans and standards in achieving the objective of increasing transportation choices and reducing reliance on the automobile.

(9) Where existing and committed transportation facilities and services have adequate capacity to support the land uses in the acknowledged comprehensive plan, the local government shall not be required to evaluate alternatives as provided in this rule.

(10) Transportation uses or improvements listed in OAR 660-012-0065(3)(d) to (g) and (o) and located in an urban fringe may be included in a TSP only if the improvement project identified in the Transportation System Plan as described in section (12) of this rule, will not significantly reduce peak hour travel time for the route as determined pursuant to section (11) of this rule, or the jurisdiction determines that the following alternatives can not reasonably satisfy the purpose of the improvement project:

- (a) Improvements to transportation facilities and services within the urban growth boundary;**
- (b) Transportation system management measures that do not significantly increase capacity; or**
- (c) Transportation demand management measures. The jurisdiction needs only to consider alternatives that are safe and effective, consistent with applicable standards and that can be implemented at a reasonable cost using available technology.**

(11) An improvement project significantly reduces peak hour travel time when, based on recent data, the time to travel the route is reduced more than 15 percent during weekday peak hour conditions over the length of the route located within the urban fringe. For purposes of measuring travel time, a route shall be identified by the predominant traffic flows in the project area.

(12) A "transportation improvement project" described in section (10) of this rule:

- (a) Is intended to solve all of the reasonably foreseeable transportation problems within a general geographic location, within the planning period; and**
- (b) Has utility as an independent transportation project.**

[...]

Finding:

The City has an acknowledged TSP consistent with the Transportation Planning Rule provisions of 660-012-0035. The proposed amendments make adjustments to the TSP to further include information pertaining to regional trail alignments, supporting a greater use of alternative modes of transportation. The proposed amendments are consistent with these requirements.

660-012-0045

Implementation of the Transportation System Plan

(1) Each local government shall amend its land use regulations to implement the TSP.

(a) The following transportation facilities, services and improvements need not be subject to land use regulations except as necessary to implement the TSP and, under ordinary circumstances do not have a significant impact on land use:

- (A) Operation, maintenance, and repair of existing transportation facilities identified in the TSP, such as road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals;**
- (B) Dedication of right-of-way, authorization of construction and the construction of facilities and improvements, where the improvements are consistent with clear and objective dimensional standards;**
- (C) Uses permitted outright under ORS 215.213(1)(j)–(m) and 215.283(1)(h)–(k), consistent with the provisions of OAR 660-012-0065; and**
- (D) Changes in the frequency of transit, rail and airport services.**

(b) To the extent, if any, that a transportation facility, service or improvement concerns the application of a comprehensive plan provision or land use regulation, it may be allowed without further land use review if it is permitted outright or if it is subject to standards that do not require interpretation or the exercise of factual, policy or legal judgment;

(c) In the event that a transportation facility, service or improvement is determined to have a significant impact on land use or to concern the application of a comprehensive plan or land use regulation and to be subject to standards that require interpretation or the exercise of factual, policy or legal judgment, the local government shall provide a review and approval process that is consistent with OAR 660-012-0050. To facilitate implementation of the TSP, each local government shall amend its land use regulations to provide for consolidated review of land use decisions required to permit a transportation project.

(2) Local governments shall adopt land use or subdivision ordinance regulations, consistent with applicable federal and state requirements, to protect transportation facilities, corridors and sites for their identified functions. Such regulations shall include:

(a) Access control measures, for example, driveway and public road spacing, median control and signal spacing standards, which are consistent with the functional classification of roads and consistent with limiting development on rural lands to rural uses and densities;

(b) Standards to protect future operation of roads, transitways and major transit corridors;

(c) Measures to protect public use airports by controlling land uses within airport noise corridors and imaginary surfaces, and by limiting physical hazards to air navigation;

(d) A process for coordinated review of future land use decisions affecting transportation facilities, corridors or sites;

(e) A process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities, corridors or sites;

(f) Regulations to provide notice to public agencies providing transportation facilities and services, MPOs, and ODOT of:

(A) Land use applications that require public hearings;

(B) Subdivision and partition applications;

(C) Other applications which affect private access to roads; and

(D) Other applications within airport noise corridors and imaginary surfaces which affect airport operations; and

(g) Regulations assuring 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.

(3) Local governments shall adopt land use or subdivision regulations for urban areas and rural communities as set forth below. The purposes of this section are to provide for safe and convenient pedestrian, bicycle and vehicular circulation consistent with access management standards and the function of affected streets, to ensure that new development provides on-site streets and accessways that provide reasonably direct routes for pedestrian and bicycle travel in areas where pedestrian and bicycle travel is likely if connections are provided, and which avoids wherever possible levels of automobile traffic which might interfere with or discourage pedestrian or bicycle travel.

(a) Bicycle parking facilities as part of new multi-family residential developments of four units or more, new retail, office and institutional developments, and all transit transfer stations and park-and-ride lots;

(b) On-site facilities shall be provided which accommodate safe and convenient pedestrian and bicycle access from within new subdivisions, multi-family developments, planned developments, shopping centers, and commercial districts to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development. Single-family residential developments shall generally include streets and accessways. Pedestrian circulation through parking lots should generally be provided in the form of accessways.

(A) "Neighborhood activity centers" includes, but is not limited to, existing or planned schools, parks, shopping areas, transit stops or employment centers;

(B) Bikeways shall be required along arterials and major collectors. Sidewalks shall be required along arterials, collectors and most local streets in urban areas, except that sidewalks are not required along controlled access roadways, such as freeways;

(C) Cul-de-sacs and other dead-end streets may be used as part of a development plan, consistent with the purposes set forth in this section;

(D) Local governments shall establish their own standards or criteria for providing streets and accessways consistent with the purposes of this section. Such measures may include but are not limited to: standards for spacing of streets or accessways; and standards for excessive out-of-direction travel;

(E) Streets and accessways need not be required where one or more of the following conditions exist:

(i) Physical or topographic conditions make a street or accessway connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided;

(ii) Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or

(iii) Where streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, which preclude a required street or accessway connection.

(c) Where off-site road improvements are otherwise required as a condition of development approval, they shall include facilities accommodating convenient pedestrian and bicycle travel, including bicycle ways along arterials and major collectors;

(d) For purposes of subsection (b) "safe and convenient" means bicycle and pedestrian routes, facilities and improvements which:

(A) Are reasonably free from hazards, particularly types or levels of automobile traffic which would interfere with or discourage pedestrian or cycle travel for short trips;

(B) Provide a reasonably direct route of travel between destinations such as between a transit stop and a store; and

(C) Meet travel needs of cyclists and pedestrians considering destination and length of trip; and considering that the optimum trip length of pedestrians is generally 1/4 to 1/2 mile.

(e) Internal pedestrian circulation within new office parks and commercial developments shall be provided through clustering of buildings, construction of accessways, walkways and similar techniques.

(4) To support transit in urban areas containing a population greater than 25,000, where the area is already served by a public transit system or where a determination has been made that a public transit system is feasible, local governments shall adopt land use and subdivision regulations as provided in (a)–(g) below:

- (a) Transit routes and transit facilities shall be designed to support transit use through provision of bus stops, pullouts and shelters, optimum road geometrics, on-road parking restrictions and similar facilities, as appropriate;**
- (b) New retail, office and institutional buildings at or near major transit stops shall provide for convenient pedestrian access to transit through the measures listed in paragraphs (A) and (B) below.**
 - (A) Walkways shall be provided connecting building entrances and streets adjoining the site;**
 - (B) Pedestrian connections to adjoining properties shall be provided except where such a connection is impracticable as provided for in OAR 660-012-0045(3)(b)(E). Pedestrian connections shall connect the on site circulation system to existing or proposed streets, walkways, and driveways that abut the property. Where adjacent properties are undeveloped or have potential for redevelopment, streets, accessways and walkways on site shall be laid out or stubbed to allow for extension to the adjoining property;**
- (C) In addition to paragraphs (A) and (B) above, on sites at major transit stops provide the following:**
 - (i) Either locate buildings within 20 feet of the transit stop, a transit street or an intersecting street or provide a pedestrian plaza at the transit stop or a street intersection;**
 - (ii) A reasonably direct pedestrian connection between the transit stop and building entrances on the site;**
 - (iii) A transit passenger landing pad accessible to disabled persons;**
 - (iv) An easement or dedication for a passenger shelter if requested by the transit provider; and**
 - (v) Lighting at the transit stop.**
- (c) Local governments may implement (4)(b)(A) and (B) above through the designation of pedestrian districts and adoption of appropriate implementing measures regulating development within pedestrian districts. Pedestrian districts must comply with the requirement of (4)(b)(C) above;**
- (d) Designated employee parking areas in new developments shall provide preferential parking for carpools and vanpools;**
- (e) Existing development shall be allowed to redevelop a portion of existing parking areas for transit-oriented uses, including bus stops and pullouts, bus shelters, park and ride stations, transit-oriented developments, and similar facilities, where appropriate;**
- (f) Road systems for new development shall be provided that can be adequately served by transit, including provision of pedestrian access to existing and identified future transit routes. This shall include, where appropriate, separate accessways to minimize travel distances;**
- (g) Along existing or planned transit routes, designation of types and densities of land uses adequate to support transit.**
- (5) In MPO areas, local governments shall adopt land use and subdivision regulations to reduce reliance on the automobile which:**
 - (a) Allow transit-oriented developments (TODs) on lands along transit routes;**
 - (b) Implements a demand management program to meet the measurable standards set in the TSP in response to OAR 660-012-0035(4);**
 - (c) Implements a parking plan which:**
 - (A) Achieves a 10 percent reduction in the number of parking spaces per capita in the MPO area over the planning period. This may be accomplished through a combination of restrictions on development of new parking spaces and requirements that existing parking spaces be redeveloped to other uses;**
 - (B) Aids in achieving the measurable standards set in the TSP in response to OAR 660-012-0035(4);**

(C) Includes land use and subdivision regulations setting minimum and maximum parking requirements in appropriate locations, such as downtowns, designated regional or community centers, and transit oriented-developments; and

(D) Is consistent with demand management programs, transit-oriented development requirements and planned transit service.

(d) As an alternative to (c) above, local governments in an MPO may instead revise ordinance requirements for parking as follows:

(A) Reduce minimum off-street parking requirements for all non-residential uses from 1990 levels;

(B) Allow provision of on-street parking, long-term lease parking, and shared parking to meet minimum off-street parking requirements;

(C) Establish off-street parking maximums in appropriate locations, such as downtowns, designated regional or community centers, and transit-oriented developments;

(D) Exempt structured parking and on-street parking from parking maximums;

(E) Require that parking lots over 3 acres in size provide street-like features along major driveways (including curbs, sidewalks, and street trees or planting strips); and

(F) Provide for designation of residential parking districts.

(e) Require all major industrial, institutional, retail and office developments to provide either a transit stop on site or connection to a transit stop along a transit trunk route when the transit operator requires such an improvement.

(6) In developing a bicycle and pedestrian circulation plan as required by OAR 660-012-0020(2)(d), local governments shall identify improvements to facilitate bicycle and pedestrian trips to meet local travel needs in developed areas. Appropriate improvements should provide for more direct, convenient and safer bicycle or pedestrian travel within and between residential areas and neighborhood activity centers (i.e., schools, shopping, transit stops). Specific measures include, for example, constructing walkways between cul-de-sacs and adjacent roads, providing walkways between buildings, and providing direct access between adjacent uses.

(7) Local governments shall establish standards for local streets and accessways that minimize pavement width and total right-of-way consistent with the operational needs of the facility. The intent of this requirement is that local governments consider and reduce excessive standards for local streets and accessways in order to reduce the cost of construction, provide for more efficient use of urban land, provide for emergency vehicle access while discouraging inappropriate traffic volumes and speeds, and which accommodate convenient pedestrian and bicycle circulation. Notwithstanding section (1) or (3) of this rule, local street standards adopted to meet this requirement need not be adopted as land use regulations.

Finding:

The City has an adopted and acknowledged TSP. The proposed amendments, together with previously adopted and acknowledged ordinances fully implements all of the applicable provisions of OAR 660-012-0045.

- TDC Chapter 74 provides a process for coordinated review of land use decisions affecting transportation facilities, corridors, and sites as well as public notice.
- The TDC which is acknowledged to be consistent with the requirements of OAR 660-012-0050, provides a consolidated review process for land-use decisions regarding permitting of transportation projects.
- TDC Chapter 74 provide for review and protection of roadway safety, infrastructure and operations.

- Local street connectivity standards, as well as the requirements for safe and convenient pedestrian, bicycle and vehicular circulation, have been adopted by Tualatin. The TSP includes a Transportation Demand Management (TDM) Plan in Section 11.690 of the Comprehensive Plan. The proposed amendments are consistent with these requirements.

660-012-0050

Transportation Project Development

- (1) For projects identified by ODOT pursuant to OAR chapter 731, division 15, project development shall occur in the manner set forth in that division.**
- (2) Regional TSPs shall provide for coordinated project development among affected local governments. The process shall include:**
 - (a) Designation of a lead agency to prepare and coordinate project development;**
 - (b) A process for citizen involvement, including public notice and hearing, if project development involves land use decision-making. The process shall include notice to affected transportation facility and service providers, MPOs, and ODOT;**
 - (c) A process for developing and adopting findings of compliance with applicable statewide planning goals, if any. This shall include a process to allow amendments to acknowledged comprehensive plans where such amendments are necessary to accommodate the project; and**
 - (d) A process for developing and adopting findings of compliance with applicable acknowledged comprehensive plan policies and land use regulations of individual local governments, if any. This shall include a process to allow amendments to acknowledged comprehensive plans or land use regulations where such amendments are necessary to accommodate the project.**
- (3) Project development addresses how a transportation facility or improvement authorized in a TSP is designed and constructed. This may or may not require land use decision-making. The focus of project development is project implementation, e.g. alignment, preliminary design and mitigation of impacts. During project development, projects authorized in an acknowledged TSP shall not be subject to further justification with regard to their need, mode, function, or general location. For purposes of this section, a project is authorized in a TSP where the TSP makes decisions about transportation need, mode, function and general location for the facility or improvement as required by this division.**
 - (a) Project development does not involve land use decision-making to the extent that it involves transportation facilities, services or improvements identified in OAR 660-012-0045(1)(a); the application of uniform road improvement design standards and other uniformly accepted engineering design standards and practices that are applied during project implementation; procedures and standards for right-of-way acquisition as set forth in the Oregon Revised Statutes; or the application of local, state or federal rules and regulations that are not a part of the local government's land use regulations.**
 - (b) Project development involves land use decision-making to the extent that issues of compliance with applicable requirements requiring interpretation or the exercise of policy or legal discretion or judgment remain outstanding at the project development phase. These requirements may include, but are not limited to, regulations protecting or regulating development within floodways and other hazard areas, identified Goal 5 resource areas, estuarine and coastal shoreland areas, and the Willamette River Greenway, and local regulations establishing land use standards or processes for selecting specific alignments. They also may include transportation improvements required to comply with ORS 215.296 or 660-012-0065(5). When project development involves land use decision-making,**

all unresolved issues of compliance with applicable acknowledged comprehensive plan policies and land use regulations shall be addressed and findings of compliance adopted prior to project approval.

(c) To the extent compliance with local requirements has already been determined during transportation system planning, including adoption of a refinement plan, affected local governments may rely on and reference the earlier findings of compliance with applicable standards.

(4) Except as provided in section (1) of this rule, where an Environmental Impact Statement (EIS) is prepared pursuant to the National Environmental Policy Act of 1969, project development shall be coordinated with the preparation of the EIS. All unresolved issues of compliance with applicable acknowledged comprehensive plan policies and land use regulations shall be addressed and findings of compliance adopted prior to issuance of the Final EIS.

(5) If a local government decides not to build a project authorized by the TSP, it must evaluate whether the needs that the project would serve could otherwise be satisfied in a manner consistent with the TSP. If identified needs cannot be met consistent with the TSP, the local government shall initiate a plan amendment to change the TSP or the comprehensive plan to assure that there is an adequate transportation system to meet transportation needs.

(6) Transportation project development may be done concurrently with preparation of the TSP or a refinement plan.

Finding:

The City has an adopted and acknowledged TSP, consistent with the Transportation Planning Rule provisions of 660-012-0050. The proposed amendments, together with previously adopted and acknowledged ordinances, fully implements all of the applicable provisions of OAR 660-012-0050.

- The 2018 RTP provides for coordination of project development.
- The TSP addresses the type of and function of transportation improvement and the City of Tualatin public works permit process is consistent with all the requirements of section OAR 660-012-0050. The proposed amendments are consistent with these requirements.

660-012-0055

Timing of Adoption and Update of Transportation System Plans; Exemptions

(1) MPOs shall complete regional TSPs for their planning areas by May 8, 1996. For those areas within a MPO, cities and counties shall adopt local TSPs and implementing measures within one year following completion of the regional TSP:

(a) If by May 8, 2000, a Metropolitan Planning Organization (MPO) has not adopted a regional transportation system plan that meets the VMT reduction standard in OAR 660-012-0035 and the metropolitan area does not have an approved alternative standard established pursuant to OAR 660-012-0035, then the cities and counties within the metropolitan area shall prepare and adopt an integrated land use and transportation plan as outlined in OAR 660-012-0035. Such a plan shall be prepared in coordination with the MPO and shall be adopted within three years;

(b) When an area is designated as an MPO or is added to an existing MPO, the affected local governments shall, within one year of adoption of the regional transportation plan, adopt a regional TSP in compliance with applicable requirements of this division and amend local transportation system plans to be consistent with the regional TSP.

(c) Local governments in metropolitan areas may request and the commission may by order grant an extension for completing an integrated land use and transportation plan required by this division. Local governments requesting an extension shall set forth a schedule for completion of outstanding

work needed to complete an integrated land use and transportation plan as set forth in OAR 660-012-0035. This shall include, as appropriate:

- (A) Adoption of a long-term land use and transportation vision for the region;
- (B) Identification of centers and other land use designations intended to implement the vision;
- (C) Adoption of housing and employment allocations to centers and land use designations; and
- (D) Adoption of implementing plans and zoning for designated centers and other land use designations.

(d) Local governments within metropolitan areas that are not in compliance with the requirements of this division to adopt or implement a standard to increase transportation choices or have not completed an integrated land use and transportation plan as required by this division shall review plan and land use regulation amendments and adopt findings that demonstrate that the proposed amendment supports implementation of the region's adopted vision, strategy, policies or plans to increase transportation choices and reduce reliance on the automobile.

(2) A plan or land use regulation amendment supports implementation of an adopted regional strategy, policy or plan for purposes of this section if it achieves the following as applicable:

(a) Implements the strategy or plan through adoption of specific plans or zoning that authorizes uses or densities that achieve desired land use patterns;

(b) Allows uses in designated centers or neighborhoods that accomplish the adopted regional vision, strategy, plan or policies; and

(c) Allows uses outside designated centers or neighborhood that either support or do not detract from implementation of desired development within nearby centers.

(3) For areas outside an MPO, cities and counties shall complete and adopt regional and local TSPs and implementing measures by May 8, 1997.

(4) By November 8, 1993, affected cities and counties shall, for non-MPO urban areas of 25,000 or more, adopt land use and subdivision ordinances or amendments required by OAR 660-012-0045(3), (4)(a)–(f) and (5)(d). By May 8, 1994 affected cities and counties within MPO areas shall adopt land use and subdivision ordinances or amendments required by 660-012-0045(3), (4)(a)–(e) and (5)(e).

Affected cities and counties which do not have acknowledged ordinances addressing the requirements of this section by the deadlines listed above shall apply 660-012-0045(3), (4)(a)–(g) and (5)(e) directly to all land use decisions and all limited land use decisions.

(5)(a) Affected cities and counties that either:

(A) Have acknowledged plans and land use regulations that comply with this rule as of May 8, 1995, may continue to apply those acknowledged plans and land use regulations; or

(B) Have plan and land use regulations adopted to comply with this rule as of April 12, 1995, may continue to apply the provisions of this rule as they existed as of April 12, 1995, and may continue to pursue acknowledgment of the adopted plans and land use regulations under those same rule provisions provided such adopted plans and land use regulations are acknowledged by April 12, 1996. Affected cities and counties that qualify and make this election under this paragraph shall update their plans and land use regulations to comply with the 1995 amendments to OAR 660-012-0045 as part of their transportation system plans.

(b) Affected cities and counties that do not have acknowledged plans and land use regulations as provided in subsection (a) of this section, shall apply relevant sections of this rule to land use decisions and limited land use decisions until land use regulations complying with this amended rule have been adopted.

(6) Cities and counties shall update their TSPs and implementing measures as necessary to comply with this division at each periodic review subsequent to initial compliance with this division. Local governments within metropolitan areas shall amend local transportation system plans to be consistent with an adopted regional transportation system plan within one year of the adoption of an updated regional transportation system plan or by a date specified in the adopted regional transportation system plan.

(7) The director may grant a whole or partial exemption from the requirements of this division to cities under 10,000 population and counties under 25,000 population, and for areas within a county within an urban growth boundary that contains a population less than 10,000. Eligible jurisdictions may request that the director approve an exemption from all or part of the requirements in this division. Exemptions shall be for a period determined by the director or until the jurisdiction's next periodic review, whichever is shorter.

(a) The director's decision to approve an exemption shall be based upon the following factors:

(A) Whether the existing and committed transportation system is generally adequate to meet likely transportation needs;

(B) Whether the new development or population growth is anticipated in the planning area over the next five years;

(C) Whether major new transportation facilities are proposed which would affect the planning areas;

(D) Whether deferral of planning requirements would conflict with accommodating state or regional transportation needs; and

(E) Consultation with the Oregon Department of Transportation on the need for transportation planning in the area, including measures needed to protect existing transportation facilities.

(b) The director's decision to grant an exemption under this section is appealable to the commission as provided in OAR 660-002-0020 (Delegation of Authority Rule)

(8) Portions of TSPs and implementing measures adopted as part of comprehensive plans prior to the responsible jurisdiction's periodic review shall be reviewed pursuant to OAR chapter 660, division 18, Post Acknowledgment Procedures.

Finding:

The proposed amendments, together with previously adopted and acknowledged ordinances, is consistent with the applicable provisions of OAR 660-012-0055. The proposed amendments are consistent with these requirements.

[...]

OAR Chapter 660, Division 34 (State and Local Park Planning)

[...]

660-034-0040

Planning for Local Parks

(1) Local park providers may prepare local park master plans, and local governments may amend acknowledged comprehensive plans and zoning ordinances pursuant to the requirements and procedures of ORS 197.610 to 197.625 in order to implement such local park plans. Local governments are not required to adopt a local park master plan in order to approve a land use decision allowing parks or park uses on agricultural lands under provisions of ORS 215.213 or 215.283 or on forestlands

under provisions of OAR 660-006-0025(4), as further addressed in sections (3) and (4) of this rule. If a local government decides to adopt a local park plan as part of the local comprehensive plan, the adoption shall include:

(a) A plan map designation, as necessary, to indicate the location and boundaries of the local park; and

(b) Appropriate zoning categories and map designations (a “local park” zone or overlay zone is recommended), including objective land use and siting review criteria, in order to authorize the existing and planned park uses described in local park master plan.

(2) Unless the context requires otherwise, this rule does not require changes to:

(a) Local park plans that were adopted as part of an acknowledged local land use plan prior to July 15, 1998; or

(b) Lawful uses in existence within local parks on July 15, 1998.

Finding:

The City of Tualatin updated its local park master plan and is seeking to amend the acknowledged comprehensive plan and zoning ordinance in order to implement this local park plan. This plan update does not include updating any map designations different from the local park plan adopted in 1983 aside from beyond planned trails and implementing standards. The proposed amendments are consistent with these requirements.

[...]

(4) Although some of the uses listed in OAR 660-034-0035(2)(a) to (g) are not allowed on agricultural or forest land without an exception to Goal 3 or Goal 4, a local government is not required to take an exception to Goals 3 or 4 to allow such uses on land within a local park provided such uses, alone or in combination, meet all other statewide goals and are described and authorized in a local park master plan that:

(a) Is adopted as part of the local comprehensive plan in conformance with Section (1) of this rule and consistent with all statewide goals;

(b) Is prepared and adopted applying criteria comparable to those required for uses in state parks under OAR chapter 736, division 18; and

(c) Includes findings demonstrating compliance with ORS 215.296 for all uses and activities proposed on or adjacent to land zoned for farm or forest use.

Finding:

The City of Tualatin updated its local park master plan and is seeking to amend the acknowledged comprehensive plan and zoning ordinance in order to implement this local park plan. This plan update does not include updating any map designations beyond planned trails and implementing standards, and as such, does not have any impact on agricultural or forest land. The proposed amendments are consistent with these requirements.

C. Metro Code

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

Chapter 3.07, Urban Growth Management Functional Plan

[...]

3.07.420

[...]

(d) Cities and counties shall review their land use regulations and revise them, if necessary, to prohibit the siting of schools, places of assembly larger than 20,000 square feet or parks intended to serve people other than those working or residing in the RSIA. Nothing in this subsection is intended to prohibit trails and facilities accessory to and in support of trails from being located within an area designated RSIA on Metro’s Title 4 Map, including but not limited to trailhead amenities, parking areas, benches, information kiosks, restrooms, shelters, bicycle racks, picnic areas and educational facilities. Where possible, trails and accessory facilities should be planned and located in a manner that limits impacts on industrial uses while still fulfilling the purpose of the trail and providing a positive experience for trail users.

Finding:

The Tualatin Development Code does not permit parks with the RSIA, and no revisions to the range of permitted uses is proposed with these amendments. Only trail facilities are proposed, consistent with the terms of this section. These standards are met.

[...]

D. Tualatin Comprehensive Plan

The following Chapters of the Tualatin Comprehensive Plan are applicable to the proposed amendments:

Chapter 11. Transportation

Section 11.610. Transportation Goals and Objectives

[...]

(3) Goal 2: Safety, improve safety for all users, all modes, all ages, and all abilities within the City of Tualatin.

Finding:

The proposed amendments would not impact safety relative to the transportation system. Future development of trails would require compliance with applicable safety and design standards. This objective is met.

(4) Goal 3: Vibrant Community. Allow for a variety of alternative transportation choices for citizens of and visitors to Tualatin to support a high quality of life and community livability.

Finding:

The proposed amendments include additional opportunity for multimodal trail development supporting alternative transportation choices. This objective is met.

(5) Goal 4: Equity. Consider the distribution of benefits and impacts from potential transportation options, and work towards fair access to transportation facilities for all users, all ages, and all abilities.

Finding:

The proposed amendments do not reflect a significant change to the existing transportation system. To the extent that the amendments facilitate for future trail development, it will represent an enhancement to broad access to employment centers and mobility. Further, all future transportation and pedestrian facilities will comply with applicable accessibility requirements. This objective is met.

(6) Goal 5: Economy. Support local employment, local businesses, and a prosperous community while recognizing Tualatin's role in the regional economy.

Finding:

Future parks development, including trail facilities, supported by the proposed amendments, would provide recreational amenities for employers, employees and the greater community. This objective is met.

(7) Goal 6: Health/Environment. Provide active transportation options to improve the health of citizens in Tualatin. Ensure that transportation does not adversely affect public health or the environment.

Finding:

The proposed map amendments support additional active transportation options in Tualatin. This objective is met.

(8) Goal 7: Ability to Be Implemented. Promote potential options that are able to be implemented because they have community and political support and are likely to be funded.

Finding:

The proposed amendments update the Community Plan, Development Code, and Transportation System consistent with the Parks and Recreation Master Plan (2018), which was supported by the Tualatin Parks Advisory Committee and the greater community, and adopted by the Tualatin City Council. The proposed amendments would increase the likelihood of implementation by enabling parks and trails identified in the Master Plan to be funded by System Development Charges. This objective is met.

Chapter 15. Parks and Recreation

Section 15.020. -Objectives

The following are the objectives of the Park and Recreation Plan. These objectives are to:

- (1) Coordinate this Park and Recreation Plan with the plans of regional, state and federal agencies to achieve consistency among the various plans.**
- (2) Provide a high-quality park and recreation system to offset the environmental impact of large areas of commercial and industrial development.**
- (3) Create a park and recreation system that provides diverse recreation opportunity.**
- (4) Develop an advance land acquisition program that will assure the future availability of land for park and recreation use at the most reasonable cost.**
- (5) Preserve the scenic value of the Tualatin River by creating a greenway along the entire bank of the River within the City.**
- (6) Preserve as greenways, specific City creeks and drainage swales to provide sufficient area for stormwater runoff, enhance water quality, preserve fish and wildlife habitat and provide, where appropriate, public pedestrian and bicycle access.**
- (7) Preserve greenways, as much as possible, in their natural state.**
- (8) Preserve designated historic resources through public purchase or encouragement of compatible private reuse.**
- (9) Link the park and recreation system with a system of greenways and bicycle/pedestrian facilities.**
- (10) Develop design standards for development adjacent to greenways and natural areas.**
- (11) Preserve and enhance native vegetation in riparian and other natural areas for the purpose of providing favorable habitat for fish and wildlife. Encourage developers to preserve areas of natural vegetation, wherever possible, to provide habitat for wildlife.**
- (12) Encourage developers to utilize residential density transfers, landscaping credits, system development charge credits, reduction of minimum setback requirements, and other incentives for greenway, bikeway and pedestrian path purposes.**
- (13) Preserve the Hedges Creek Wetlands as a natural area and develop a Wetlands Protection Plan for this area.**
- (14) Discourage filling of the Hedges Creek Wetlands located westerly of those wetlands that may be identified by the City's Wetlands Protection District Ordinance until a general plan has been prepared for the remaining wetland area or until a consensus has been achieved among industrial and environmental interest groups and state and federal agencies on any individual request for a wetland fill permit.**
- (15) Develop a system of neighborhood parks that are geographically well distributed to serve the City's population.**
- (16) Whenever possible, locate neighborhood parks adjacent to school sites.**

(17) Develop joint use agreements with the Tigard School District for the joint use of school land for neighborhood park facilities.

(18) Develop a comprehensive City recreation program with an emphasis on youth activities, cultural activities, and the City's natural environment.

(19) Encourage private donations of land or money, consistent with the Park and Recreation Plan, to augment City park development funds.

(20) Discourage acquisition of small mini-parks because of relatively high maintenance expenses, except where a specific recreation need has been identified as a priority.

(21) Develop a Capital Improvements Program to define recreation improvement priorities, financial requirements, and financing methods.

Finding:

The proposed set of amendments to the plan text and maps primarily update document references and information concerning tree species and planned trails. Objectives related to park development, natural areas, and recreational programming are not applicable. Proposed trail map updates are consistent with Objective (9), *Link the park and recreation system with a system of greenways and bicycle/pedestrian facilities* and Objective (1) *Coordinate this Park and Recreation Plan with the plans of regional, state and federal agencies to achieve consistency among the various plans*, since the Ice Age Tonquin Trail to be reflected in TDC maps will become consistent with Metro and Washington County maps. The Parks and Recreation Master Plan (2018) contains new, more specific, goals and objectives that remain consistent with the existing objectives contained with the Tualatin Community Plan. This Plan Text Amendment proposes to update Objective (18) from a statement specifically referencing “youth” and “cultural activities” to one that more broadly acknowledges Tualatin’s diverse population and the need for recreation that serves people of all ages, ability, cultures, and interests. This change is additive, and other objectives reflect the need to account for the City’s natural environment. The Plan Text Amendment and Plan Map Amendment are consistent with the objectives under TDC 15.020.

E. Tualatin Development Code

The following Chapters of the Tualatin Development Code are applicable to the proposed amendments:

Chapter 33: Applications and Approval Criteria

Section 33.070 Plan Amendments

[...]

(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.

Finding:

A Plan Text Amendment and Plan Map Amendment are proposed. This proposal is legislative in nature and therefore has been processed consistent with the Type IV-B procedures in Chapter 32. This criterion is met.

[...]

(5) Approval Criteria.

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

The amendment is implementing the Parks and Recreation Master Plan which was adopted by the City Council in November 2018. In order to ensure that the Tualatin Development Code accurately reflects the current Parks Master Plan for future implementation, it is necessary and in the public interest to update the corresponding maps and text contained therein. Criterion (a) is met.

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

Since the Parks and Recreation Master Plan was adopted by the City Council in 2018, adoption of the proposed amendments is timely. The public interest is best protected by granting the amendments and updates at this time. Criterion (b) is met.

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

The applicable objectives of the Tualatin Community Plan, as contained in Chapters 1-30 of the Tualatin Development Code have been considered, and are discussed above in Section D. Criterion (c) is met.

d.) The following factors were consciously considered:

- i. **The various characteristics of areas in the City.**
- ii. **The suitability of the area for particular land uses and improvements.**
- 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, aesthetic surroundings and conditions.**
- 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 were considered relative to criteria i-v, and have been determined to have no detrimental impact. Relative to criteria vi-viii, the proposed amendments would support enhancement to natural resources and the public need for healthful, safe, aesthetic surroundings and conditions. Criterion ix. Is not applicable. Criterion (d) is met.

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

Finding:

The amendment does not involve residential uses. Criterion (e) does not apply.

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:

Section C, above, addresses the proposed amendments' consistency with applicable the Oregon Planning Goals, Administrative Rules, and the TPR. Criterion (f) is met.

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

Finding:

Metro's Urban Growth Management Functional Plan is implemented by Metro's Chapter 3.07 of the Metro Code. Section B, above, details the proposed amendments' compliance. Criterion (g) is met.

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

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 amendments do not affect vehicle trips. Future development of parks and trails would be required to be consistent with applicable transportation and public facilities plans and requirements. Criteria (h) and (i) are met.

j.) The applicant has entered into a development agreement. This criterion applies only to an amendment specific to property within the Urban Planning Area (UPA), also known as the Planning Area Boundary (PAB), as defined in both the Urban Growth Management Agreement (UGMA) with Clackamas County and the Urban Planning Area Agreement (UPAA) with Washington County. TDC Map 9-1 illustrates this area.

Finding:

Criterion (j) is not applicable to the proposed amendments.

III. CONCLUSION AND RECOMMENDATION

Based on the application and the above analysis and findings, the proposed annexation complies with applicable Oregon Statewide Planning Goals, Oregon Administration Rules, Metro Code, and TDC. Accordingly, staff recommends approval of PTA 19-0003 and PMA 19-0003, and adoption of Ordinance 1427-19.

DRAFT