



ANALYSIS AND FINDINGS SHORT-TERM PRIORITY CODE BUNDLE

March 2024

Case #:	PTA 24-0001
Project:	Short-Term Priority Code Bundle
Procedure:	Type IV-B, Legislative

TABLE OF CONTENTS

I. INTRODUCTION	2
A. Applicable Criteria	2
B. Project Description.....	2
C. Exhibits	2
II. PLANNING FINDINGS	3
A. Oregon Statewide Planning Goals	3
B. Oregon Administrative Rules	6
C. Metro Code.....	8
E. Tualatin Development Code	8

I. INTRODUCTION

A. Applicable Criteria

Applicable Statewide Planning Goals; Oregon Administrative Rules Chapter 660 Divisions 12 and 18; Tualatin Comprehensive Plan Chapter 4 and Tualatin Development Code Chapters 32 and 33.

B. Project Description

At the beginning of 2024, City Council directed staff to work on a bundle of legislative plan text amendments that benefit business retention, growth, and attraction, as summarized in the table below.

Table 1—Summary of proposed code amendments

CHAPTER	TITLE	PROPOSED AMENDMENT
39	Use Categories	<ul style="list-style-type: none"> • Use definition additions in support of amendments. • Adds battery electric vehicle showroom as an example of Durable Good Sales; clarifies that outdoor storage of automobiles or sales of automobiles that are not battery electric vehicle showrooms or automobile leasing offices is not permitted in any zone.
53	Central Commercial Zone	<ul style="list-style-type: none"> • Adds retail sales of home improvement materials and supplies as a limited Durable Goods Sales use. This use is subject to a square footage limitation of 65,000 square feet. • Corrects dated code citation for temporary use permit. • Clarifies approval criteria for an outdoor storage conditional use.
54	General Commercial Zone	<ul style="list-style-type: none"> • Adds Health and Fitness Facility as a Commercial Recreation use. • Outdoor fitness facility uses are subject to additional standards and limitations.
57	Mixed Use Commercial Zone	<ul style="list-style-type: none"> • Adds Battery Electric Vehicle Showroom as a Durable Goods Sales use. • Battery electric vehicle showroom uses are subject to additional standards and limitations.
80	Cannabis Facilities	<ul style="list-style-type: none"> • Expands hours of operation for retail sales of cannabis facilities & medical dispensaries.

C. Exhibits

1. Proposed Development Code Amendments

II. PLANNING FINDINGS

A. Oregon Statewide Planning Goals

Goal 1 – Citizen Involvement

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Finding:

Legislative amendments are subject to the public notification requirements specified in TDC 32.250, which include newspaper notice of the City Council hearing. On March 20, 2024, the City of Tualatin will hold a public Planning Commission meeting, to discuss the proposed amendments and to gather input. Additionally, interested parties will be informed that public testimony may be received during the City Council hearing tentatively scheduled for April 22, 2024. Any comments submitted by the community will be included in the City Council hearing packet. Each form of engagement is described in detail below.

Planning Commission Public Meetings:

A “hybrid” in-person and virtual Planning Commission public meetings is scheduled on March 20, 2024. The Tualatin Planning Commission serves as the committee for citizen involvement in the Land Conservation and Development Commission planning process. They review, advise, and make recommendations to City Council on matters affecting land use planning.

Public Notice:

The Oregon Department of Land Conservation and Development (DLCD) will be notified of subject amendments in accordance with the minimum number of days required by ORS Chapter 197. The City Council hearing will be noticed in accordance with TDC 32.250.

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 City of Tualatin’s Comprehensive Plan and Development Code provide an acknowledged and established land use planning process and policy framework which service as the basis for all decisions and actions related to land use, and include approval criteria to assure than an adequate factual base is provided for those decisions and actions. The proposed text amendments to the Tualatin Development Code have been processed in accordance with these procedures.

The proposed amendments conform to Goal 2.

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

To protect natural resources and conserve scenic and historic areas and open spaces.

Finding:

The subject text amendments do not modify the City's existing open space and natural resources requirements as regulated by TDC Chapter 71 (Wetlands Protection District) and TDC Chapter 72 (Natural Resource Protection Overlay District).

The proposed amendments conform to Goal 5.

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 subject text amendments do not modify the City's existing environmental regulations as regulated by TDC Chapter 63 (Industrial Uses and Utilities and Manufacturing Zones - Environmental Regulations).

The proposed amendments conform to Goal 6.

Goal 7 – Areas Subject to Natural Disasters and Hazards

To protect people and property from natural hazards.

Finding:

This proposed amendments do not modify the City's existing natural hazards requirements as regulated by TDC Chapters 70 (Floodplain District) and 72 (Natural Resource Protection Overlay District).

The proposed amendments conform to Goal 7.

Goal 8 – Recreation Needs

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

Finding:

Tualatin's recreation needs, as well as those of the citizens of the state and visitors thereto, are addressed in the 2019 Tualatin Parks and Recreation Master Plan, the Comprehensive Plan, and also in Ordinance 1427-19. The proposed amendments do not affect policies associated with recreational needs.

The proposed amendments conform to Goal 8.

Goal 9 – Economy of the State

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

Finding:

The proposed amendments support economic goals in the Comprehensive Plan; specifically Goal 4.2 to support business retention, growth, and attraction in ways that strengthen the local tax base [...].

The proposed amendments conform to Goal 9.

Goal 10 – Housing

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

Finding:

The proposed amendments do not affect policies related to housing.

The proposed amendments conform to Goal 10.

Goal 11 – Public Facilities and Services

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Finding:

The proposed amendments do not affect policies related to public facilities and services including water, sewer, and emergency services.

The proposed amendments conform to Goal 11.

Goal 12 – Transportation

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

Finding:

The proposed amendments do not affect policies related to the public transportation system. Findings for the Transportation Planning Rule under, OAR 660-012-0060 are included in Section B. of this document, but ultimately the proposed amendments do not trigger a significant impact as determined by the TPR Analysis.

The proposed amendments conform to Goal 12 and satisfy the applicable OAR requirements.

Goal 13 – Energy

To conserve energy.

Findings:

The proposed amendments do not impact Tualatin’s land use regulations pertaining to energy consumption.

The proposed amendments conform to Goal 13.

B. Oregon Administrative Rules

660-012-0060

Plan and Land Use Regulation Amendments

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

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

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

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

[...]

Finding:

The intent of the TPR (OAR 660-12-0060) is to ensure that future land use and traffic growth is consistent with transportation system planning and does not create a significant effect on the surrounding transportation system beyond currently allowed uses. The definition of a significant effect varies by jurisdiction; however the Tualatin Development Code does not provide a definition for the term.

Additionally the code regulates permitted land uses under use categories based on common functional, product or physical characteristics, including the type and intensity of activity typical of impact, types of customers, typical off-site impacts, and building type. While the proposed amendments do not include the addition of new use categories to zoning districts, they do include minimal expansion of permitted uses within existing use categories. Specifically:

- General Commercial (CG) Zone: Adding Health and Fitness Facility to the existing permitted Commercial Recreation Use Category*
- Central Commercial (CC) Zone: Adding Retail Sales of Home Improvement Materials and Supplies to the existing permitted Durable Goods Sales Category*
- Mixed Use Commercial (MUC) Zone: Adding Battery Electric Vehicle Showroom to the existing permitted Durable Goods Sales Category*

General Commercial Zone:

The General Commercial Zone presently permits the following uses under the Commercial Recreation category: Amusement enterprise, including pool hall, bowling alley, dance hall or skating rink; and Health studio.

As shown in the table below, adding health and fitness facilities will have a similar traffic impact as uses already permitted in the use category of the zone.

Description/ ITE Code	Weekday Rates	PM Peak Rates
<i>Bowling Alley (437)</i>	<i>33.33</i>	<i>1.71</i>
<i>Recreation Commercial Center (495)</i>	<i>33.82</i>	<i>2.74</i>
<i>Health/Fitness Club (492)</i>	<i>32.93</i>	<i>3.53</i>

Central Commercial Zone:

The Central Commercial Zone presently permits the following uses under the Durable Goods Sales category: Furniture store; and appliance store.

As shown in the table below, adding retail sales of home improvement materials will have a similar traffic impact as uses already permitted in the use category of the zone.

Description/ ITE Code	Weekday Rates	PM Peak Rates
<i>Specialty Retail (826)</i>	<i>44.32</i>	<i>2.71</i>
<i>Electronics Store (863)</i>	<i>45.04</i>	<i>4.5</i>
<i>Building Materials (812)</i>	<i>45.16</i>	<i>4.49</i>

Mixed Use Commercial Zone:

The Mixed Use Commercial Zone presently permits the following uses under the Durable Goods Sales category: Furniture store; and large appliance store.

As shown in the table below, adding battery electric vehicle showroom will have a similar traffic impact as uses already permitted in the use category of the zone- as it would fall under the specialty retail category (826).

Description/ ITE Code	Weekday Rates	PM Peak Rates
<i>Specialty Retail (826)</i>	<i>44.32</i>	<i>2.71</i>
<i>Electronics Store (863)</i>	<i>45.04</i>	<i>4.5</i>

Lastly, there is no change to functional classification or standards of the existing transportation facilities under this amendment.

The proposed amendments are consistent with these requirements.

660-018-0020

Notice of a Proposed Change to a Comprehensive Plan or Land Use Regulation

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

Finding:

The amendments propose a change to Tualatin’s land use regulation and will be noticed accordingly as shown. The proposed amendments are consistent with OAR 660-18-0020.

C. Metro Code

Chapter 3.07, Urban Growth Management Functional Plan

Title 4 – Industrial and Other Employment Areas

3.07.440 Protection of Employment Areas

(a) Except as provided in subsections (c), (d), and (e), in Employment Areas map pursuant to Metro Code section 3.07.450, cities and counties shall limit new and expanded commercial retail uses to those appropriate in type and size to serve the needs of businesses, employees, and residents of the Employment Areas.

(b) Except as provided in subsections (c), (d), and (e), a city or county shall not approve a commercial retail use in an Employment Area with more than 60,000 square feet of gross leasable area in a single building, or commercial retail uses with a total of more than 60,000 square feet of retail sales area on a single lot or parcel, or on contiguous lots or parcels, including those separated only by transportation right-of-way.

Finding:

The proposed amendments comply with Metro’s charge to protect employment lands. As shown in the Plan Text Amendments, included in Exhibit 1, a Health and Fitness Facility use will be added to the existing permitted Commercial Recreation Use Category within the General Commercial zone. Portions of General Commercial zoning lie within designated Employment Areas. The proposed amendments do not affect existing commercial retail use limitations on Employment Area land found in TDC 54.210(1). The proposed amendments are consistent with Title 4.

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

Finding:

While the project includes amendments to permitted uses with the Central Commercial zone and, in turn, to land designated town center; there are no policies in Title 6 to address in the project findings.

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
Plan Amendments						
• Legislative Map or Text Amendments	IV-B	CC	LUBA	No	No	TDC 33.070

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

Finding:

The proposed 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 City Council has initiated the proposed amendments, and City staff will follow the appropriate notification procedures including DLCD notice, agency notice, newspaper notice, and posted notice. These criterion 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 to consider the Planning Commission's recommendation on the proposed amendments is tentatively scheduled for April, consistent with the above requirements. 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:

Throughout 2023, a handful of property and business owners have reached out to the City with various requests to amend the development code in an effort to support business retention, growth, and attraction (Comprehensive Plan Goal 4.2). Then staff was directed to implement the code bundle project at the January 22, 2024 City Council hearing. The draft code was then previewed by the City Council on February 26. On March 20, the Planning Commission will be asked to review the amendments and make a recommendation to Council. Public engagement noticing and comments will be included. Therefore, granting the proposed amendments is in the public interest as represented by Tualatin's City Council. This criterion will be met.

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

Finding:

The public interest is best protected by granting the amendment at this time. As discussed at the previous criterion, the amendment is in the public interest. The amendments also serve to satisfy Comprehensive Plan Goal 4.2 to support business retention, growth, and attraction in ways that strengthen the local tax base. 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 conformity with the following applicable objectives of the Tualatin Comprehensive Plan:

- *GOAL 4.2 Support business retention, growth, and attraction in ways that strengthen the local tax base [...].*

The proposed amendments are in response to business owners' requests to amend the development code in an effort to support business retention, growth, and attraction. This effort is further supported by Strategy 2 in the 2014 Economic Development Strategic Plan, which calls for identifying Development Code related issues which create barriers to development. By making measured and period updates to the development code, we can respond to trends and developments in the economic market. 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 are legislative in nature but will generally affect commercially zoned land, as described below.

Central Commercial (CC) Zone:

The amendments will add Retail Sales of Home Improvement Materials and Supplies as a permitted use in the Durable Goods Sale use category, subject to a size limitation of 65,000 square feet to ensure the footprint and impact of this use is appropriate for the Tualatin town center.

The zone also permits outdoor storage as a conditional use; however the code does not provide any approval criteria for the conditional outdoor storage. The amendments include a correction to this administrative omission.

General Commercial (CG) Zone:

The amendments will add Health and Fitness Facility as a permitted use in the Commercial Recreation use category. Those facilities that include outdoor activities are limited and are subject to additional standards, including buffering from residential planning districts; screening; and the observance of quiet hours to ensure suitability for the neighboring areas.

The zone also permits outdoor storage as a conditional use; however the code does not provide any approval criteria for the conditional outdoor storage. The amendments include a correction to this administrative omission.

Mixed Use Commercial (MUC) Zone:

The amendments will add Battery Electric Vehicle Showroom as a permitted use in the Durable Goods Sale use category, subject to a size limitation of 10,000 square feet. All inventory for this use must be housed inside of a building to make efficient use of the district land.

These criterion are met.

(iii) Trends in land improvement and development;

Finding:

The majority of Tualatin's commercial land has been developed. Expanding and modernizing permitted uses, will encourage more efficient use of developed and vacant building space. The proposed amendments have consciously considered trends in land improvement and development and this criterion is met.

(iv) Property values;

Finding:

Expanding and modernizing permitted uses, will encourage more efficient use of developed and vacant building space; and therefore, the proposed amendments support property values. This criterion is met

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

Finding:

The proposed amendments support economic enterprise by expanding and modernizing permitted uses in certain commercial zones. The proposed amendments do not modify existing right-of-way and access standards. 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 amendments do include standards and limitations for permitted uses that include outdoor activities. These factors were consciously considered and the criterion is met.

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

Finding:

The amendments do not involve residential uses; 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:

Discussion of State of Oregon Planning Goals and applicable Oregon Administrative Rules is found in Sections II-A and B of these findings and find consistency. This criterion is met.

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

Finding:

The proposed amendments will remain consistent with the Metro Urban Growth Management Functional Plan, specifically Title 4 as discussed in Section II-C of these findings. Therefore, these requirements were consciously considered. 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 areas of the city that will be affected by the subject amendments are identified as Employment Area (EA) and Town Center (TC) on Map 10-4. As described in Section II-B, the additional uses included in the proposed amendments are anticipated to share similar ITE rates as uses already allowed in the corresponding use category. Therefore, the proposal will have a de minimis impact on the level of service for transportation facilities and the criterion is addressed.

(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.