
Land Use Application for a Development Code Text Amendment

Submitted to:	City of Tualatin – Planning Division 18800 SW Martinazzi Avenue Tualatin, OR 97062	
Applicants:	Venture Properties, Inc. 4230 Galewood Street Suite 100 Lake Oswego, OR 97035	Lennar Northwest, Inc. 11807 NE 99 th Street Suite 1170 Vancouver, WA 98682
Property Owners:	Tax Lots 400, 401, 500, 501, 600, 800, and 900: Autumn Sunrise, LLC 485 S State Street Lake Oswego, OR 97034	
	Tax Lot 100: P3 Properties LLC PO Box 691 White Salmon, WA 98672	
Applicant's Consultant:	AKS Engineering & Forestry, LLC 12965 SW Herman Road, Suite 100 Tualatin, OR 97062	
	Contact:	Mimi Doukas, AICP, RLA
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	Phone:	(503) 563-6151
Site Location:	South of SW Norwood Road, east of SW Boones Ferry Road, and north of SW Greenhill Lane, Tualatin, OR	
Washington County Assessor's Map:	Map 2S 1 35D, Tax Lots 100, 400, 401, 500, 501, 600, 800, and 900.	
Site Size:	A development code amendment affecting eight lots totaling ±61.96 acres: ±23.93 acres (Lot 100), ±4.17 acres (Lots 500 and 501) and ±33.86 acres (Lots 400, 401, 600, 800, and 900).	
Land Use District:	Medium-Low Density Residential (RML)	

I. Executive Summary

Lennar Northwest, Inc. and Venture Properties, Inc. (Applicants) are submitting this application for a Text Amendment to the Tualatin Development Code (TDC) to allow as a permitted use within the Medium-Low Density Residential (RML) zone of the Basalt Creek Planning Area (BCPA) projects over 15 acres containing single-family detached homes on lots averaging 3,000 square feet. This amendment will create a provision for single-family housing that meets the density requirements adopted within the Basalt Creek Concept Plan for the BCPA without adjusting the target densities for the RML District. The full language of the draft Text Amendment is included in Exhibit B.

This amendment will affect approximately 62 acres comprised of Tax Lots 400, 401, 500, 501, 600, 800, and 900 of Washington County Assessor's Map 2S 1 35D, which were recently annexed to the City of Tualatin through annexation petition ANN-19-0002, and Tax Lot 100, currently within unincorporated Washington County but inside the City of Tualatin Urban Growth Boundary (UGB). Tax Lot 100 is zoned Future Development 20-Acre (FD-20) and will be zoned RML upon its annexation to the City of Tualatin. To provide needed housing, the applicants plan to submit residential subdivision applications in the future for these properties.

While the TDC permits only attached housing units of apartments, duplexes, and triplexes, and for-sale townhomes in the RML zone, the allowed density range of 8-10 dwelling units per net acre is ideal for small-lot, single-family development, especially in large developments with varied lots and land uses. The City currently offers a Small Lot Subdivision process through a Conditional Use Permit; however, this process is highly discretionary, is of limited use since it is only permitted for tree preservation (per TDC 35.410.1.b), and the development standards do not allow lot variability.

Lot size averaging throughout a subdivision allows more diversity in lot size and housing style to meet the varied needs of homebuyers and give neighborhoods character. The current Small Lot Subdivision development standards do not allow for lot size averaging and instead require a minimum lot size of 4,500 square feet, effectively preventing developments from meeting the maximum allowed density (at 10 units per acre, lots will average to 4,356 square feet). Further, these standards allow only 45 percent building coverage, do not allow for lot widths under 50 feet or 30 feet on a cul-de-sac bulb, and require greater corner setbacks from both street-facing lot lines of corner lots. Wide lots, as required by the Small Lot Subdivision code, increase lot costs with little benefit for the homebuyer. Small-lot subdivisions also typically require greater building coverage in order to accommodate single-family detached houses.

According to the City's 2019 Housing Needs Analysis (HNA), the City of Tualatin currently provides a healthy mix of single-family and multi-family housing, with a stock of approximately 53 percent single-family detached and 41 percent multi-family units. Notably, the City's HNA demonstrates that the City provides a larger share of multi-family housing than Washington County and the Portland region as a whole and more single-family attached housing than the regional average. Only six percent of housing stock within the City is provided as single-family attached housing. Attached housing has been viewed as a more affordable option for home ownership; however, small-lot detached homes can reach the same price range as attached homes and are in greater demand by the market.

For RML zoning to be effective, a mixture of feasible housing alternatives must be provided. Broadening the RML zone to include small-lot single-family homes will provide a viable medium-density alternative with lower home prices. Attached housing projects perform better on smaller development sites adjacent

to urban services. The two projects planned by the applicants in the BCPA contain approximately 58 acres of RML land which could accommodate 329 to 412 dwelling units at current densities. This scale of townhouse project cannot be found even in light rail districts around the Metro region and the applicant's project areas are not served by walkable services that are desired by attached housing buyers.

The proposed text amendment maintains the existing allowed uses and overall project densities established in the RML zone while allowing for lot-size averaging, opening opportunities for small-lot single-family homes on large project sites, as well as amenities such as shared open space. The proposed amendments contribute to the flexibility and variety of housing available within the City while meeting the city's projected housing density needs and avoiding repeated lots and housing types.

The Text Amendment proposed is consistent with relevant goals and policies within the City of Tualatin's Comprehensive Plan and HNA. The proposal satisfies the applicable approval criteria for Text Amendments outlined within the Tualatin Development Code. This application includes the City application forms and written materials necessary for City staff to review and determine compliance with the applicable approval criteria. The evidence is substantial and supports the City's approval of the application.

II. Site Description/Setting

The potential project areas affected by this application for a text amendment to the Tualatin Development Code comprises a total of ±61.96 acres located at the southernmost extent of the City's UGB. An area totaling ±33.86 acres, comprised of Tax Lots 400, 401, 600, 800, and 900, has been annexed into the City of Tualatin and is now zoned RML. Lot 100, at ±23.93 acres in size, is located within the UGB and will be designated RML upon its annexation. Lots 500 and 501 are zoned Neighborhood Commercial but are part of the Autumn Sunrise residential project. The potential project sites lie east of SW Boones Ferry Road, west of Interstate 5, north of SW Greenhill Lane, and south of SW Norwood Road in the northeastern corner of the BCPA.

Tax Lots 100, 401, and 900 are currently vacant and undeveloped. Tax Lots 400, 500, 501, 600, and 800 are partially developed with single-family residences. These parcels represent 100 percent of the area affected by these proposed amendments.

III. Applicable Review Criteria

TUALATIN DEVELOPMENT CODE (TUALATIN COMMUNITY PLAN)

Chapter 5 – Residential Planning Growth

TDC 5.010. - Background.

- (1) The most controversial issue discussed during the preparation of the Plan was housing, particularly the issues of housing type and density. Over the last two years, the community has seen extremely rapid apartment growth in the City that has created considerable negative feelings toward additional apartment development. These feelings are related to the community's concern about the esthetic quality of existing apartment development; concern about a large transient population within the City; concern about the effect of apartments on traffic congestion; and a concern about the effect apartment development has on single-family neighborhoods and the general livability of the City.

- (2) Community feelings have coalesced into an increasing demand for fewer multi-family housing units and even demand for a moratorium on additional apartment development. At the same time community concern has increased over the amount and type of apartment construction, interest groups such as the 1000 Friends of Oregon have shown concern for any action that would narrow the housing opportunities available to the region's residents. Statewide Planning Goal 10, the Housing Goal, states that "plans shall encourage the availability of adequate numbers of housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density."

Response: The proposed change in development code (Exhibit B) will encourage the development of additional housing types within the RML zone that are consistent with neighboring areas and at densities encouraged by the TDC and the City's HNA.

- (3)
- (a) To meet the community's concern for the increasing amount of multi-family housing and to meet the State Housing Goal, the Plan proposes five residential land use categories, one single-family and four multi-family. For background, the following figures show single-family to multi-family proportions in the region as well as the City of Tualatin:

	Single-Family % of Dwelling Units	Multi-Family % of Dwelling Units
Portland Metro Region*		
Existing	72	28
Year 2000	65	35
City of Tualatin		
Existing – Built (City Limits)	55	45
Existing – Potential (City Limits)	40	60
Year 2000 (City Limits and Urban Grown Boundary)	68	32

- (b) It is clearly shown in the above numbers that the City is more than accommodating the region's share of multi-family housing. The long-term objective of the Plan is to produce housing units that meet the regional projections as well as the community's desire for multi-family units that minimize any adverse impacts within the City's single-family neighborhoods. This has been accomplished by reviewing various housing density alternatives and other technical data that are defined in the Phase I—Technical Memoranda. This analysis indicated that the amount of land available for multi-family housing is nearing depletion, and the present amount of land planned and zoned for this type of housing is minimal compared to demand. As evidenced by the regional figures, there will be an increasing need for multi-family residential units because of the national trend toward smaller families, more single-parent families, and the sharply rising costs of new single-family residential construction.
- (4) To accommodate this need for additional multi-family land, the Plan proposes four medium-to-high density housing categories, as follows:

	Plan Density
RML – Residential Medium-Low Density	6-10 dwelling units per acre

Response: The proposed text amendment will permit the opportunity for housing units that meet the City's present and future housing needs at a density appropriate for the location. The

density provisions of the zone remain the same but can now be met with single-family detached homes and related lot development standards.

- (5) The multi-family areas described on the Plan Map referred to in TDC Chapter 9 indicate that, wherever possible, multi-family areas were located close to the City's commercial core area where supporting commercial and transportation services are readily available. The multi-family areas are also located close to the City's arterial and collector street system and have good access to the City's park and open space system.

Response: The Plan Map indicates that the section of the BCPA affected by the proposed text amendment is not located near the City's commercial core area nor is the location particularly near City parks or well-served transit routes. The distance from amenities limits the value of attached and multi-family development at this location, especially when developed to the maximum of 10 dwelling units per acre required by the RML zone. Single-family detached housing, as proposed by this text amendment, is an effective use of this location.

TDC 5.020. - Assumptions.

The following are general objectives used to guide the development of the residential housing element of the Plan. They describe the Plan's intent to:

- (1) Provide for the housing needs of existing and future City residents.
- (2) Provide housing opportunities for residents with varied income levels and tastes that are esthetically and functionally compatible with the existing community housing stock.

Response: The proposed text amendment will help meet the housing needs of existing and future City residents in a way that is functionally compatible with the City's existing housing stock, neighboring developments, and the density goals of the RML District. The proposal aims to amend City code in order to provide additional housing types that are functionally and characteristically similar to neighboring housing developments within the RML District.

- (4) Locate higher density development where it is convenient to the City's commercial core, near schools, adjacent to arterial and collector streets and, as much as possible, in areas with existing multi-family housing and provide residential opportunities in selected commercial areas through the Mixed Use Commercial Overlay District.

Response: The areas of RML-zoned properties affected by the proposed text amendment are not conveniently located near the City's commercial core; they are two miles to Tualatin-Sherwood Road and one mile to Argyle Square, which is an auto-oriented retail center. The project area is located near convenient arterial streets and schools but is not an ideal location for multi-family housing. The proposed text will allow the construction of single-family detached housing that is in character with surrounding RML-zoned properties and maintains the minimum and maximum densities required by TDC Chapter 41.

TDC 5.030. - General Objectives.

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TDC 5.040. - Planning District Objectives.

This section describes the purpose of each residential planning district.

- (2) *Medium-Low Density Residential Planning District (RML).* To provide areas of the City suitable for commonwall dwellings such as condominiums, townhouses, duplexes, triplexes, and other multi-family dwellings. Condominiums and small lot subdivisions may be allowed by conditional use permit. Owner occupancy of dwelling units shall be encouraged. Parks for manufactured dwellings shall be allowed in those portions of the district designated on the Plan Map. Except for retirement housing and nursing and convalescent homes which shall not exceed 15 dwelling units per net acre and manufactured dwelling parks with single-wide manufactured dwellings which shall not exceed 12 dwelling units per net acre, the maximum density of any residential use shall not exceed ten dwelling units per net acre. The raising of agricultural animals and the construction of agricultural structures may be allowed by conditional use permit in those portions of the District designated on the Plan Map.

Response: The text amendment is generally in line with the purpose of the RML zone. While the purpose statement provides for small-lot single-family homes under a conditional use permit, the Applicants propose to make this a permitted use for projects that are larger than 15 acres in the BCPA. Compatibility is a common concern for small lots; the parcels affected by this text amendment would not have significant compatibility concerns. The only edge that is adjacent to existing homes is along Norwood Street, and this frontage is a mix of attached and detached homes as permitted in RML. The text amendment continues to meet the density range outlined in the purpose statement.

Chapter 9 – Plan Map

TDC 9.046. - Area 16 Basalt Creek Planning Area.

The Basalt Creek Planning Area is generally located north of Basalt Creek Parkway, south of Helenius Road and Norwood Road, east of 124th Avenue, and west of I-5. The Basalt Creek Planning Area includes a mix of residential zones at various densities, a small neighborhood commercial node, an employment lands, as further described below.

- (2) An area with the RML (Medium Low Density Residential) Zone is planned south of Norwood Road, east of Boones Ferry Road, and west of I-5. An additional area of RML Zone is also planned east of Grahams Ferry Road between the two above described areas of RL Zone. These areas lends themselves to a slightly higher density than traditional single—family due to the excellent transportation access and the close relationship to the employment centers. The use of the RML Zone in this area provides for the needed higher densities with a Zone that will allow development that is similar in character and density to the RL lands.

Response: This goal aims to accommodate a slightly higher density in the BCPA while respecting the character of the surrounding community. This application proposes to change the development code to permit single-family detached housing as a permitted use at densities consistent with other forms of housing currently permitted within the RML zone and provide appropriate development standards for single-family detached development. The type of development which would be permitted by this text amendment would be even more similar in character and form to development permitted within the adjacent RL lands.

TUALATIN DEVELOPMENT CODE

Chapter 32 – Procedures

TDC 32.010. – Purpose and Applicability

- (1) *Purpose.* The purpose of this Chapter is to establish standard procedures for the review and processing of land use applications and legislative land use proposals, as well as ministerial actions. This Chapter is intended to enable the City, the applicant, and the public, where applicable, to reasonably review applications and participate in the local decision-making process in a timely and effective way. Table 32-1 provides a key for determining the review procedure and the decision-making body for particular applications.
- (2) *Applicability of Review Procedures.* All land use and development permit applications and decisions, will be made by using the procedures contained in this Chapter. The procedure "type" assigned to each application governs the decision-making process for that permit or application. There are five types of permit/application procedures as described in subsections (a) through (e) below. Table 32-1 lists the City's land use and development applications and corresponding review procedure(s).
 - (d) *Type IV-A Procedure (Quasi-Judicial Review—City Council Public Hearing).* Type IV-A procedure is used when the standards and criteria require discretion, interpretation, or policy or legal judgment and is the procedure used for site-specific land use actions initiated by an applicant. Type IV-A decisions are made by the City Council and require public notice and a public hearing. Appeals of Type IV-A decisions are heard by the Land Use Board of Appeals (LUBA).

Table 32-1

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

Response: The applicants have submitted an application for a text amendment to the TDC. The application effectively involves six parcels within the BCPA with project sites over 15 acres. The requested decision affects a limited number of properties and will require public notice and a public hearing.

TDC 32.030. – Time to Process Applications.

Time Limit—120-day Rule. The City must take final action on all Type II, Type III, and Type IV-A land use applications, as provided by ORS 227.178, including resolution of all local appeals, within 120 days after the application has been deemed complete under TDC 32.160, unless the applicant provides written request or consent to an extension in compliance with ORS 227.178. (Note: The 120-day rule does not apply to Type IV-B (Legislative Land Use) decisions.)

Time Periods. "Days" means calendar days unless otherwise specified. In computing time periods prescribed or allowed by this Chapter, the day of the act or event from which the designated period of time begins is not included. The last day of the period is included, unless it is a Saturday, Sunday, or a legal holiday, in which case the period runs until the end of the next day that is not on a weekend or City recognized legal holiday.

Response: The applicant requests that the City come to a decision regarding this Type IV-A land use application within 120 days of deeming the application complete.

TDC 32.110. – Pre-Application Conference.

- (1) *Purpose of Pre-Application Conferences.* Pre-application conferences are intended to familiarize applicants with the requirements of the TDC; to provide applicants with an opportunity discuss proposed projects in detail with City staff; and to identify approval criteria, standards, and procedures prior to filing a land use application. The pre-application conference is intended to be a tool to assist applicants in navigating the land use process, but is not intended to be an exhaustive review that identifies or resolves all potential issues, and does not bind or preclude the City from enforcing any applicable regulations or from applying regulations in a manner differently than may have been indicated at the time of the pre-application conference.
- (2) *When Mandatory.* Pre-application conferences are mandatory for all land use actions identified as requiring a pre-application conference in Table 32-1. An applicant may voluntarily request a pre-application conference for any land use action even if it is not required.
- (3) *Timing of Pre-Application Conference.* A pre-application conference must be held with City staff before an applicant submits an application and before an applicant conducts a Neighborhood/Developer meeting.

Response: The applicant and their representatives have attended several pre-application conferences with the City of Tualatin to discuss the overall project and this specific text amendment. The required pre-application conference was held with City of Tualatin Staff on January 22, 2020, prior to the application submittal date.

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- (4) *Application Requirements for Pre-Application Conference.*
 - (a) *Application Form.* Pre-application conference requests must be made on forms provided by the City Manager.
 - (b) *Submittal Requirements.* Pre-application conference requests must include:
 - (i) A completed application form;
 - (ii) Payment of the application fee;
 - (iii) The information required, if any, for the specific pre-application conference sought; and
 - (iv) Any additional information the applicant deems necessary to demonstrate the nature and scope of the proposal in sufficient detail to allow City staff to review and comment.
 - (5) *Scheduling of Pre-Application Conference.* Upon receipt of a complete application, the City Manager will schedule the pre-application conference. The City Manager will coordinate the involvement of city departments, as appropriate, in the pre-application conference. Pre-application conferences are not open to the general public.
 - (6) *Validity Period for Mandatory Pre-Application Conferences; Follow-Up Conferences.* A follow-up conference is required for those mandatory pre-application conferences that have previously been held when:
 - (a) An application relating to the proposed development that was the subject of the pre-application conference has not been submitted within six months of the pre-application conference;
 - (b) The proposed use, layout, and/or design of the proposal have significantly changed; or
 - (c) The owner and/or developer of a project changes after the pre-application conference and prior to application submittal.

Response: The required pre-application conference was held on January 22, 2020.

TDC 32.120. - Neighborhood/Developer Meetings.

- (1) *Purpose.* The purpose of this meeting is to provide a means for the applicant and surrounding property owners to meet to review a development proposal and identify issues regarding the proposal so they can be considered prior to the application submittal. The meeting is intended to allow the developer and neighbors to share information and concerns regarding the project. The applicant may consider whether to incorporate solutions to these issues prior to application submittal.
- (2) *When Mandatory.* Neighborhood/developer meetings are mandatory for all land use actions identified in Table 32-1 as requiring a neighborhood/developer meeting. An applicant may voluntarily conduct a neighborhood/developer meeting even if it is not required and may conduct more than one neighborhood/developer meeting at their election.
- (3) *Timing.* A neighborhood/developer meeting must be held after a pre-application meeting with City staff, but before submittal of an application.

Response: For this type of application, a Neighborhood/Developer Meeting is required, and was therefore held on June 10, 2020. The application was submitted prior to holding the Neighborhood/Developer Meeting due to the complications of arranging a public meeting during the current public health crisis. With the City of Tualatin's Temporary Guidance for Neighborhood/Developer Meetings, a meeting was held and these criteria are satisfied.

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- (4) *Time and Location.* Required neighborhood/developer meetings must be held within the city limits of the City of Tualatin at the following times:
- (a) If scheduled on a weekday, the meeting must begin no earlier than 6:00 p.m.
 - (b) If scheduled on a weekend, the meeting must begin between 10:00 a.m. and 6:00 p.m.

Response: Per the City of Tualatin’s “COVID-19 Public Health Response Temporary Guidance for Neighborhood/Developer Meetings” Procedures 1 and 2, the Applicant has held a Neighborhood/Developer Meeting established on a digital platform (Zoom) that is publicly accessible and does not require a user login or subscription to join the meeting. The digital platform also allowed for a call-only option for non-internet users. The meeting was scheduled for June 10, 2020 at 6:00 p.m., meeting the above weekday scheduling requirements.

- (5) *Notice Requirements.*
- (a) The applicant must provide notice of the meeting at least 14 calendar days and no more than 28 calendar days before the meeting. The notice must be by first class mail providing the date, time, and location of the meeting, as well as a brief description of the proposal and its location. The applicant must keep a copy of the notice to be submitted with their land use application.

Response: Notice of the Neighborhood/Developer Meeting was mailed first class with a description of the proposal and instructions on how to join the meeting on May 27, 2020. This date was 14 days prior to the virtual meeting, in keeping with TDC and the City’s Virtual Neighborhood/Developer Meeting Procedures. The notice included instructions on how to view materials to be presented during the meeting, preliminary details of the major elements of the proposal, and whether there would be future applications. The meeting materials were available more than two days prior to the meeting and will be available for at least 10 days after the meeting concludes. These requirements have been or will be satisfied.

- (b) The applicant must mail notice of a neighborhood/developer meeting to the following persons:
 - (i) All property owners within 1,000 feet measured from the boundaries of the subject property;
 - (ii) All property owners within a platted residential subdivision that is located within 1,000 feet of the boundaries of the subject property. The notice area includes the entire subdivision and not just those lots within 1,000 feet. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name, the notice area need not include the additional phases; and
 - (iii) All designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9.
- (c) The City will provide the applicant with labels for mailing for a fee.
- (d) Failure of a property owner to receive notice does not invalidate the neighborhood/developer meeting proceedings.

Response: The applicant obtained mailing labels from the City of Tualatin. All property owners within 1,000 feet of the text amendment affected property boundaries were provided with

notice, including all property owners within a platted residential subdivision located within 1,000 feet of the boundaries. Additionally, all designated representatives of Byrom CIO (CIO-6) and the City of Tualatin were provided notice electronically. These mailing lists, copies of notices, affidavits of mailing and posting, and emailed copies of notices are included within the attached exhibits. These provisions are met.

- (6) *Neighborhood/Developer Sign Posting Requirements.* The applicant must provide and post on the subject property, at least 14 calendar days before the meeting. The sign must conform to the design and placement standards established by the City for signs notifying the public of land use actions in TDC 32.150.

Response: Signs conforming to the design and placement standards established by the City were posted on all subject properties May 27, 2020, 14 days prior to the virtual Neighborhood/Developer Meeting.

- (7) *Neighborhood/Developer Meeting Requirements.* The applicant must have a sign-in sheet for all attendees to provide their name, address, telephone number, and email address and keep a copy of the sign-in sheet to provide with their land use application. The applicant must prepare meeting notes identifying the persons attending, those commenting and the substance of the comments expressed, and the major points that were discussed. The applicant must keep a copy of the meeting notes for submittal with their land use application.

Response: The required attendee information and meeting notes are attached to this submission. The meeting notes include the required information: major points, issues, and responses concerning the application, including identifying those attending. During the meeting, all submitted questions and comments received prior to or during the meeting were read aloud. These requirements are met.

TDC 32.130. - Initiation of Applications.

- (1) *Type I, Type II, Type III, and Type IV-A Applications.* Type I, Type II, Type III, and Type IV-A applications may be submitted by one or more of the following persons:
- (a) The owner of the subject property;
 - (b) The contract purchaser of the subject property, when the application is accompanied by proof of the purchaser's status as such and by the seller's written consent;
 - (c) A lessee in possession of the property, when the application is accompanied by the owners' written consent; or
 - (d) The agent of any of the foregoing, when the application is duly authorized in writing by a person authorized to submit an application by paragraphs (a), (b) or (c) of this subsection, and accompanied by proof of the agent's authority.
- (2) *Type IV-A or B Applications.* Type IV-A or B applications may be initiated by the City.

Response: This application has been submitted by the property owners and contract purchasers of all properties affected by the proposed text amendment.

Chapter 33 – Applications and Approval Criteria

TDC 33.070. – Plan Amendments.

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- (1) *Purpose.* To provide processes for the review of proposed amendments to the Zone Standards of the Tualatin Development Code and to the Text or the Plan Map of the Tualatin Community Plan.

Response: The applicants have identified a need for a text amendment to the TDC in order to allow single-family detached housing within a subsection of the BCPA. This area currently only permits the development of single-family attached housing or multi-family developments. This application for a text amendment would permit the construction of single-family detached dwellings at the densities outlined within the Basalt Creek Concept Plan and in accordance with the City’s newly adopted HNA.

- (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.

Response: A pre-application conference with City of Tualatin staff has identified this application for text amendment, with a limited scope affecting a small number of properties, as requiring a quasi-judicial process. This application has been submitted by the property owners and their authorized representatives. This criterion is met.

- (3) *Procedure Type.*
- (a) Map or text amendment applications which are quasi-judicial in nature (e.g. for a specific property or a limited number of properties) is subject to Type IV-A Review in accordance with TDC Chapter 32.
 - (b) Map or text amendment applications which are legislative in nature are subject to Type IV-B Review in accordance with TDC Chapter 32.

Response: The applicants request that this quasi-judicial application, which affects a limited number of properties within the BCPA, be subject to a Type IV-A Review in accordance with the procedures outlined within TDC Chapter 32.

- (4) *Specific Submittal Requirements.* An application for a plan map or text amendment must comply with the general submittal requirements in TDC 32.140 (Application Submittal).

Response: The applicants have submitted the required materials in accordance with TDC 32.140. These specific materials were outlined previously within this application. This criterion is met.

- (5) *Approval Criteria.*
- (a) Granting the amendment is in the public interest.
 - (b) The public interest is best protected by granting the amendment at this time.

Response: The proposed text amendment would allow RML-zoned properties within the BCPA to develop with single-family detached as well as single-family attached dwellings. The City of Tualatin’s HNA identifies that single-family detached dwellings are needed housing and over 1,000 new dwelling units are required during the period of 2020-2040. Over 400 of these households are forecast to be located within Basalt Creek. The construction of a wide variety of housing types will allow the City to meet its housing goals over the 20-year planning period. Providing needed housing is in the best interests of the public.

Preparing for future needs protects the public interest over the long term. The application meets these criteria.

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

Response: The Tualatin Community Plan is incorporated into the TDC as Chapters 1 through 30. The criteria and objectives of the Tualatin Community Plan have been reviewed and responses provided previously within this application. This criterion is satisfied.

- (d) The following factors were consciously considered:
 - (i) The various characteristics of the areas in the City;
 - (ii) The suitability of the areas for particular land uses and improvements in the areas;
 - (iii) Trends in land improvement and development;
 - (iv) Property values;
 - (v) The needs of economic enterprises and the future development of the area; needed right-of-way and access for and to particular sites in the area;
 - (vi) Natural resources of the City and the protection and conservation of said resources;
 - (vii) Prospective requirements for the development of natural resources in the City;
 - (viii) The public need for healthful, safe, esthetic surroundings and conditions; and
 - (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.

Response: The application considers and responds to each of these criteria previously within this application. The application has considered each of the factors and their effect on the proposal. These criteria are 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.

Response: The proposed text amendment involves residential uses. Jim Rose, Chief Operations Officer of the Sherwood School District, stated that since a new high school is under construction and remodels and expansions are underway at three other schools to increase capacity at all levels K-12, this was a good time to absorb enrollment growth. This provision has been satisfied.

- (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).

Response: The proposed amendment is consistent with Oregon Statewide Goal 10 (OAR 660-015-0000(10)) as it does not seek to change densities within the area in question.

Per OAR 660-007-0005(7), “needed housing” is any housing type which has been determined to meet the need shown for housing within an Urban Growth Boundary at “particular price ranges and rent levels.” This change will help the City fulfill more aspects of its projected needed housing, over 1000 new housing units and 571 new households by 2040, with 443 of those households being within in the Basalt Creek area.

The text amendment, as proposed, is consistent with Oregon Administrative Rule 660-007 (the Metropolitan Housing Rule), as it maintains the opportunity for “at least 50 percent of new residential units to be attached single family housing or multiple family housing.” The proposed amendment does not eliminate the opportunity to construct these housing types, as they are already permitted within the RML zone, nor does it propose to change density targets (currently 10 units per buildable acre) within the UGB per OAR 660-007-0035(2). The text amendment will make meeting these density targets easier within the RML zone.

The proposal will allow the construction of needed housing and the efficient use of lands within the City of Tualatin. Oregon’s Transportation Planning Rule (OAR 660-012-0060) does not apply to this proposal, as this proposal does not functionally increase the effect of development on transportation facilities. The amendment seeks to permit single-family detached dwellings within RML-zoned sites in the BCPA. These sites currently permit single-family attached dwellings, which, according to the Institute of Traffic Engineers, generate the same number of trips as single-family detached homes. Therefore, no material change in possible traffic demand has been proposed. No transportation facilities will be degraded or have their functional classifications changed by this amendment. These criteria have been met.

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

Response: The Metropolitan Service District’s Urban Growth Management Functional Plan is established in Metro Code as Section 3.07. Since the proposed amendment does not seek to adjust minimum or maximum densities required by the RML zone, this amendment is consistent. The proposed code changes also do not decrease housing supply or capacity. This criterion is met.

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

Response: The proposed text amendment will not alter the transportation needs of the affected parcels in the City’s Transportation System Plan. Density requirements will remain the same for housing types as outlined within TDC 41.220. Applications for future development will be required to provide Traffic Impact Analyses per development code. The proposal is consistent, and these criteria are met.

Chapter 41 – Medium Low Density Residential Zone (RML)

TDC 41.100 - Purpose

The purpose of this zone is to provide areas of the City suitable for townhouses, condominiums, duplexes, triplexes and other multi-family dwellings, as well as areas for small-lot, small home subdivisions, and manufactured dwelling parks in designated areas.

Response: This proposed change to the Tualatin Development Code will encourage the construction of needed housing to serve the growing industrial and commercial areas of the BCPA and the community of Tualatin.

TDC 41.220. - Housing Types.

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

Table 41-2
Housing Types in the RML Zone

HOUSING TYPE	STATUS	LIMITATIONS AND CODE REFERENCES
Single-Family Dwelling	C	Limited to single-family dwellings in a small lot subdivision, with conditional use permit, subject to TDC 36.410.

Response: The proposed code amendment would allow single-family detached dwellings to be permitted outright and constructed within a limited section of the City’s RML-zoned areas within the BCPA.

IV. Conclusion

The required findings have been made and this written narrative and accompanying documentation demonstrate that the application is consistent with the applicable provisions of the Tualatin Development Code and the Tualatin Community Plan. The evidence in the record is substantial and supports approval of the application. Therefore, the Applicant respectfully requests that the City approve this application for a text amendment to the Tualatin Development Code.