



**Analysis and Findings for  
Norwood Plan Map Amendment**

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<b>Case File #:</b>	PMA 24-0001
<b>Project:</b>	Norwood Plan Map Amendment
<b>Owner:</b>	Horizon Community Church
<b>Applicant:</b>	Norwood Horizon Holdings, LLC
<b>Representative:</b>	Westlake Consultants, Inc.

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**EXHIBITS**

- Exhibit A: Application & Narrative
- Exhibit B: Existing and Proposed Zoning Maps
- Exhibit C: Transportation Impact Analysis
- Exhibit D: Tualatin Engineering Memorandum
- Exhibit E: Utility Availability Memorandum
- Exhibit F: Site Concept Plan
- Exhibit G: Supporting Documents
- Exhibit H: Sherwood School District Service Provider Letter
- Exhibit I: Public Noticing
- Exhibit J: Housing Needs Analysis (2019)
- Exhibit K: Housing Production Strategies (2021)

## I. INTRODUCTION

### A. Applicable Criteria

Tualatin Development Code (TDC) Chapters 32 and 33; Tualatin Comprehensive Plan; Applicable Oregon Statewide Planning Goals; Applicable Oregon Administrative Rules including compliance with the Transportation Planning Rule; and Metropolitan Service District's Urban Growth Management Functional Plan.

### B. Project Description

Westlake Consultants, Inc., on behalf of Norwood Horizon Holdings, LLC and Property Owner, Horizon Community Church propose a Plan Map Amendment application for a 8.3-acre site located at 23370 SW Boones Ferry Road (Tax Lot: 2S135D000106).

#### Plan Map Amendment:

The requested Plan Map Amendment (PMA) would change the existing zoning from Institutional (IN) to Medium Low Density Residential (RML). Future development would require submittal and approval of an Architectural Review application subject to compliance with design and siting standards applicable to the RML District.

### C. Site Description and Surrounding Land Use

The 8.3-acre subject site is located at 23370 SW Boones Ferry Road, east of SW Boones Ferry Road, and south of SW Norwood Road. The site recently completed a partition application (PAR 22-0002) which partitioned the site into two parcels. Parcel 1 contains the existing Horizon Community Church and school facilities. Parcel 2 is the subject of the proposed plan map amendment. Parcel 2 also includes a 1-acre property that is presently zoned Medium Low Density Residential (RML). The remainder of the site is currently zoned Institutional (IN). Parcel 2 includes a single-family residential home and paved parking areas that service the existing church and school. The site takes access from existing access points on SW Norwood Road (Collector classification) and SW Boones Ferry Road (Major Arterial classification). The subject property is generally sloped from north to south and east to west. Located along the site's SW Norwood Road frontage is a stand of mature evergreen trees.

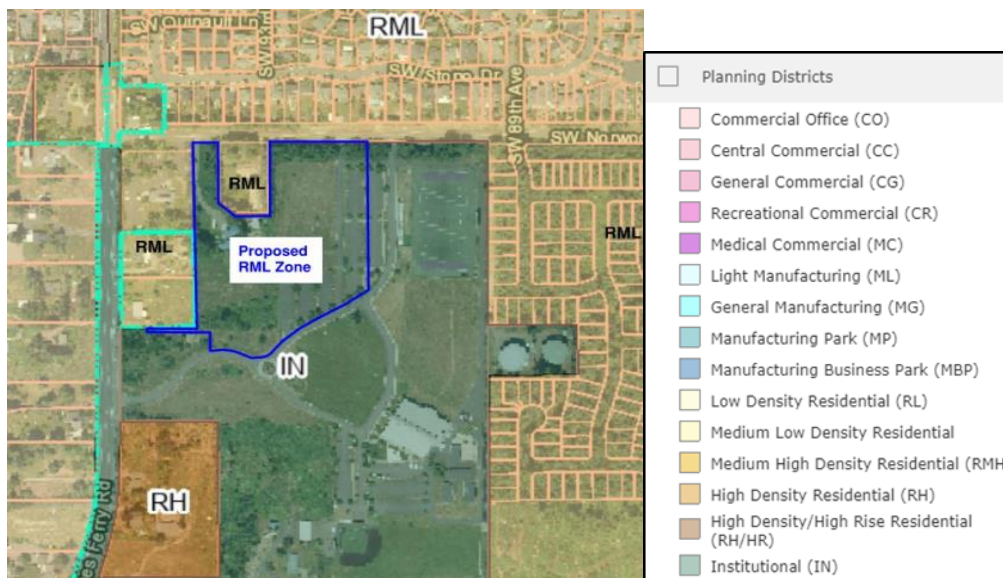


Figure 1 Surrounding Zoning and Land Use

**D. Previous Land Use Actions**

- AR 12-03 – Expired, Approval May of 2012
- AR 15-20 – Expired, Approval in September of 2019
- ANN 22-0003 – Annexation of a 1.0-acre parcel located at 9300 SW Norwood Road
- PAR 22-0002 – Partition to create two parcels and a tract
- AR 23-0014 – Architectural Review for a new church sanctuary

**E. Surrounding Uses**

Surrounding uses include:

North: Medium Low Density Residential (RML)

- Norwood Heights Subdivision
- Pennington Heights Subdivision
- SW Norwood Road

South: Medium Low Density Residential (RML)/Neighborhood Commercial (CN)

- Plambeck Gardens Apartments
- Autumn Sunrise Subdivision

West: High Density Residential (RH)/Unincorporated Lots with County FD-20 Zoning

- The Bridge Church NW
- Low Density Residential Properties Zoned County FD-20
- SW Boones Ferry Road

East: Medium Low Density Residential (RML)/Institutional (IN)

- Autumn Sunrise Subdivision
- City-Owned Water Tanks

## II. FINDINGS

### A: Oregon Statewide Planning Goals

#### Goal 1 – Citizen Involvement

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

**Finding:**

*The Planning Commission will review the proposed plan map amendment at a public meeting on November 20, 2024. The Planning Commission is the City’s acknowledged Committee for Citizen Involvement (CCI), in compliance with Goal 1.*

*In addition, the City has followed its acknowledged public notice procedures for quasi-judicial Comprehensive Plan Amendments, found in TDC 32.240. The procedures include a mailed notice of the City Council hearing to surrounding property owners, published notice of the City Council hearing in the Tualatin Times, a submitted notice of the hearing to the Department of Land Conservation and Development (Exhibit I) at least 35 days prior to the first hearing, an emailed notice to affected government entities, and a publicly posted notice of the hearing. Postcard land use application notices were sent to property owners on October 2, 2024 (Exhibit I). The Tualatin Times published the City Council public hearing notice on November 13, 2024 (Exhibit I). The proposed amendment will be considered at a City Council at a public hearing on December 9, 2024. This goal is met.*

#### Goal 2 – Land Use Planning

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

**Finding:**

*The City of Tualatin’s Comprehensive Plan and Development Code provide an acknowledged and established land use planning process and policy framework which serve as the basis for all decisions and actions related to use of land, including requirements to assure that an adequate factual basis is provided for those decisions and actions. The proposed plan map amendment has been processed in accordance with these procedures. This goal is met.*

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

**Goal 5 establishes a process for each resource to be inventoried and evaluated. OAR 660-015-0000(5) and OAR 660.023 (Procedures and Requirements for Complying with Goal 5)**

**Finding:**

*The proposed plan map amendment does not modify the City’s existing open space and natural resources requirements or include any text amendment to the regulations for those Goal 5 resources regulated by Tualatin Development Code Chapter 71 (Wetlands Protection District) and Tualatin Development Code Chapter 72 (Natural Resource Protection Overlay District). All future development would be reviewed under the Architectural Review (AR) process to ensure that new construction would be reviewed for compliance with these requirements. This goal will be met.*

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

### **Finding:**

*The Oregon Department of Environmental Quality (DEQ) regulates air, water and land with Clean Water Act (CWA) Section 401 Water Quality, Water Quality Certificate, State 303(d) listed waters, Hazardous Wastes, Clean Air Act (CAA), and Section 402 NPDES Construction and Stormwater Permits. The Oregon Department of State Lands and the U.S. Army Corps of Engineers regulate jurisdictional wetlands and CWA Section 404 water of the state and the country respectively. Clean Water Services (CWS) coordinates storm water management, water quality and stream enhancement projects throughout the City. Future development would need to comply with national, state and regional regulations and protections for air, water and land resources. Tualatin has an acknowledged Comprehensive Plan that complies with this goal. All future development would be reviewed for compliance with these requirements. This goal will be met.*

## **Goal 7 – Areas Subject to Natural Disasters and Hazards**

### **Finding:**

*Tualatin has an acknowledged Comprehensive Plan that complies with this goal. The proposed plan map amendment does not modify the City's natural hazards requirements or existing goals and policies associated with Goal 7 established by the Comprehensive Plan. Future development would be required to comply with the applicable requirements of the Tualatin Development Code under Chapters 70 and 72. This goal will be met.*

## **Goal 8 – Recreation Needs**

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

### **Finding:**

*The proposed plan map amendment does not affect policies associated with recreational needs. Any change to the existing recreational facilities will be reviewed as part of an Architectural Review and compliance with the Tualatin Development Code recreational facilities requirements. This goal will be met.*

## **Goal 9 – Economy of the State**

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

### **Finding:**

*The proposed amendment does not affect policies, lands, or opportunities associated with Goal 9 established by the Comprehensive Plan. There are no impacts on the inventory of commercial and industrial lands with the submission of this amendment. The major employment areas of the City are protected. This goal is not applicable.*

## **Goal 10 – Housing**

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

### **Finding:**

*The proposed plan map amendment would change the zoning designation of the subject site from Institutional (IN) to Medium Low Density Residential (RML). This change would allow a maximum of 25 units per acre for household living uses. Tualatin's 2019 Housing Needs Analysis (Exhibit J) identified a*

*need to provide opportunities for the development of new single-family attached units. The Housing Needs Analysis also recommended the development of a wider variety of housing types, including cottage clusters and townhouses in the Medium Low Density zones. The Medium Low Density Residential (RML) Planning District permits townhouses and cottage clusters as allowed housing types.*

*The proposed amendment is consistent with OAR 660-007 (the Metropolitan Housing Rule) which is used by cities such as Tualatin that are within the Portland Metropolitan UGB to demonstrate compliance with Goal 10. Additional findings addressing OAR 660-007 are found below. This goal is met.*

#### **Goal 11 – Public Facilities and Services**

**Finding:**

*Land within the City of Tualatin is adequately served by public facilities and services. The amendment would encourage compact development and the use of existing services and facilities. The proposed amendment does not affect policies related to public facilities and services including water, sewer, and emergency services. Public facilities are addressed in Tualatin Development Code Chapter 33.070(5)(f)(h)(i), additional materials addressing this standard are provided in Exhibit A, E, and G. This goal is met.*

#### **Goal 12 – Transportation**

**Finding:**

*The requirements of Goal 12 are addressed through compliance with Oregon Administrative Rule (OAR) Section 660-012-0060, also known as the Transportation Planning Rule or TPR. The proposed amendment’s compliance with the TPR is addressed below under the applicable OAR Section. This goal is met.*

#### **Goal 13 – Energy**

**Finding:**

*The proposed amendment does not include any changes that are related to or intended to impact Tualatin’s land use regulations pertaining to energy consumption. This goal is not applicable.*

#### **Goal 14 – Urbanization**

**Finding:**

*The subject property is within the Urban Growth Boundary. The proposal does not contain any proposed modification to the Urban Growth Boundary or development outside of the Urban Growth Boundary. This goal is not applicable.*

## **B: Oregon Administrative Rules**

### **OAR Chapter 660 Division 7 (Metropolitan Housing)**

[...]

#### **660-007-0045**

##### **Computation of Buildable Lands**

**(1) The local buildable lands inventory must document the amount of buildable land in each residential plan designation.**

**(2) The Buildable Land Inventory (BLI): The mix and density standards of OAR 660-007-0030, 660-007-0035 and 660-007-0037 apply to land in a buildable land inventory required by OAR 660-007-0010, as modified herein. Except as provided below, the buildable land inventory at each jurisdiction's choice shall either be based on land in a residential plan/zone designation within the jurisdiction at the time of periodic review or based on the jurisdiction BLI at the time of acknowledgment as updated. Each jurisdiction must include in its computations all plan and/or zone changes involving residential land which that jurisdiction made since acknowledgment. A jurisdiction need not include plan and/or zone changes made by another jurisdiction before annexation to a city. The adjustment of the BLI at the time of acknowledgment shall:**

- (a) Include changes in zoning ordinances or zoning designations on residential planned land if allowed densities are changed;**
- (b) Include changes in planning or zoning designations either to or from residential use. A city shall include changes to annexed or incorporated land if the city changed type or density or the plan/zone designation after annexation or incorporation;**
- (c) The county and one or more cities affected by annexations or incorporations may consolidate buildable land inventories. A single calculation of mix and density may be prepared. Jurisdictions which consolidate their buildable lands inventories shall conduct their periodic review simultaneously;**

**(d) A new density standard shall be calculated when annexation, incorporation or consolidation results in mixing two or more density standards (OAR 660-007-0035). The calculation shall be made as follows:**

**(A)**

- (i)  $BLI \text{ Acres} \times 6 \text{ Units/Acre} = \text{Num. of Units}$ ;**
- (ii)  $BLI \text{ Acres} \times 8 \text{ Units/Acre} = \text{Num. of Units}$ ;**
- (iii)  $BLI \text{ Acres} \times 10 \text{ Units/Acre} = \text{Num. of Units}$ ;**
- (iv)  $\text{Total Acres (TA)} - \text{Total Units (TU)}$ .**

**(B) Total units divided by Total Acres = New Density Standard;**

**(C) Example:**

**(i) Cities A and B have 100 acres and a 6-unit-per-acre standard:  $(100 \times 6 = 600 \text{ units})$ ; City B has 300 acres and a 10-unit-per-acre standard:  $(300 \times 10 = 3000 \text{ units})$ ; County has 200 acres and an 8-unit-per-acre standard:  $(200 \times 8 = 1600 \text{ units})$ ; Total acres = 600 - Total Units = 5200.**

**(ii)  $5200 \text{ units} \div 600 \text{ acres} = 8.66 \text{ units per acre standard}$ .**

**(3) Mix and Density Calculation: The housing units allowed by the plan/zone designations at periodic review, except as modified by section (2) of this rule, shall be used to calculate the mix and density. The number of units allowed by the plan/zone designations at the time of development shall be used for developed residential land.**

**660-007-0050**

**Regional Coordination**

**(1) At each periodic review of the Metro UGB, Metro shall review the findings for the UGB. They shall determine whether the buildable land within the UGB satisfies housing needs by type and density for the region's long-range population and housing projections.**

**(2) Metro shall ensure that needed housing is provided for on a regional basis through coordinated comprehensive plans.**

**660-007-0060**

**Applicability**

**(1) The new construction mix and minimum residential density standards of OAR 660-007-0030 through 660-007-0037 shall be applicable at each periodic review. During each periodic review local government shall prepare findings regarding the cumulative effects of all plan and zone changes affecting residential use. The jurisdiction's buildable lands inventory (updated pursuant to OAR 660-007-0045) shall be a supporting document to the local jurisdiction's periodic review order.**

**(2) For plan and land use regulation amendments which are subject to OAR 660, Division 18, the local jurisdiction shall either:**

**(a) Demonstrate through findings that the mix and density standards in this Division are met by the amendment; or**

**(b) Make a commitment through the findings associated with the amendment that the jurisdiction will comply with provisions of this Division for mix or density through subsequent plan amendments.**

**Finding:**

*In 2019, the City of Tualatin completed a Housing Needs Analysis (HNA) which included a computation of the City's residential buildable lands inventory (BLI) (Exhibit J). The BLI analysis complied with statewide planning Goal 10 policies that govern planning for residential uses. Consistent with these sections, the detailed methodology used to complete the buildable lands inventory is presented in Appendix A of the HNA (Exhibit J). The proposed amendment would add buildable residential land. These standards are met.*

**OAR 660 Division 12 (Transportation Planning)**

**OAR 660-012-0060**

**Plan and Land Use Regulation Amendments**

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

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

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

**(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP.**

**As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.**

**(A) Types or levels of travel or access that are inconsistent with the functional**



- classification of an existing or planned transportation facility;
- (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan;**
- or
- (C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.**

**(2) If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in (a) through (e) below, unless the amendment meets the balancing test in subsection (2)(e) of this section or qualifies for partial mitigation in section (11) of this rule. A local government using subsection (2)(e), section (3), section (10) or section (11) to approve an amendment recognizes that additional motor vehicle traffic congestion may result and that other facility providers would not be expected to provide additional capacity for motor vehicles in response to this congestion.**

**(a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.**

**(b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.**

**(c) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.**

**(d) Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.**

**(e) Providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other locations, if:**

**(A) The provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, even though the improvements would not result in consistency for all performance standards;**

**(B) The providers of facilities being improved at other locations provide written statements of approval; and**

**(C) The local jurisdictions where facilities are being improved provide written statements of approval.**

**(3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:**

**(a) In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;**

**(b) Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;**

[...]

**(4) Determinations under sections (1)–(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.**

**(a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.**

**(b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:**

**(A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.**

**(B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.**

**(C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.**

**(D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.**

**(E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.**

**(c) Within interstate interchange areas, the improvements included in (b)(A)–(C) are considered planned facilities, improvements and services, except where:**

**(A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or**

**(B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.**

**(d) As used in this section and section (3):**

**(A) Planned interchange means new interchanges and relocation of existing interchanges**

**that are authorized in an adopted transportation system plan or comprehensive plan;  
(B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and  
(C) Interstate interchange area means:**

**(i) Property within one-quarter mile of the ramp terminal intersection of an existing or planned interchange on an Interstate Highway; or**

**(ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.**

**(e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements and services identified in paragraphs (b)(A)–(C) to determine whether there is a significant effect that requires application of the remedies in section (2).**

[...]

**Finding:**

*The applicant proposed an amendment to the Comprehensive Plan and Zoning Map designation of the subject property as Tualatin is a single-map Comprehensive Plan/Zoning Map jurisdiction. The project proposed a plan map amendment for approximately 8.3 acres located at 23370 SW Boones Ferry Road (Tax Lot: 2S135D000106), which is currently zone Institutional (IN) and is proposed for rezoning to Medium Low Density Residential (RML).*

*The applicant provided a review of Oregon’s Transportation Planning Rule (TPR) (OAR 660-012-0060) and a trip generation analysis by Lancaster Mobley included in Exhibit C. The TPR findings of OAR-012-0060 identified that subsection (a) and subsection (b) were not triggered as the functional classification of an existing or planned transportation system are not changed by the proposal. The standards for implementing a functional classification system are also not changed by the proposal.*

*The Transportation Planning Rule Analysis (Exhibit C) stated subsection (c) would not be triggered since reasonable worst-case development for the proposed zone change is estimated to generate fewer peak hour and daily trips than reasonable worst-case development options under the existing zoning. To understand the potential impacts of the requested zone change, the reasonable worst-case land uses under existing and proposed zoning were compared. Under the existing Institutional (IN) zoning, two scenarios were considered for the 8.3-acre site. One option was a 260-student private school. The other option was a 50,000-SF Community Center with a park that includes a sports field and tennis courts. The proposed Medium Low Density Residential (RML) Planning District would allow for a worst-case development of 207 townhomes. The existing zoning scenarios could generate a greater number of trips when compared to the proposed zoning during each peak hour and over an average weekday.*

*The level of travel and access will continue to be consistent with the functional classifications of the transportation system. Since potential peak hour volumes are lower with the proposed zoning, the change will not degrade the performance below what was anticipated under existing zoning. The TPR findings concluded that based on the comparison of reasonable worst-case trip generation, the existing and planned transportation system can accommodate the proposed zone change and the TPR criteria are satisfied. Therefore, no long-term analysis of traffic operations in the study area is warranted. These standards are met.*

## **C: Metro Chapter 3.07, Urban Growth Management Functional Plan**

The following Chapters and Titles of Metro Code are applicable to the proposed amendments:  
**Chapter 3.07, Urban Growth Management Functional Plan**

### **Finding:**

*Metro's Urban Growth Management Functional Plan is established in Metro Code as Section 3.07. The following Functional Plan sections are applicable to the proposed plan and map amendment:*

#### **Title 1 – Housing Capacity: requires a city or county to maintain or increase its housing capacity.**

- *The proposed amendment would create a Medium Low Density Residential (RML) zone of 8.3-acres that permits townhouses at 25 units an acre, as opposed to the current zoning of Institutional (IN) which does not permit residential housing. The proposed plan map amendment would result in an increase in residential capacity. The proposed map amendment would not decrease housing supply, density, or capacity within the City of Tualatin. This standard is met.*

#### **Title 2 – Regional Parking Policy: repealed.**

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

- *Water Quality and Flood Management are addressed in Tualatin Development Code Chapters 70, 71, and 74. No amendments are proposed to these chapters. No physical development is proposed with this application for the plan map amendment. Although there are no known or identified resources existing on the subject site, the site would be further examined for natural resources with future development of the site through an Architectural Review. Future development of the site would need to comply with local, regional, state, and federal requirements for the protection of air, water, and land resources. This standard can be met.*

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

- *The subject site is currently zoned to allow Medium Low Density (RML) and Institutional (IN) uses. While the area was previously designated by Metro as an Industrial Area (Title 4, Industrial and Other Employment Areas map), the proposed map amendment does not diminish the industrial or commercial capacities of the City because the area was not zoned for industrial or commercial uses by the City of Tualatin. This standard is not applicable.*

#### **Title 5 - Neighbor Cities and Rural Reserves: repealed**

#### **Title 6 – Centers, Corridors, Station Communities and Main Streets: enhancements of these areas as principal centers of urban life via actions and investments.**

- *The subject site is not a Regional Center, Town Center, Station Community or Main Street. This standard is not applicable.*

#### **Title 7 – Housing Choice: implements policies regarding establishment of voluntary affordable housing production goals to be adopted by local governments.**

- *The proposed plan map amendment would permit townhouses at 25 units an acre, and cottage cluster housing. Page 17 of the applicant's narrative (Exhibit A) cited the 2019 Tualatin Housing Needs Analyst. The submitted narrative stated the HNA forecasted a range of housing types to be*

*provided to meet the changing demographic and economic trends including a growing senior population and new young household formation. The applicant included the Tualatin Housing Production Strategy's (Exhibit K) encouragement of diverse housing types that would be relatively more affordable to these specific demographics and other households with moderate incomes. The applicant proposed a site concept plan (Exhibit F) that projects 90 units of diverse housing types including 76 townhouse and 14 cottages.*

*The applicant stated the use of the large site provides an opportunity to achieve economies of scale and efficient site design not possible on a smaller site. The applicant noted the proposed plan amendment complies with the applicable policies of Tualatin's Comprehensive Plan for increasing opportunities for households at all income levels. The proposed rezone and future proposed development would allow for a variety of attainable housing types, including cottage cluster units and townhomes, which would be more affordable to an array of household sizes and income levels. This standard is met.*

**Title 8 – Compliance Procedures: ensures all cities & counties are equitably held to the same standards.**

- *The City of Tualatin continues to partner with Metro to comply with the Functional Plan. This standard is met.*

**Title 9 – Performance Measures: repealed.**

**Title 10 – Functional Plan Definitions.**

**Title 11 – Planning for New Urban Areas: guides planning of areas brought into the UGB.**

- *The subject site for the proposed Medium Low Density Residential (RML) plan map amendment is not on land eligible for annexation into the City of Tualatin; therefore amendments do not affect planning areas outside of the UGB. This standard is not applicable.*

**Title 12 – Protection of Residential Neighborhoods: protects existing residential neighborhoods from pollution, noise, crime, and provides adequate levels of public services.**

- *The site of the proposed plan map amendment would be adequately serviced by existing and proposed infrastructure and services. Infrastructure and public services are discussed in greater detail under the findings for TDC 33.070(5)(i).*
- *The applicant's narrative (Exhibit A) stated the requested plan map amendment of the 8.3-acre site from Institutional (IN) zoning designation to Medium Low Density Residential (RML) is consistent with the surrounding zoning and existing single family residential development that border the site. The applicant described the locational advantages for future residents of the site including the proximity to services to reduce the need for vehicular travel, such as, the Tualatin Swim Center (0.4 mi) and Ibach Park (1.1 mi). The site also has convenient access via Norwood Road and Boones Ferry road to nearby commercial areas in Tualatin, as well as, access to Interstate 5. This standard is met.*

**Title 13 – Nature in Neighborhoods: conserves, protects and restores a continuous ecologically viable streamside corridor system integrated with upland wildlife habitat and the urban landscape.**

- *Protection of natural resources are addressed in Chapter 72 of the Tualatin Development Code. In addition, sites are reviewed for the presence of natural resources, and are reviewed by Clean Water Services at the time of development. No physical development is proposed with this*

*application for the plan map amendment. Although no known or identified resources existing on the subject site, it would be further examined for natural resources with future development of the site through an Architectural Review. Future development of the site would need to comply with local, regional, state, and federal requirements for the protection of air, water, and land resources. No amendments to this chapter are proposed under this application. This standard can be met.*

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

- *No amendments are proposed to the UGB under this application. This standard is not applicable.*

## **D: Tualatin Comprehensive Plan**

### **Chapter 1 – Community Involvement:**

**POLICY 1.1.3. Conduct the planning process with adequate input and feedback from citizens in each affected neighborhood.**

#### **Finding:**

*The applicant provided evidence that an in-person Neighborhood/Developer Meeting was held on April 17, 2024, that discussed the proposed plan map amendment (Exhibit G). In addition to the required Neighborhood/Developer Meeting under TDC 32.120, the applicant also held an informal outreach process. The applicant team conducted five community visioning sessions to invite input and discussion from the surrounding neighbors and other interested parties. The submitted materials from the informal visioning sessions are included in Exhibit G.*

*As a land use application requiring a Type IV-A procedure, an advisory recommendation will be reviewed before the Tualatin Planning Commission on prior to the City Council meeting. City staff issued public notice and request for comment in accordance with the noticing procedures outlined in TDC 32.240 and included as Exhibit I. This policy is met.*

### **Chapter 3 – Housing & Residential Growth:**

**POLICY 3.1.1 DENSITY. Maintain a citywide residential density of at least eight (8) dwelling units per net acre.**

#### **Finding:**

*OAR 660-007 requires that Tualatin provide the opportunity for the development of housing at an overall average density of eight dwelling units per net acre. The Medium Low Density Residential (RML) Planning District requires a density between 10 and 25 units per acre based on the housing type. The proposed plan map amendment would increase the City's residential land supply and contribute to the minimum target density provisions. The applicant provided a future site concept plan in Exhibit F that proposes 90 housing units with a mix of townhouses and cottage clusters. No physical development is proposed under the plan map amendment. Future development applications would be reviewed for compliance against the Comprehensive Plan and Development Code at time of submittal. This policy is met.*

**POLICY 3.2.1 HOUSING TYPE DIVERSITY. Support development of townhomes, duplexes, triplexes, quadplexes, cottages, courtyard housing, accessory dwelling units, single story units, senior housing, and extended family and multi-generational housing in all residential zoning districts.**

#### **Finding:**

*The proposed plan map amendment would change the subject site zoning from Institutional (IN) to Medium Low Density Residential (RML) on the 8.3-acre site. Page 17 of the applicant's narrative (Exhibit A) stated the future planned development of townhomes and cottage clusters under the proposed RML zone aligns with Tualatin's Housing Production Strategy (HPS). The applicant cited the HPS stating that housing types like townhome and cottage clusters are considered more attainable options for the growing populations of downsizing seniors and new households identified in Tualatin's Housing Needs Analysis (HNA).*

*The Housing Needs Analysis forecasted a greater need for relatively affordable attached housing such as townhomes. The Housing Production Strategy addressed the needs of households with moderate incomes*

*(earning 80%-120% of Washington County's Median Family Income) through a strategy of developing smaller and more affordable housing units, such as cottage housing, which may provide opportunities for homeownership (without subsidy).*

*The proposed plan map amendment would allow for the future planned development of townhomes and cottage clusters under the Medium Low Density Residential (RML) Planning District. The applicant cited the gaps identified in the availability of housing for the increasing population of both first-time home buyers and empty nesters looking to downsize within the community. The HNA predicted a significant growth in the senior population which is expected to make up 24 percent of the overall population by 2040. The HNA also reported a relatively high proportion (26 percent) of residents under 20 years of age in Tualatin. Over the next 20 years, that population will range in age from 20 to 40 years old, and are predicted to prefer smaller, more affordable single-family homes in communities that are walkable. The proposed future housing development of townhomes and cottage clusters are considered more attainable for buyers with a range of income levels. This policy is met.*

**GOAL 3.5 HOUSING AND TRANSPORTATION. Encourage development and redevelopment in Tualatin that supports all modes of transportation, including walking, biking and mass transit.**

**Finding:**

*The location of the proposed plan map amendment is near the intersection of SW Boones Ferry Road, SW Norwood Road, and the future extension of the Basalt Creek Parkway. The submitted narrative (Exhibit A) wrote that the proposed plan map amendment would allow for a future residential development of the site. The provided concept plan (Exhibit F) included townhomes and cottage cluster homes which would incorporate circulation for pedestrian, bicyclists and vehicles onsite while providing connection to the adjacent developments. The applicant noted the future site development would include onsite street improvements and frontage improvements on SW Norwood Road. The subject site has Trimet bus service at the intersection of SW Norwood Road and SW Boones Ferry Road. The bus service provides connection to the WES Commuter Rail transit stop, the Tualatin Park and Ride transit center, and to commercial employment centers in Tualatin and Wilsonville. No physical development is proposed under the plan map amendment. Future development applications would be reviewed for compliance against the Comprehensive Plan and Development Code at time of submittal. This goal is met.*

**POLICY 3.7.1 ENVIRONMENTAL PROTECTION. Housing and residential growth policies will be evaluated for consistency with the environmental protection goals and policies of Chapter 7 (Parks, Open Space, and the Environment).**

**Finding:**

*Although there are no known or identified resources existing on the subject site, the site would be further examined for natural resources with future development of the site through an Architectural Review to confirm compliance with the environmental protection goals and policies of Chapter 7. Chapters 71 and 72 of the Tualatin Development Code address any Wetland Protection Districts and Natural Resource Overlay Districts.*

*The applicant's narrative (Exhibit A) outlined the proposed plan map amendment from Institutional (IN) zoning to the Medium Low Density (RML) Planning District would allow for the planned future residential development of townhomes and cottage clusters. The narrative noted as a requirement of a cottage cluster development, a portion of the site will incorporate a common green open space. In addition, the applicant proposed to preserve a portion of the stand of existing mature evergreen trees along the frontage of SW*



*Norwood Road. Page 18 of the narrative continued by stating that Chapter 7 of the Tualatin Comprehensive Plan calls for “conservation of natural resources and open space areas as well as the development of recreational areas and trails.” The plan amendment application supports the purpose of Chapter 7 through the proposal of a future a walkable community. Future development would include an on-site sidewalk system, as well as, connection to the existing network of the surrounding area from Norwood Road. The City’s Transportation System Plan includes planned pedestrian and bicycle upgrades—to include sidewalks and bicycle lanes—along SW Norwood Road, from SW Boones Ferry to the City’s eastern boundary. No physical development is proposed under the plan map amendment. Future development applications would be reviewed for compliance against the Comprehensive Plan and Development Code at time of submittal. This policy is met.*

**Chapter 8 – Transportation:**

**GOAL 8.1 ACCESS AND MOBILITY. Maintain and enhance the transportation system to reduce travel times, provide traveltime reliability, provide a functional and smooth transportation system, and promote access for all users.**

**Finding:**

*The applicant provided a review of Oregon’s Transportation Planning Rule (TPR) (OAR 660-012-0060) and a trip generation analysis by Lancaster Mobley included in Exhibit C. The TPR findings of OAR-012-0060 identified that subsection (a) and subsection (b) were not triggered as the functional classification of an existing or planned transportation system are not changed by the proposal. The standards for implementing a functional classification system are also not changed by the proposal.*

*The Transportation Planning Rule Analysis (Exhibit C) stated subsection (c) would not be triggered since reasonable worst-case development for the proposed zone change is estimated to generate fewer peak hour and daily trips than reasonable worst-case development options under the existing zoning. To understand the potential impacts of the requested zone change, the reasonable worst-case land uses under existing and proposed zoning were compared. Under the existing Institutional (IN) zoning, two scenarios were considered for the 8.3-acre site. One option was a 260-student private school. The other option was a 50,000-SF Community Center with a park that includes a sports field and tennis courts. The proposed Medium Low Density Residential (RML) Planning District would allow for a worst-case development of 207 townhomes. The existing zoning scenarios could generate a greater number of trips when compared to the proposed zoning during each peak hour and over an average weekday.*

*The level of travel and access will continue to be consistent with the functional classifications of the transportation system. Since potential peak hour volumes are lower with the proposed zoning, the change will not degrade the performance below what was anticipated under existing zoning. The TPR findings concluded that based on the comparison of reasonable worst-case trip generation, the existing and planned transportation system can accommodate the proposed zone change and the TPR criteria are satisfied. Therefore, no long-term analysis of traffic operations in the study area is warranted. This goal is met.*

**Chapter 9 – Public Facilities and Services:**

**GOAL 9.1 WATER QUALITY. Provide safe, high-quality water to all customers.**

**GOAL 9.2 SEWER. Plan, construct, and maintain a City sewer system that protects the public health, protects the water quality of creeks, ponds, wetlands and the Tualatin River, provides cost-effective sewer service, meets the demands of users, addresses regulatory requirements and supports all land uses.**

**GOAL 9.3. STORMWATER MANAGEMENT.** Provide a plan for routing surface drainage through the City, utilizing the natural drainages where possible. Update the plan as needed with drainage studies of problem areas and to respond to changes in the drainage pattern caused by urban development.

**Finding:**

*The submitted narrative (Exhibit A) stated the proposed future site development would be required to construct appropriate connections to the City’s water system, sewer system and storm water management to adequately serve future uses. The applicant supplied a Utility Availability Report (Exhibit E) that demonstrated public water main, public sewer, and stormwater main lines are accessible from the subject site. The applicant included that a stormwater facility is planned for the southwest portion of the site. The future facility would be designed to meet Clean Water Services’ stormwater design standards for water quality, flow control and hydromodification requirements.*

*Future site development applications will be reviewed for compliance with the Tualatin Development Code and the City’s Engineering design standards. These goals are or can be met.*

**Chapter 10 – Land Use Designations and Zoning:**

**Planning District Objectives**

**RESIDENTIAL PLANNING DISTRICTS:**

**Medium Low-Density Residential Planning District (RML)**

**This district supports household living uses with a variety of housing types at moderately low densities. This district is primarily oriented toward middle housing types including attached dwellings, multi-family development, and manufactured dwelling parks.**

**OTHER PLANNING DISTRICTS:**

**Institutional Planning District (IN)**

**The purpose of this district is to provide an environment exclusively for, and conducive to, the development and operation of religious institutions, schools, public parks, and related uses, in a manner that is harmonious with adjacent and nearby residential, commercial, or manufacturing planning districts and uses.**

**The district is intended to accommodate large-scale campus-style developments, owned and operated by governmental or nonprofit entities, consisting of multiple structures or facilities, which may serve multiple purposes and provide multiple services to the community.**

**Permitted and conditional uses shall be developed and operated in a manner that promotes and protects the health, safety, and general welfare of all adjacent and nearby planning districts and uses.**

**Additionally, conditional uses shall be allowed provided that the use is developed and operated in a manner that is consistent with the intent of the planning district, and that promotes and protects the health, safety, and general welfare of all adjacent and nearby planning districts and uses.**

**The district may be applied to land that is able to accommodate large-scale campus-style development and operation of religious institutions, schools, public parks, and related uses, as follows:**

- **Contiguous land one and one-half acre in size or greater;**
- **Access to a collector or arterial street;**
- **Adequate public facilities are available to the property.**

**Finding:**

*The proposed plan map amendment would rezone the 8.3-acre subject site to Medium Low Density Residential (RML) from the current zoning of Institutional (IN). The objective of the RML district is to support*

*household living uses with a variety of housing types at moderately low densities. The RML district is primarily oriented toward middle housing types including attached dwellings, multi-family development, and manufactured dwelling parks. On page 21 of the submitted narrative (Exhibit A), the applicant described the future site development to be a mix of townhomes and cottage cluster homes permitted under the RML planning district. The applicant cited that townhomes and cottage clusters are housing varieties identified as recommendations in Tualatin's 2019 Housing Needs Analysis (Exhibit J) and 2021 Housing Production Strategy (Exhibit K). The narrative stated the plan map amendment from IN to RML would be consistent with the surrounding uses in the area. The subject site is neighbored by Medium Low-Density Residential districts to the north, south, east, and west of the site.*

*The applicant stated the land proposed for rezoning is currently owned by Horizon Community Church for the Institutional (IN) uses of assembly facilities and a school. The area proposed for the plan map amendment is surplus land that currently operates as vacant land and a parking area for the church and school onsite uses. The church and school uses would continue on the remaining portion of the IN site following the proposed rezone of the 8.3-acre subject property. These objectives are met.*

## E: Tualatin Development Code

### Chapter 32: Procedures

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

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

**(d) Type IV-A Procedure (Quasi-Judicial Review—City Council Public Hearing).** Type IV-A procedure is used when the standards and criteria require discretion, interpretation, or policy or legal judgment and is the procedure used for site-specific land use actions initiated by an applicant. Type IV-A decisions are made by the City Council and require public notice and a public hearing. Appeals of Type IV-A decisions are heard by the Land Use Board of Appeals (LUBA).

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

Table 32-1—Applications Types and Review Procedures

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

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

#### **Finding:**

*The proposed plan map amendment application is subject to the Type IV-A procedures according to Table 32-1. The application was processed according to the applicable code for Type IV-A procedures. Any future development or construction will be reviewed under a separate land use application. These criteria are met.*

**TDC 32.030. - Time to Process Applications.**

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

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

**Finding:**

*The proposed plan map amendment is an amendment to the City's Comprehensive Plan, the 120-day rule portion of ORS 227.178 is not applicable.*

**TDC 32.110. - Pre-Application Conference.**

**(1) Purpose of Pre-Application Conferences.** Pre-application conferences are intended to familiarize applicants with the requirements of the TDC; to provide applicants with an opportunity discuss proposed projects in detail with City staff; and to identify approval criteria, standards, and procedures prior to filing a land use application. The pre-application conference is intended to be a tool to assist applicants in navigating the land use process, but is not intended to be an exhaustive review that identifies or resolves all potential issues, and does not bind or preclude the City from enforcing any applicable regulations or from applying regulations in a manner differently than may have been indicated at the time of the pre-application conference.

**(2) When Mandatory.** Pre-application conferences are mandatory for all land use actions identified as requiring a pre-application conference in Table 32-1. An applicant may voluntarily request a pre-application conference for any land use action even if it is not required.

**(3) Timing of Pre-Application Conference.** A pre-application conference must be held with City staff before an applicant submits an application and before an applicant conducts a Neighborhood/Developer meeting.

**(4) Application Requirements for Pre-Application Conference.**

**(a) Application Form.** Pre-application conference requests must be made on forms provided by the City Manager.

[...]

**Finding:**

*A Pre-Application Meeting is mandatory for plan map amendment application. The applicant participated in a Pre-Application Meeting on February 28, 2024, and submitted their application approximately seven months later on September 10, 2024. The applicant team maintained contact with city staff between participating in the Pre-Application Meeting and submitting their application materials to preserve the validity of the Pre-Application Meeting. Documentation of the Pre-Application Meeting is included in Exhibit G. These criteria are met.*

**TDC 32.120. - Neighborhood/Developer Meetings.**

**(1) Purpose.** The purpose of this meeting is to provide a means for the applicant and surrounding property owners to meet to review a development proposal and identify issues regarding the proposal so they can be considered prior to the application submittal. The meeting is intended to allow the

developer and neighbors to share information and concerns regarding the project. The applicant may consider whether to incorporate solutions to these issues prior to application submittal.

**(2) When Mandatory.** Neighborhood/developer meetings are mandatory for all land use actions identified in Table 32-1 as requiring a neighborhood/developer meeting. An applicant may voluntarily conduct a neighborhood/developer meeting even if it is not required and may conduct more than one neighborhood/developer meeting at their election.

**(3) Timing.** A neighborhood/developer meeting must be held after a pre-application meeting with City staff, but before submittal of an application.

**(4) Time and Location.** Required neighborhood/developer meetings must be held within the city limits of the City of Tualatin at the following times:

(a) If scheduled on a weekday, the meeting must begin no earlier than 6:00 p.m.

(b) If scheduled on a weekend, the meeting must begin between 10:00 a.m. and 6:00 p.m.

**(5) Notice Requirements.**

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

(b) The applicant must mail notice of a neighborhood/developer meeting to the following persons:

(i) All property owners within 1,000 feet measured from the boundaries of the subject property;

(ii) All property owners within a platted residential subdivision that is located within 1,000 feet of the boundaries of the subject property. The notice area includes the entire subdivision and not just those lots within 1,000 feet. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name, the notice area need not include the additional phases; and

(iii) All designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9.

(c) The City will provide the applicant with labels for mailing for a fee.

(d) Failure of a property owner to receive notice does not invalidate the neighborhood/developer meeting proceedings.

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

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

**Finding:**

*The applicant provided evidence that a Neighborhood/Developer Meeting was held on April 17, 2024 that discussed the proposed plan map amendment and the future site development. The applicant provided documentation of sign posting and notification in compliance with Section 32.120 in Exhibit G.*

*In addition to the mandatory Neighborhood/Developer Meeting required by this section, the applicant team*

*held five visioning sessions with local neighbors. The applicant's narrative stated the meetings provided an opportunity to share early concepts for the future residential development of the site. The applicant noted that over the course of the five meetings, the future concept side plan evolved in response for sustainable design livability that includes a diversity of residential housing types. These meeting materials are included in Exhibit A and G. These criteria are met.*

**Section 32.130 – Initiation of Applications.**

**(1) Type I, Type II, Type III, and Type IV-A Applications.** Type I, Type II, Type III, and Type IV-A applications may be submitted by one or more of the following persons:

- (a) The owner of the subject property;**
- (b) The contract purchaser of the subject property, when the application is accompanied by proof of the purchaser's status as such and by the seller's written consent;**
- (c) A lessee in possession of the property, when the application is accompanied by the owners' written consent; or**
- (d) The agent of any of the foregoing, when the application is duly authorized in writing by a person authorized to submit an application by paragraphs (a), (b) or (c) of this subsection, and accompanied by proof of the agent's authority.**

[...]

**Finding:**

*The applicant has provided a title report, included as Exhibit G, showing Horizon Community Church to be the current owner of the subject site. The applications have been submitted by the property owners and contract purchasers of the property affected by the proposed plan map amendment. These criteria are met.*

**Section 32.140 – Application Submittal.**

**(1) Submittal Requirements.** Land use applications must be submitted on forms provided by the City. A land use application may not be accepted in partial submittals. All information supplied on the application form and accompanying the application must be complete and correct as to the applicable facts. Unless otherwise specified, all of the following must be submitted to initiate completeness review under TDC 32.160:

- (a) A completed application form. The application form must contain, at a minimum, the following information:**
  - (i) The names and addresses of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;**
  - (ii) The address or location of the subject property and its assessor's map and tax lot number;**
  - (iii) The size of the subject property;**
  - (iv) The comprehensive plan designation and zoning of the subject property;**
  - (v) The type of application(s);**
  - (vi) A brief description of the proposal; and**
  - (vii) Signatures of the applicant(s), owner(s) of the subject property, and/or the duly authorized representative(s) thereof authorizing the filing of the application(s).**
- (b) A written statement addressing each applicable approval criterion and standard;**
- (c) Any additional information required under the TDC for the specific land use action sought;**
- (d) Payment of the applicable application fee(s) pursuant to the most recently adopted fee schedule;**
- (e) Recorded deed/land sales contract with legal description.**

- (f) A preliminary title report or other proof of ownership.**
  - (g) For those applications requiring a neighborhood/developer meeting:**
    - (i) The mailing list for the notice;**
    - (ii) A copy of the notice;**
    - (iii) An affidavit of the mailing and posting;**
    - (iv) The original sign-in sheet of participants; and**
    - (v) The meeting notes described in TDC 32.120(7).**
  - (h) A statement as to whether any City-recognized Citizen Involvement Organizations (CIOs) whose boundaries include, or are adjacent to, the subject property were contacted in advance of filing the application and, if so, a summary of the contact. The summary must include the date when contact was made, the form of the contact and who it was with (e.g. phone conversation with neighborhood association chairperson, meeting with land use committee, presentation at neighborhood association meeting), and the result;**
    - (i) Any additional information, as determined by the City Manager, that may be required by another provision, or for any other permit elsewhere, in the TDC, and any other information that may be required to adequately review and analyze the proposed development plan as to its conformance to the applicable criteria;**
- (2) Application Intake.** Each application, when received, must be date-stamped with the date the application was received by the City, and designated with a receipt number and a notation of the staff person who received the application.
- (3) Administrative Standards for Applications.** The City Manager is authorized to establish administrative standards for application forms and submittals, including but not limited to plan details, information detail and specificity, number of copies, scale, and the form of submittal

**Finding:**

*The applicant submitted an application for PMA24-0004 on September 10, 2024. The application was deemed complete on October 2, 2024. The other general land use submittal requirements were included with the application submission. These criteria are met.*

**Section 32.150 - Sign Posting.**

- (1) When Signs Posted.** Signs in conformance with these standards must be posted as follows:
  - (a) Signs providing notice of an upcoming neighborhood/developer meeting must be posted prior to a required neighborhood/developer meeting in accordance with Section 32.120(6); and**
  - (b) Signs providing notice of a pending land use application must be posted after land use application has been submitted for Type II, III and IV-A applications.**
- (2) Sign Design Requirements.** The applicant must provide and post a sign(s) that conforms to the following standards:
  - (a) Waterproof sign materials;**
  - (b) Sign face must be no less than eighteen (18) inches by twenty-four (24) inches (18" x 24"); and**
  - (c) Sign text must be at least two (2) inch font.**
- (3) On-site Placement.** The applicant must place one sign on their property along each public street frontage of the subject property. (Example: If a property adjoins four public streets, the applicant must place a sign at each of those public street frontages for a total of four signs). The applicant cannot place the sign within public right of way.
- (4) Removal.** If a sign providing notice of a pending land use application disappears prior to the final decision date of the subject land use application, the applicant must replace the sign within fortyeight



**(48) hours of discovery of the disappearance or of receipt of notice from the City of its disappearance, whichever occurs first. The applicant must remove the sign no later than fourteen (14) days after:**

- (a) The meeting date, in the case of signs providing notice of an upcoming neighborhood/developer meeting; or**
- (b) The City makes a final decision on the subject land use application, in the case of signs providing notice of a pending land use application.**

**Finding:**

*The applicant provided certification, included as Exhibit G, that signs for the plan map amendment application in conformance with Tualatin Development Code Section 32.150 were placed on site. These criteria are met.*

**Section 32.160 – Completeness Review.**

**(1) Duration.** Except as otherwise provided under ORS 227.178, the City Manager must review an application for completeness within 30 days of its receipt.

**(2) Considerations.** Determination of completeness will be based upon receipt of the information required under TDC 32.140 and will not be based on opinions as to quality or accuracy. Applications that do not respond to relevant code requirements or standards can be deemed incomplete. A determination that an application is complete indicates only that the application is ready for review on its merits, not that the City will make a favorable decision on the application.

**(3) Complete Applications.** If an application is determined to be complete, review of the application will commence.

**(4) Incomplete Applications.** If an application is determined to be incomplete, the City Manager must provide written notice to the applicant identifying the specific information that is missing and allowing the applicant the opportunity to submit the missing information. An application which has been determined to be incomplete must be deemed complete for purposes of this section upon receipt of:

- (a) All of the missing information;**
- (b) Some of the missing information and written notice from the applicant that no other information will be provided; or**
- (c) Written notice from the applicant that none of the missing information will be provided.**

**(5) Vesting.** If an application was complete at the time it was first submitted, or if the applicant submits additional required information within 180 days of the date the application was first submitted, approval or denial of the application must be based upon the standards and criteria that were in effect at the time the application was first submitted.

**(6) Void Applications.** An application is void if the application has been on file with the City for more than 180 days and the applicant has not provided the missing information or otherwise responded, as provided in subsection (4) of this section.

[...]

**Finding:**

*The applicant submitted an application for PMA24-0004 on September 10, 2024. The application was deemed complete on October 2, 2024. These criteria are met.*

**TDC 32.240. - Type IV-A Procedure (Quasi-Judicial Review—City Council Public Hearing).**

Type IV-A decisions are quasi-judicial decisions made by the City Council after a public hearing. A hearing under these procedures provides a forum to apply standards to a specific set of facts to determine whether the facts conform to the applicable criteria and the resulting determination will directly affect only a small number of identifiable persons. Except as otherwise provided, the procedures set out in this

section must be followed when the subject matter of the evidentiary hearing would result in a quasi-judicial decision. City Council decisions may be appealed to the state Land Use Board of Appeals pursuant to ORS 197.805—197.860.

**(1) Submittal Requirements.** Type IV-A applications must include the submittal information required by TDC 32.140(1).

**(2) Determination of Completeness.** After receiving an application for filing, the City Manager will review the application will for completeness in accordance with TDC 32.160.

**(3) Written Notice of Public Hearing—Type IV-A.** Once the application has been deemed complete, the City must mail by regular first class mail Notice of a Public Hearing to the following individuals and agencies no fewer than 20 days before the hearing.

**(a) Recipients:**

- (i) The applicant and, the owners of the subject property;**
- (ii) All property owners within 1,000 feet measured from the boundaries of the subject property;**
- (iii) All property owners within a platted residential subdivision that is located within 1,000 feet of the boundaries of the subject property. The notice area includes the entire subdivision and not just those lots within 1,000 feet. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name, the notice area need not include the additional phases;**
- (iv) All recognized neighborhood associations within 1,000 feet from the boundaries of the subject property;**
- (v) All designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9;**
- (vi) Any person who submits a written request to receive a notice;**
- (vii) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies, including but not limited to: school districts; fire district; where the project either adjoins or directly affects a state highway, the Oregon Department of Transportation; and where the project site would access a County road or otherwise be subject to review by the County, then the County; and Clean Water Services; Tri Met; and, ODOT Rail Division and the railroad company if a railroad-highway grade crossing provides or will provide the only access to the subject property. The failure of another agency to respond with written comments on a pending application does not invalidate an action or permit approval made by the City under this Code;**
- (viii) Utility companies (as applicable); and,**
- (ix) Members of the City Council.**

**(b) The Notice of a Public Hearing, at a minimum, must contain all of the following information:**

- (i) The names of the applicant(s), any representative(s) thereof, and the owner(s) of the subject property;**
- (ii) The street address if assigned, if no street address has been assigned then Township, Range, Section, Tax Lot or Tax Lot ID;**
- (iii) The type of application and a concise description of the nature of the land use action;**
- (iv) A list of the approval criteria by TDC section for the decision and other ordinances or regulations that apply to the application at issue;**
- (v) Brief summary of the local decision making process for the land use decision being made and a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings;**
- (vi) The date, time and location of the hearing;**

(vii) Disclosure statement indicating that if any person fails to address the relevant approval criteria with enough detail, he or she may not be able to appeal to the Land Use Board of Appeals on that issue, and that only comments on the relevant approval criteria are considered relevant evidence;

(viii) The name of a City representative to contact and the telephone number where additional information may be obtained;

(ix) Statement that the application and all documents and evidence submitted to the City are in the public record and available for review, and that copies can be obtained at a reasonable cost from the City; and

(x) Statement that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost.

(c) Failure of a person or agency to receive a notice, does not invalidate any proceeding in connection with the application, provided the City can demonstrate by affidavit that required notice was given.

**(4) Additional Notice Requirements for Certain Type IV-A Application Types.** The following additional notice requirements apply to Type IV-A Hearings where the City Council will be considering the application or removal of a Historic Landmark Designation or a Plan Text or Map Amendment for a particular property or discrete set of properties.

(a) The City Manager will notify in writing the Oregon Department of Land Conservation and Development (DLCD) in accordance with the minimum number of days required by ORS Chapter 197.

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

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

**Finding:**

*The first evidentiary public hearing before the City Council will be held on December 9, 2024, and will follow the Quasi-Judicial review process. After submittal and completeness review as required by this section, a notice of public hearing for Type IV-A application for PMA24-0004 was mailed by city staff on October 9, 2024, and contained the information required by this section, as attached in Exhibit I. The Oregon Department of Land Conservation was notified prior to the 35-day notice period on October 9, 2024, attached in Exhibit I. Public notice has been provided in the Tualatin Times during the week of November 13, 2024, attached in Exhibit I. Public notice was posted in two public places within the City on October 9, 2024. As of writing this report, no comments have been received. These criteria are met.*

**(5) Conduct of the Hearing—Type IV-A.**

The Mayor (or Mayor Pro Tem) must follow the order of proceedings set forth below. These procedures are intended to provide all interested persons a reasonable opportunity to participate in the hearing process and to provide for a full and impartial hearing on the application before the body. Questions concerning the propriety or the conduct of a hearing will be addressed to the chair with a request for a ruling. Rulings from the Mayor must, to the extent possible, carry out the stated intention of these procedures. A ruling given by the Mayor on such question may be modified or reversed by a majority of those members of the decision body present and eligible to vote on the application before the body. The procedures to be followed by the Mayor in the conduct of the hearing are as follows:

(a) At the commencement of the hearing, the Mayor (or designee) must state to those in attendance all of the following information and instructions:

- (i) The applicable approval criteria by Code Chapter that apply to the application;
  - (ii) Testimony and evidence must concern the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations that the person testifying believes to apply to the decision;
  - (iii) Failure to raise an issue with sufficient detail to give the City Council and the parties an opportunity to respond to the issue, may preclude appeal to the state Land Use Board of Appeals on that issue;
  - (iv) At the conclusion of the initial evidentiary hearing, the City Council must deliberate and make a decision based on the facts and arguments in the public record; and
  - (v) Any participant may ask the City Council for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing; if the City Council grants the request, it will schedule a date to continue the hearing as provided in TDC 32.240(5)(e), or leave the record open for additional written evidence or testimony as provided TDC 32.240(5)(f).
- (b) The public is entitled to an impartial decision body as free from potential conflicts of interest and pre-hearing ex parte (outside the hearing) contacts as reasonably possible. Where questions related to ex parte contact are concerned, members of the City Council must follow the guidance for disclosure of ex parte contacts contained in ORS 227.180. Where a real conflict of interest arises, that member or members of the City Council must not participate in the hearing, except where state law provides otherwise. Where the appearance of a conflict of interest is likely, that member or members of the City Council must individually disclose their relationship to the applicant in the public hearing and state whether they are capable of rendering a fair and impartial decision. If they are unable to render a fair and impartial decision, they must be excused from the proceedings.
- (c) Presenting and receiving evidence.
  - (i) The City Council may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant, or personally derogatory testimony or evidence;
  - (ii) No oral testimony will be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing only as provided by this section; and
  - (iii) Members of the City Council may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the beginning of the hearing and an opportunity is provided to dispute the evidence.
- (d) The City Council, in making its decision, must consider only facts and arguments in the public hearing record; except that it may take notice of facts not in the hearing record (e.g., local, state, or federal regulations; previous City decisions; case law; staff reports). Upon announcing its intention to take notice of such facts in its deliberations, it must allow persons who previously participated in the hearing to request the hearing record be reopened, as necessary, to present evidence concerning the newly presented facts.
- (e) If the City Council decides to continue the hearing, the hearing must be continued to a date that is at least seven days after the date of the first evidentiary hearing (e.g., next regularly scheduled meeting). An opportunity must be provided at the continued hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the continued hearing, any person may request, before the conclusion of the hearing, that the record be left open for at least seven days, so that he or she can submit additional written evidence or arguments in response to the new written evidence. In the

interest of time, after the close of the hearing, the decision body may limit additional testimony to arguments and not accept additional evidence.

(f) If the City Council leaves the record open for additional written testimony, the record must be left open for at least seven days after the hearing. Any participant may ask the decision body in writing for an opportunity to respond to new evidence (i.e., information not disclosed during the public hearing) submitted when the record was left open. If such a request is filed, the decision body must reopen the record, as follows:

(i) When the record is reopened to admit new evidence or arguments (testimony), any person may raise new issues that relate to that new evidence or testimony;

(ii) An extension of the hearing or record granted pursuant to this section is subject to the limitations of TDC 32.030(1) (ORS 227.178—120-day rule), unless the applicant waives his or her right to a final decision being made within 120 days of filing a complete application; and

(iii) If requested by the applicant, the City Council must grant the applicant at least seven days after the record is closed to all other persons to submit final written arguments, but not evidence, provided the applicant may expressly waive this right.

(6) Notice of Adoption of a Type IV-A Decision. Notice of Adoption must be provided to the property owner, applicant, and any person who provided testimony at the hearing or in writing. The Type IV-A Notice of Adoption must contain all of the following information:

(a) A description of the applicant's proposal and the City's decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;

(b) The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area;

(c) A statement a statement that a copy of the decision and complete case file, including findings, conclusions, and conditions of approval, if any, is available for review and how copies can be obtained;

(d) The date the decision becomes final; and

(e) The notice must include an explanation of rights to appeal a City Council decisions to the state Land Use Board of Appeals pursuant to ORS 197.805—197.860.

(7) Effective Date of a Type IV-A Decision.

(a) The written order is the final decision on the application.

(b) The date of the order is the date it is mailed by the Mayor (or designee) certifying its approval by the decision body.

(c) Appeal of a IV-A City Council decision is to the State Land Use Board of Appeals pursuant to ORS 197.805—197.860.

**Finding:**

*The City Council hearing will be conducted according to these requirements. Notice of Adoption of a Type IV-A Decision and any appeal will follow the requirements of this section. These criteria will be met.*

**Chapter 33: Applications and Approval Criteria**

**Section 33.070 Plan Amendments**

(1) Purpose. To establish a process for the review of proposed amendments to the Zone Standards of the Tualatin Development Code and to the Text or the Plan Map of the Tualatin Comprehensive Plan.

(2) Applicability. Quasi-judicial amendments may be initiated by the City Council, the City staff, or by a property owner or person authorized in writing by the property owner. Legislative amendments may only be initiated by the City Council.

**(3) Procedure Type.**

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

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

**Finding:**

*The proposed plan map amendment is quasi-judicial in nature and has been processed according to the Type IV-A procedures discussed above. These criteria are met.*

**(5) Approval Criteria.**

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

**Finding:**

*The proposed plan map amendment requests to rezone a total of 8.3-acres from Institutional (IN) zoning to Medium Low Density Residential (RML) zoning. The applicant's narrative stated the rezone to the RML zone would meet the diverse housing needs identified in Tualatin's Housing Needs Analysis (Exhibit J) and Housing Production Strategy (Exhibit K). The Housing Needs Analysis forecasted a greater need for relatively affordable attached housing such as townhomes. The Housing Production Strategy addressed the needs of households with moderate incomes (earning 80%-120% of Washington County's Median Family Income) through a strategy of developing smaller and more affordable housing units, such as cottage housing, which may provide opportunities for homeownership (without subsidy).*

*The proposed plan map amendment would allow for the future planned development of townhomes and cottage clusters under the Medium Low Density Residential Planning District. The applicant cited the gaps identified in the availability of housing for the increasing population of both first-time home buyers and empty nesters looking to downsize within the community. The HNA predicted a significant growth in the senior population which is expected to make up 24 percent of the overall population by 2040. The HNA also reported a relatively high proportion (26 percent) of residents under 20 years of age in Tualatin. Over the next 20 years, that population will range in age from 20 to 40 years old, and are predicted to prefer smaller, more affordable single-family homes in communities that are walkable. The proposed future housing development of townhomes and cottage clusters are considered more attainable for buyers with a range of income levels. The narrative stated that utilizing the 8.3-acre site to produce needed housing types would also offer economies of scale not available on smaller sites which would also further reduce the pressure of housing costs.*

*Comprehensive Plan goals and policies serve as the adopted expression of the public interest. As identified in Section D, above, the applicant has provided evidence that the proposed plan map amendment would satisfy several existing Comprehensive Plan policies and goals, and therefore provides the change would be in the public interest. This criterion is met.*

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

**Finding:**

*The plan map amendment proposed to rezone the 8.3-acre subject site from Institutional (IN) to Medium Low Density Residential (RML) to support a planned development of townhomes and cottage clusters. A concept plan of the future development is included as Exhibit F. Page 22 of the narrative submitted by the*

*applicant cited Tualatin’s 2019 Housing Needs Analysis (Exhibit J) and 2021 Housing Production Strategy (Exhibit K) direction on housing needs from 2020-2040. The applicant described the housing prices and lending rates that have continued to rise dramatically, which emphasizes the need for attainably priced housing options.*

*The HNA reported the rate of homeownership in Tualatin is at 55% which is lower than the rate at the Washington County level at 61% and the Portland Region of 60%. The current options for homeownership that are smaller, relatively affordable and easier to maintain are limited in Tualatin. The applicant stated the plan map amendment would protect the public interest by providing the opportunity to achieve economies of scale and efficient site design to provide a significant number of housing units of needed diversity types to meet the needs of households with a variety of income levels.*

*Over the course of the year, the applicant team hosted an outreach process to engage residents within the site’s vicinity. The narrative relayed that the participants of the outreach meetings had a strong interest in both townhome and cottage cluster development as attractive options for those who are downsizing and want to remain in this community. Materials from the applicant-led public engagement sessions are included in Exhibit G. This criterion is met.*

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

**Finding:**

*As previously discussed in Section D, the plan map amendment – application of the Medium Low Density Residential (RML) zone to the subject property – has been identified by the applicant as being consistent with several existing goals and policies of the Comprehensive Plan. The plan map amendment also meets the same applicable goals and policies of the Tualatin Community Plan in that it allows for the application of the Medium Low Density Residential (RML) Planning District in a location that is considered buildable. This criterion is met.*

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

**(i) The various characteristics of the areas in the City;**

**Finding:**

*Page 23 of the applicant’s narrative (Exhibit A) addressed the various characteristics of the subject property. The 8.3-acre site is located within the city limits at the southern end of the Tualatin planning boundary. The site is located predominantly in a residential area. The land proposed for the plan map amendment is considered surplus acreage in the Institutional (IN) Planning District that is owned and occupied by the Horizon Community Church and School. The surrounding zoning is Medium Low Density Residential (RML) to the west, north and east. The one-acre parcel located within the overall future site development area (and sharing SW Norwood frontage) is also zoned Medium Low Density Residential (RML). The applicant concluded that the 8.3-acre subject site lends itself to the plan map amendment to the RML zoning for consistency with the surroundings. This criterion is met.*

**(ii) The suitability of the areas for particular land uses and improvements in the areas;**

**Finding:**

*Within the submitted narrative (Exhibit A), the applicant addressed the suitability of this particular geographic area on page 23 for the proposed land use which would be a residential development mix of*

*townhomes and cottage clusters. The applicant stated the 8.3-acre site is adjacent to Medium Low Density Residential (RML) properties and the proposed plan map amendment to rezone the site from Institutional (IN) to Medium Low Density Residential (RML) would be a compatible change. The narrative addressed the site's access to schools, parks, recreational facilities, and local commercial and employment areas by a variety of modes of travel. The subject site also has access to Interstate 5 and major employment centers in the region.*

*The applicant provided a Utility Availability Memorandum included as Exhibit E to address the proposed plan map amendment. The applicant noted nearby service and planned improvements to include water, sanitary sewer, stormwater, transportation and public transit. The services and improvements are reviewed in greater detail in Tualatin Development Code Section 33.070(5)(i). This criterion is met.*

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

**Finding:**

*The applicant's narrative (Exhibit A) stated the subject site is located near the southern border of the Tualatin's planning boundary. The 8.3-acre site is located near the Basalt Creek Planning area to the west which has been identified in the Housing Needs Analysis (Exhibit J) and Housing Production Strategy (Exhibit K) as an area that will accommodate a significant number of Tualatin's needed housing units over the next 20 years. Providing housing of various densities and levels of affordability are key housing needs addressed in Tualatin's HNA. The portion of the subject site proposed for rezoning is currently zoned Institutional (IN). Rezoning the 8.3-acres to Medium Low Density Residential (RML) would utilize surplus institutional land that is not needed by the church and will allow for future development of diverse housing types on the site. The applicant noted similar trends in the area including the development of the Autumn Sunrise subdivision located to the east, and the Plambeck Gardens multi-family affordable housing project to the southwest of the subject site. This criterion is met.*

**(iv) Property values;**

**Finding:**

*On page 24 of the narrative (Exhibit A), the applicant expressed the change in zoning designation of this area would continue to be compatible with the remaining IN zoned portion of the Church and School site and future development of the subject site will be required to meet applicable setbacks and buffers. As such, no significant changes in property values are anticipated. 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 site is accessed by Norwood Road, an east-west Collector road that also serves surrounding properties and provides access to SW Boones Ferry Road and Interstate 5. The Applicant has submitted a Transportation Planning Rule (TPR) analysis, attached as Exhibit C. The subject site would be close to future employment centers, such as the Basalt Creek Employment Area, and would provide the opportunity for employees to live nearer to their workplace. Any future development would be reviewed through the Architectural Review process to address specific right-of-way and access needs for the site development. 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:**

*There are no mapped natural resources on the site affected by the plan map amendment. No physical development is proposed with this application for the plan map and text amendment. The subject site would be further examined for natural resources with future development of the site. Future development of the site would need to comply with local, regional, state, and federal requirements for the protection of air, water, and land resources. These criteria are met.*

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

**Finding:**

*The proposed plan map amendment would change the subject site zoning and development standards from Institutional (IN) to Medium Low Density Residential (RML). The proposed rezone of the site would allow for the use of the proposed 90 units of townhomes and cottage clusters described in the submitted concept plan (Exhibit F). Future development of the site would need to comply with local, regional, state, and federal requirements for the protection of air, water, and land resources. No physical development is proposed under the plan map amendment. Future development applications would be reviewed for compliance against the Comprehensive Plan and Development Code at time of submittal.*

*Page 24 of the applicant's narrative (Exhibit A), stated the site is located within a residentially zoned area and would be compatible with the existing and planned residential development. The applicant noted there is also convenient access to parks and recreational facilities, goods and services, transit, and transportation routes to employment centers. This criterion is met.*

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

**Finding:**

*The applicant's narrative (Exhibit A) stated the proposed plan map amendment was not requested due to a change in the area or a mistake in the Plan Text or Plan Map. The applicant described the requested zone change would allow for the utilization of a surplus of Institutionally zoned land to provide diversity in the needed household types identified in Tualatin's Housing Needs Analysis and Housing Production Strategy. The diverse housing types of townhomes and cottage cluster homes are supported in the Medium Low Density Residential (RML) zone. This 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 applicant submitted a Service Provider Letter from the Sherwood School District 88J included as Exhibit H. The Statement of Service Availability for Schools confirmed the school district service would be adequate to service the proposed future project of 90-95 single-family dwelling units.*

*City staff provided an email notice of public hearing and request for comment that was sent to the*

*Sherwood School District and the Tigard Tualatin School District on October 9, 2024, included in Exhibit I. As of the date of writing this report, the City of Tualatin has not received any additional response from the school districts. This criterion is met.*

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

**Finding:**

*The applicant proposed an amendment to the Comprehensive Plan and Zoning Map designation of the subject property as Tualatin is a single-map Comprehensive Plan/Zoning Map jurisdiction. The project proposed a plan map amendment for approximately 8.3 acres located at 23370 SW Boones Ferry Road (Tax Lot: 2S135D000106), which is currently zone Institutional (IN) and is proposed for rezoning to Medium Low Density Residential (RML).*

*The applicant provided a review of Oregon’s Transportation Planning Rule (TPR) (OAR 660-012-0060) and a trip generation analysis by Lancaster Mobley included in Exhibit C. This standard was previously addressed in Section B. Oregon Administrative Rules. The TPR findings of OAR-012-0060 identified that subsection (a) and subsection (b) were not triggered as the functional classification of an existing or planned transportation system are not changed by the proposal. The standards for implementing a functional classification system are also not changed by the proposal.*

*The Transportation Planning Rule Analysis (Exhibit C) stated subsection (c) would not be triggered since reasonable worst-case development for the proposed zone change is estimated to generate fewer peak hour and daily trips than reasonable worst-case development options under the existing zoning. To understand the potential impacts of the requested zone change, the reasonable worst-case land uses under existing and proposed zoning were compared. Under the existing Institutional (IN) zoning, two scenarios were considered for the 8.3-acre site. One option was a 260-student private school. The other option was a 50,000-SF Community Center with a park that includes a sports field and tennis courts. The proposed Medium Low Density Residential (RML) Planning District would allow for a worst-case development of 207 townhomes. The existing zoning scenarios could generate a greater number of trips when compared to the proposed zoning during each peak hour and over an average weekday.*

*The level of travel and access will continue to be consistent with the functional classifications of the transportation system. Since potential peak hour volumes are lower with the proposed zoning, the change will not degrade the performance below what was anticipated under existing zoning. The TPR findings concluded that based on the comparison of reasonable worst-case trip generation, the existing and planned transportation system can accommodate the proposed zone change and the TPR criteria are satisfied. Therefore, no long-term analysis of traffic operations in the study area is warranted. This criterion is met.*

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

**Finding:**

*The proposed plan map amendment would not adversely impact the City’s compliance with Titles 1-14 of the Metro Chapter 3.07, Urban Growth Management Functional Plan as discussed in Section C of these findings. 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 8.3-acre subject site is outside of the Town Center Design Type area. The applicant submitted a Transportation Planning Rule Review and a trip generation analysis provided in Exhibit E.*

*The Level of Service in relation to the proposed map amendment is expected to meet the City standards. The proposed plan map amendment will not alter the transportation needs of the affected parcels in Tualatin's Transportation System Plan. This criterion is met.*

**(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 submitted narrative stated the proposed future site development would be required to construct appropriate connections to the City's water system, sewer system and storm water management to adequately serve future uses. The applicant supplied a Utility Availability Report (Exhibit E) that demonstrated public water main, public sewer, and stormwater main lines are accessible from the subject site. The applicant included that a stormwater facility is planned for the southwest portion of the site. The future facility would be designed to meet Clean Water Services' stormwater design standards for water quality, flow control and hydromodification requirements.*

**Water:** *A public water main exists within SW Norwood Road as demonstrated in the Utility Availability Report, attached as Exhibit X. This line will be extended into the site, with private laterals extending service to each lot.*

**Sanitary Sewer:** *The site has access to a public sewer line located to the northwest (Boones Ferry Road and Norwood Road) which will be extended through the site as demonstrated in the Utility Availability Report, attached as Exhibit F. Private laterals will be provided to extend service to each lot.*

**Stormwater:** *A public stormwater main line exists in SW Boones Ferry Road and can serve the subject site via a new stormwater easement.*

*Future site development applications will be reviewed for compliance with the Tualatin Development Code and the City's Engineering design standards. This criterion is and can be met.*

**Chapter 41: Medium Low Density Residential Zone (RML)**

**Section 41.000 Purpose**

**The purpose of this zone is to provide household living uses with a variety of housing types at moderately low densities. This district is primarily oriented toward middle housing types including attached dwellings, multi-family development, and manufactured dwelling parks.**

**Finding:**

*The proposed plan map amendment would support the purpose of the RML zone. The submitted narrative (Exhibit A) stated the future development of residential homes including townhomes and cottage clusters would support the middle housing types described in the purpose statement including attached dwellings. The proposed amendment is consistent with the above purpose statement.*

**Section 41.200 Use Categories**

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

**Table 41-1  
 Use Categories in the RML Zone**

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
<b>RESIDENTIAL USE CATEGORIES</b>		
Household Living	P/C	Permitted housing types subject to TDC 41.220.
Residential Accessory Uses	P (L)	Permitted uses limited to Family Child Care Home subject to ORS 329A.440.
Group Living	P/C (L)	Permitted uses limited to <ul style="list-style-type: none"> <li>• Residential Facility; and,</li> <li>• Nursing Facility.</li> </ul> Conditional uses limited to Congregate Care Facility subject to TDC 34.020 and TDC 34.030.
<b>COMMERCIAL USE CATEGORIES</b>		
Agriculture	C (L)	Subject to TDC 41.210(1).
Durable Goods Sales	C (L)	Conditional uses limited to nurseries.
Retail Sales and Service	C (L)	Conditional uses limited to Child Day Care Center.
<b>INSTITUTIONAL USE CATEGORIES</b>		
Assembly Facilities	C (L)	Conditional uses limited to places of religious worship. See TDC 34.800 Religious uses and ORS 227.500 pertaining to activities customarily associated with the practices of religious activity.
Community Services	C	
Medical Center	C (L)	Conditional uses limited to a hospital.
Schools	C	—
<b>INFRASTRUCTURE AND UTILITIES USE CATEGORIES</b>		
Basic Utilities	P/C (L)	Permitted uses limited to water or sewage pump stations and pressure reading stations.

		Conditional uses limited to water reservoirs, with a maximum height of 75 feet.
Greenways and Natural Areas	P	—
Parks and Open Areas	P/C (L)	Permitted uses limited to public park or playground.  Conditional uses limited to golf course or country club with golf course.
Public Safety Facilities	C (L)	Conditional uses limited to fire stations
Transportation Facilities	P	—
Wireless Communication Facilities	P/C (L)	Subject to TDC 41.210(2). Maximum height and minimum setbacks subject to TDC Chapter 73F.

**Section 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	P	Limited to single-family dwellings in a flexible lot subdivision subject to TDC 36.410.
Accessory Dwelling Unit	P	Subject to TDC 73A.170.
Duplex	P	See TDC definition in 31.060.
Townhouse	P	See TDC definition in 31.060.
Triplex	P	See TDC definition in 31.060.
Quadplex	P	See TDC definition in 31.060.
Cottage Cluster	P	See TDC definition in 31.060.
Multi-Family Structure (5 or more units)	P	See TDC definition in 31.060.
Manufacturing Dwelling	N	See TDC definition in 31.060.
Manufactured Dwelling Park	P	Limited to locations designated by the Tualatin Community Plan Map and subject to TDC 34.190.
Retirement Housing Facility	C	Subject to TDC 34.400.
Residential Home	P	See TDC definition in 31.060.

**Section 41.300 Development Standards**

- (1) Development standards in the RML zone are listed in Table 41-3. Additional standards may apply to some uses and situations, see TDC 41.310 and TDC 41.330. The standards in Table 41-3 may be modified for greenway and natural area dedications as provided in TDC 36.420. The standards for lot size, lot width, building coverage, and setbacks that apply to single-family dwellings in small lot subdivisions are provided in TDC 36.410(2)(b).
- (2) *Exceptions.* Existing non-conforming situations may be developed according to the provisions of TDC Chapter 35.

**Table 41-3  
 Development Standards in the RML Zone**

STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
<b>MAXIMUM DENSITY</b>		
Single Family Dwellings	10 units per acre	
Duplex	None	
Townhouse	25 units per acre	
Triplex	None	
Quadplex	None	
Cottage Cluster	None	Minimum density of 4 units per acre.
Multi-Family (5 or more units)	10 units per acre	
Manufactured Dwelling Parks	12 units per acre	Limited to single-wide dwelling parks or any part of a single-wide dwelling park.
Retirement Housing Facility, or Congregate Care Facility	15 units per acre	
Nursing Facility	15 units per acre	
Group Living Uses	15 units per acre	
<b>MINIMUM LOT SIZE</b>		
Single Family Dwelling	3,000 square feet	Only in a Flexible Lot Subdivisions, subject to TDC 36.410
Duplex	4,500 square feet	May be reduced for Flexible Lot Subdivisions, subject to TDC 36.410.
Townhouse	1,400 square feet	
Triplex	4,500 square feet	May be reduced for Flexible Lot Subdivisions, subject to TDC 36.410.
Quadplex	4,500 square feet	May be reduced for Flexible Lot Subdivisions, subject to TDC 36.410.
Cottage Cluster	4,500 square feet	May be reduced for Flexible Lot Subdivisions, subject to TDC 36.410.
Multi-Family Structure (5 or more units)	20,000 square feet	
Multi-Family Structure under Condominium Ownership	20,000 square feet	Limited to the primary condominium lot.
All Other Permitted Uses	10,000 square feet	
Conditional Uses	20,000 square feet	
Infrastructure and Utilities Uses	—	As determined through the Subdivision, Partition, or Lot Line Adjustment process
<b>MINIMUM AVERAGE LOT WIDTH</b>		
Single Family Detached	26 feet	Only allowed for Flexible Lot Subdivisions, subject to TDC 36.410.
Townhouse	14 feet	

<b>Duplex, Triplex, Quadplex, and Cottage Clusters</b>	<b>50 feet</b>	<b>May be reduced to 30 feet if on a cul-de-sac. May be reduced to 26 feet for Flexible Lot Subdivisions, subject to TDC 36.410.</b>
<b>Multi-Family Structure</b>	<b>75 feet</b>	<b>May be 40 feet on a cul-de-sac street.</b>
<b>Multi-Family Structure under Condominium Ownership</b>	<b>100 feet</b>	<b>Limited to the primary condominium lot. Minimum lot width at street is 40 feet.</b>
<b>All Other Permitted Uses</b>	<b>75 feet</b>	
<b>Conditional Uses</b>	<b>100 feet</b>	<b>Minimum lot width at street is 40 feet.</b>
<b>Flag Lots</b>	<b>—</b>	<b>Must be sufficient to comply with minimum access requirements of TDC 73C.</b>
<b>MINIMUM SETBACKS</b>		
<b>Single Family Detached, Duplex, Townhouse, Triplex, or Quadplex</b>		<b>Single Family Detached only in Flexible Lot Subdivisions, subject to TDC 36.410.</b>
<b>Front</b>	<b>10 feet</b>	
<b>Garage Door</b>	<b>20 feet</b>	
<b>Side</b>	<b>5 feet</b>	<b>Zero-foot side setbacks permitted for lot or parcel lines where Townhouse units are attached.</b>
<b>Rear</b>	<b>10 feet</b>	

**Finding:**

*If the plan map amendment is approved the Medium Low Density Residential (RML) use categories, housing types and development standards would be applicable to the 8.3-acre site. The applicant has identified a proposed future development mix of townhomes and cottage cluster homes. Future site development applications will be reviewed for compliance with the Tualatin Development Code. The proposed amendment is consistent with the above standards.*