

ORDINANCE NO. 1380-15

AN ORDINANCE RELATING TO BLOCKS 28 AND 29 OF THE CENTRAL URBAN RENEWAL PLAN AREA; AMENDING TUALATIN DEVELOPMENT CODE 60.030 TO ALLOW OFFICE, RETAIL, SERVICE AND OTHER COMMERCIAL USES IN BLOCKS 28 AND 29; RESTRICTING SUCH OFFICE, RETAIL, SERVICE, AND OTHER COMMERCIAL USES TO NO MORE THAN 60,000 SQUARE FEET PER PARCEL; PROHIBITING RETAIL AND CARDLOCK AUTOMOBILE SERVICE STATIONS; PROHIBITING MOTELS OR TOURIST COURTS; DELETING TUALATIN DEVELOPMENT CODE 60.050; AMENDING TUALATIN DEVELOPMENT CODE MAP 9-4 TO REMOVE THE EMPLOYMENT AREA DESIGNATION ON BLOCKS 28 AND 29; AND ADDING NEW PROVISIONS. (PTA-15-02)

WHEREAS, the Community Development Director initiated Plan Text Amendment PTA-15-02;

WHEREAS, the City provided notice of PTA-15-02 to the Oregon Department of Land Conservation and Development, as provided by ORS 197.610;

WHEREAS, the City provided notice of the public hearing to all property owners in compliance with ORS 227.186 (Ballot Measure 56);

WHEREAS, on May 21, 2015, the City received approval from Metro to remove the Employment Area designation design type for Blocks 28 and 29; and

WHEREAS, notice of public hearing of PTA-15-02 was given as required by Tualatin Development Code 1.031, and a public hearing was held where City Council heard and considered the testimony and evidence presented by the City staff and those appearing at the public hearing, and Council having approved PAT-15-02;

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TDC 60.030 is amended to read as follows:

Section 60.030 Central Urban Renewal Plan - Additional Permitted Uses in Blocks 28 and 29.

~~In the Central Urban Renewal District, additional uses are permitted only on the blocks listed below, as shown on Map 9-3.~~

~~(1) Uses permitted in the CG District, conforming to the standards of the CG District, and excluding any use permitted in the CC District for Blocks 28 and 29. Notwithstanding the preceding sentence, limited use of take-out restaurants, smaller~~

~~than 1,500 square feet, and with a seating capacity of 50 or less, will be allowed on Blocks 28 and 29. No drive-up windows will be allowed. No portion of such restaurant shall be closer than 200 feet from any public street right-of-way, unless the right-of-way is separated from the restaurant by railroad right-of-way, in which case the restaurant shall be no closer to the public street right-of-way than 100 feet. The restaurant must be intended to serve primarily the employees and customers of uses in the immediate vicinity. Retail uses permitted in the CC District, excluding any use permitted in the CC District, are permitted to be greater than 60,000 square feet of gross floor area per building or business in areas designated Employment Area or Industrial Area on Map 9-4.~~

(1) The following uses are permitted in Blocks 28 and 29 of the Central Urban Renewal Plan, as shown on Map 9-3:

(a) Office Uses:

- (i) Business or professional office.
- (ii) Medical-dental clinic.
- (iii) Real estate office.
- (iv) Veterinarian's office or animal hospital.

(b) Retail Uses:

- (i) Antique shop or secondhand store.
- (ii) Appliance store (incidental repairs only).
- (iii) Automobile accessory sales and auto parts retailing and wholesaling.
- (iv) Bicycle sales, service or repair.
- (v) Boat, boat motor and boat trailer sales (does not include maintenance, service or repair), provided the boats do not exceed 18 feet in length, the boat motors do not exceed 40 horsepower, and the boat trailers are single axle.
- (vi) Book store.
- (vii) Building and home improvement materials and supplies retail sales, including garden tractors not exceeding 25 horsepower.

- (viii) Business machines sales, service or repair.
- (ix) Clothing store.
- (x) Feed and seed store.
- (xi) Florist.
- (xii) Furniture store (non-warehouse type).
- (xiii) Hardware store.
- (xiv) Jewelry store.
- (xv) Motorcycle sales and service.
- (xvi) Pet shop.
- (xvii) Plant shop.
- (xviii) Record or music shop.
- (xix) Recreational water, snow, and land vehicles sales and service.
- (xx) Scientific or professional instrument sales or repair.
- (xxi) Sporting goods store.
- (xxii) Stationery store.

(c) Service Uses:

- (i) Automobile glass shop; auto leasing office with no more than five autos stored on site; auto service shop, including but not limited to, service for air conditioners, electrical, brakes, washing, mufflers, oil or lubrication, sound, transmissions, tune-up, and upholstery; and auto tire shop.
- (ii) Automobile towing company office and dispatch office (no outdoor storage of towed vehicles).
- (iii) Barber or beauty shop.
- (iv) Blueprinting, photostating, printing, lithographing, or other reproduction process.

- (v) Business college.
- (vi) Dental laboratory.
- (vii) Eating and Drinking Establishment, including drive-in restaurants, take-out restaurants, catering establishments, taverns, and cocktail lounges, subject to the following provisions:
 - (1) Drive-throughs are prohibited; and
 - (2) Take-out restaurants must be smaller than 1,500 square feet, seat no more than 50 people, and be located at least 200 feet away from a public street right-of-way, unless the right-of-way is separated from the restaurant by railroad right-of-way, in which case the restaurant must be at least 100 feet away from a public street right-of-way.
- (viii) Frozen food locker.
- (ix) Health or fitness facility.
- (x) Laundry or drycleaning establishment.
- (xi) Locksmith or gunsmith.
- (xii) Magazine or newspaper distribution agency.
- (xiii) Memorial planning and products center.
- (xiv) Nursery or greenhouse (allowed outdoors).
- (xv) Optical lens grinder.
- (xvi) Photo processing.
- (xvii) Publishing house.
- (xviii) Radio or television service.
- (xix) Rental of various small equipment, tools, and devices.
- (xx) Shoe repair shop.
- (xxi) Studio, including music, art, dancing, photography or health.

- (xxii) Taxidermy shop.
- (xxiii) Telephone or telegraph exchange.
- (xxiv) Testing laboratory.
- (xxv) Watch and clock repair.

(d) Other Uses:

- (i) Assembly, packaging, and treatment of beer and other alcohol products, with or without a tasting or tap room.
- (ii) Other uses of similar character, when found by the Planning Director to meet the purpose of this district, as provided by TDC 31.070.

(2) All uses permitted in subsection (1) must be conducted wholly within an enclosed building, except the following:

(a) Building and home improvement materials and supplies retail sales store's that have a gross floor exceeding 50,000 square feet may have an outdoor storage, display, and sales area subject to the following provisions:

- (i) The outdoor area must abut a wall of the store;
- (ii) The outdoor area must not exceed 15,000 square feet;
- (iii) No less than 50 percent of the outdoor area must be covered by a permanent roof;
- (iv) All sides of the outdoor area not abutting a wall of the store must be screened with a sight obscuring fence, wall, berm, or dense evergreen landscaping not less than 6 feet in height as approved through the Architectural Review process; and
- (v) Stored materials must not exceed the height of the sight obscuring barrier when viewed from street level.

(b) Eating and Drinking Establishment, including drive-in restaurants, take-out restaurants, catering establishments, taverns, and cocktail lounges may have outdoor seating.

(c) Retail sales of boats, motors, and trailers may have an outdoor storage, display, and sales area subject to the following provisions:

- (i) The sales of boats, motors, and trailers must not be the primary products sold by the store;
- (ii) The outdoor area must abut a wall of the store;
- (iii) The outdoor area must not exceed 5,000 square feet;
- (iv) No less than 25 percent of the outdoor area must be covered by a permanent roof;
- (v) All sides of the outdoor area not abutting a wall of the store must be screened with a sight obscuring fence, wall, berm, or dense evergreen landscaping not less than six feet in height as approved through the Architectural Review process;
- (vi) Stored materials must not exceed the height of the sight obscuring barrier when viewed from street level;
- (vii) The boats do not exceed 18 feet in length;
- (viii) The boat motors do not exceed 40 horsepower; and
- (ix) The boat trailers are single axle.

(3) All uses, or combination of uses, permitted in subsection (1) cannot exceed 60,000 square foot per parcel.

(4) Retail automobile service stations (gas stations) and nonretail cardlock stations (cardlock gas stations) are prohibited in Blocks 28 and 29 of the Central Urban Renewal Plan, notwithstanding the provisions in TDC 60.040(1)(n) allowing retail automobile service stations (gas stations) and nonretail cardlock stations (cardlock gas stations) as a conditional use.

(5) To the extent any provision of the Tualatin Development Code conflicts with this Section, this Section controls.

Section 2. Tualatin Development Code Section 60.050 Prohibited Uses is deleted in its entirety.

Section 3. Tualatin Development Code Map 9-4 is deleted and replaced with amended Map 9-4, as shown on Exhibit 1, which is attached and incorporated herein.

The purpose of amended Map 9-4 is to remove the "Employment Area" designation on Blocks 28 and 29 of the Central Urban Renewal Plan.

Section 4. The Council adopts as its Findings and Analysis the findings set forth in Exhibit 2, which is attached and incorporated by reference.

Section 5. Each section of this ordinance, and any part thereof, is severable. If any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance remains in full force and effect.

Adopted by the City Council this 22 Day of June, 2015.

CITY OF TUALATIN, OREGON

BY 
Mayor

APPROVED AS TO FORM

BY 
City Attorney

ATTEST:

BY 
City Recorder

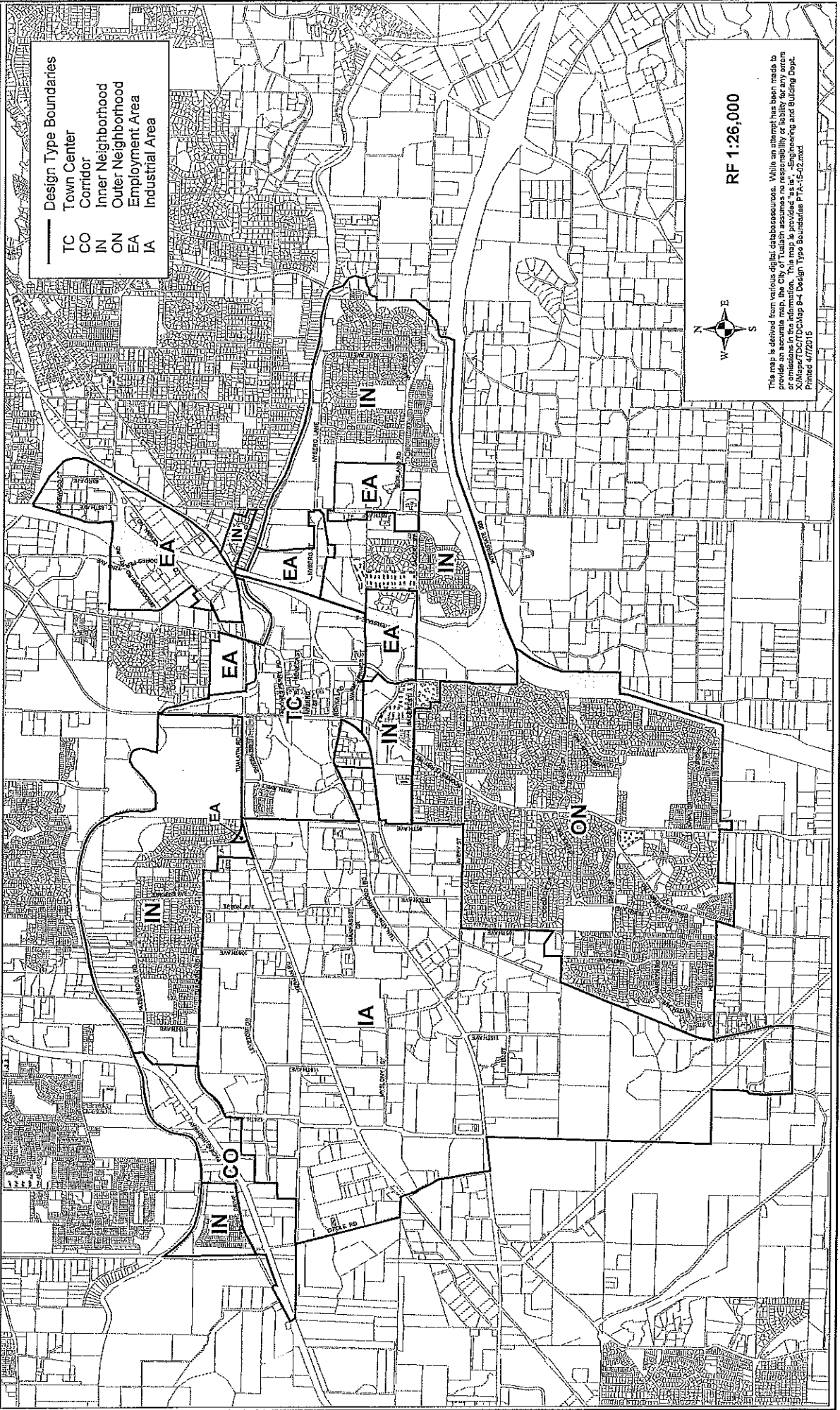


EXHIBIT 2 - Ord. No. 1380-15

PTA 15-02: Analysis and Findings

Plan Text Amendment 15-02 (PTA-15-02) proposes to allow more flexibility in uses in Blocks 28 and 29 of the Central Urban Renewal Plan (CURP) by amending Chapter 60: Light Manufacturing Planning District of the Tualatin Development Code (TDC).

Background

Urban Renewal Blocks 28 and 29 include 23 properties south of Old SW Tualatin-Sherwood Road and north and west of the railroad tracks in the southwest part of downtown Tualatin. The underlying Planning District is Light Manufacturing (ML). General Commercial (CG) uses are allowed by the CURP. Land use currently includes a mix of light manufacturing and auto-oriented commercial/retail. The City receives numerous requests to allow Central Commercial (CC) uses, such as health and fitness facilities and studios, which currently are either allowed in limited size and as subordinate uses to manufacturing on any given property, or are prohibited outright. The 2005 Town Center Plan identified the need to rezone the entire area to CG, which allows CC uses outright.

At work sessions in March and April 2014 the City Council discussed zoning options for Blocks 28 and 29. Council directed staff to move forward with a PTA that would allow CC uses, but restrict some of the uses based on size and scale to control traffic congestion on SW Tualatin-Sherwood Road and at major intersections in downtown.

The City hired DKS Associates to complete a transportation analysis to provide guidance for redevelopment potential of the area. At the same time, staff engaged the Commercial Citizen Involvement Organization (CIO) Development Planning Advisory Group (DPAG), the Chamber of Commerce, and owners of property in Blocks 28 and 29 in more detailed discussions about allowing more flexibility in uses in this part of the City. PTA-15-02 and the proposed amendment to TDC Chapter 60 are the result of this analysis and discussion. The proposed amendment would accomplish the following:

- Minimize impacts on surrounding intersections and the I-5 /Nyberg interchange
- Increase flexibility in the types of uses, thus responding to market pressures
- Make some existing non-conforming uses conforming
- Allow existing uses, including light industrial uses, to remain conforming
- Create a short-term solution in lieu of a Downtown Plan.

Plan Amendment Criteria (TDC Section 1.032)

This document contains findings of fact to demonstrate that the proposed amendment is consistent with the approval criteria for a PTA per Section 1.032 of the TDC. These criteria must be met if the proposed PTA is to be granted. The plan amendment criteria are addressed below.

1. Granting the amendment is in the public interest.

FINDING: The proposed amendment responds to requests from owners of property in Blocks 28 and 29 of the CURP to allow more flexibility in the type of uses permitted, thus responding to market pressures and creating a short-term solution in lieu of a Downtown Plan, while minimizing impacts on surrounding intersections and the I-5/Nyberg interchange. In addition, the proposed amendment would make some existing non-conforming uses conforming and allow existing uses, including light industrial uses, to remain conforming.

Granting the amendment is in the public interest.

Criterion "1" is met.

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

FINDING: The proposed amendment allows additional commercial/retail uses in Blocks 28 and 29, thus responding to property owner requests and market pressures, while limiting the scale of those uses to control traffic congestion on SW Tualatin-Sherwood Road and at major intersections in downtown Tualatin. Further the proposed amendment does not allow two uses permitted under the existing CG zoning – automobile service stations with or without a mini-mart and motel or tourist courts – to locate in Blocks 28 and 29 as an additional measure to control traffic congestion. Adopting PTA-15-02 now will result in future development that better responds to public requests and market conditions while maintaining traffic congestion at acceptable levels. Without the proposed amendment, attaining this goal may be delayed. Therefore, the public interest is best served by adopting these amendments now.

Granting the amendment at this time best protects the public interest.

Criterion “2” is met.

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

The applicable objectives of the Tualatin Community Plan are discussed below:

Chapter 4 Community Growth

Section 4.050 General Growth Objectives

(6) Arrange the various land uses so as to minimize land use conflicts and maximize the use of public facilities as growth occurs.

FINDING: The proposed amendment is intended to allow more flexibility in uses in Blocks 28 and 29 of the CURP by amending TDC Chapter 60: Light Manufacturing Planning District. The additional proposed uses are limited in scale to minimize conflict with existing, conforming light manufacturing uses and to maintain traffic congestion at acceptable levels, while increasing opportunity for additional commercial/retail uses compatible with development elsewhere in the downtown area, as well as making some existing nonconforming uses conforming. The proposed additional uses are not intended to be "destination" uses that would attract people from outside the immediate area, thus they are not expected to result in increased traffic congestion at nearby intersections or the I-5/Nyberg interchange.

(16) Encourage energy conservation by arranging land uses in a manner compatible with public transportation objectives.

FINDING: Proximity of Blocks 28 and 29 to downtown Tualatin and public transit systems, including the WES commuter rail station and bus services, and the change in character of the area from being dominated by light manufacturing to an increasing variety of commercial businesses in recent years, make the area appropriate for expanded commercial/retail uses consistent with its location and access. Increased use of public transit provides energy conservation benefits by reducing the number of single-occupancy commuting vehicles. Reducing the distance that downtown Tualatin patrons need to travel to meet their daily needs for eating and shopping also will enhance energy conservation.

Chapter 7 Manufacturing Planning Districts

Section 7.030 Objectives

(4) Preserve and protect, with limited exceptions, the City's existing industrial land.

FINDING: The proposed amendment is intended to allow more flexibility in uses in Blocks 28 and 29 of the CURP by amending TDC Chapter 60: Light Manufacturing Planning District. Commercial/retail uses in the General Commercial (CG) Planning District, not including those in the Central Commercial (CC) Planning District, already are allowed in Blocks 28 and 29. Uses in CG are particularly suitable for businesses needing direct automobile access to the freeway and the arterial streets leading to the freeway, such as motels, drive-in restaurants, automobile service stations, carwashes, and other automobile-related uses. There are several automobile-related uses in Blocks 28 and 29, however, in recent years property owners have expressed interest in allowing uses more appropriate in CC, such as health and fitness studios, bicycle repair and sales, hardware sales, and beer brewing and tap room sales. This trend is consistent with the intent of the 2005 Town Center Plan, which identified the need to rezone the entire area of Blocks 28 and 29 to CG, which allows CC uses outright. The proposed amendment recognizes the transition in use from light manufacturing to predominantly commercial/retail use that is occurring in the area and the appropriateness of expanding commercial/retail uses consistent with its location and access. Further, the proposed amendment is specific to Blocks 28 and 29 and will not affect preservation and protection of existing industrial land elsewhere in Tualatin.

Chapter 7 Manufacturing Planning Districts

Section 7.040 Manufacturing Planning District Objectives

(2) Light Manufacturing Planning District (ML)

(c) The purpose of this district is to provide sites for manufacturing uses that are more compatible with adjacent commercial and residential uses and would serve to buffer heavy manufacturing uses. The purpose is also to allow the retail sale of products manufactured, assembled, packaged or wholesaled on the site provided the retail sale area, including the showroom area, is no more than 5% of the gross floor area of the building not to exceed 1,500 square feet. Certain heavier manufacturing uses may be allowed as conditional uses.

FINDING: The proposed amendments will allow a broader range of commercial/retail uses and more flexibility for locating such uses within Blocks 28 and 29 of the CURP in the ML Planning District. This is consistent with the objective of providing a transition from light manufacturing uses to adjacent commercial and residential areas. The sale of products manufactured in the area will not be impacted by the proposed amendment. Further, some existing nonconforming uses will be made conforming.

Based on the findings for each applicable objective above, the proposed amendment is in conformity with the applicable objectives of the Tualatin Community Plan.

Criterion "3" is met.

4. The following factors were consciously considered:

The various characteristics of the areas in the City.

FINDING: Blocks 28 and 29 of the CURP comprise an area in transition, which was recognized in the Plan through allowing CG uses in an area designated ML. Development in the area since adoption of the Plan has been dominated by automobile-related uses, however, in recent years property owners have expressed interest in allowing uses more appropriate in CC, such as health and fitness studios, bicycle repair and sales, hardware sales, and beer brewing and tap room sales. This trend is consistent with the intent of the 2005 Town Center Plan, which identified the need to rezone the entire area of Blocks 28 and 29 to CG, which allows CC uses outright. The proposed amendment recognizes the transition in use from light manufacturing to

predominantly commercial/retail use that is occurring in the area and the appropriateness of expanding commercial/retail uses consistent with its location and access.

The suitability of the area for particular land uses and improvements.

FINDING: Proximity of Blocks 28 and 29 to Downtown Tualatin and public transit systems, including the WES commuter rail station and bus services, and the change in character of the area from being dominated by light manufacturing to an increasing variety of commercial businesses in recent years, make the area appropriate for expanded commercial/retail uses consistent with its location and access.

Trends in land improvement and development.

FINDING: In recent years property owners have expressed interest in expanding uses in Blocks 28 and 29 to allow those more appropriate in CC, such as health and fitness studios, bicycle repair and sales, hardware sales, and beer brewing and tap room sales. This trend is consistent with the intent of the 2005 Town Center Plan, which identified the need to rezone the entire area of Blocks 28 and 29 to CG, which allows CC uses outright. The proposed amendment recognizes the transition in use from light manufacturing to predominantly commercial/retail use that is occurring in this part of Downtown Tualatin and the appropriateness of expanding commercial/retail uses consistent with its location and access.

Property values.

FINDING: The City does not assert proof of any effect on property values that may result from the proposed amendment. However, a Measure 56 notice (in compliance with Oregon Revised Statute [ORS] 227.186, was mailed to property owners in the affected area because permissible uses of property will change as a result of PTA-15-02. Specifically, office, retail, service, and other commercial uses will be restricted to 60,000 square feet per parcel, automobile service stations (gas stations) and motels or tourist courts will be prohibited, and retail and cardlock service stations will be prohibited as a conditional use in Blocks 28 and 29.

The needs of economic enterprises and the future development of the area.

FINDING: The proposed amendment allows additional commercial/retail uses in Blocks 28 and 29, thus responding to property owner requests and market pressures, while limiting the scale of those uses to control traffic congestion on SW Tualatin-Sherwood Road and at major intersections in downtown Tualatin. Further the proposed amendment does not allow two uses permitted under the existing CG zoning – automobile service stations with or without a mini-mart and motel or tourist courts – to locate in Blocks 28 and 29 as an additional measure to control traffic congestion. Adopting PTA-15-02 now will result in future development that better responds to public requests and market conditions while maintaining traffic congestion at acceptable levels.

Needed right-of-way and access for and to particulate sites in the area.

FINDING: Not applicable.

Natural resources of the City and the protection and conservation of said resources.

FINDING: Not applicable.

Prospective requirements for the development of natural resources in the City.

FINDING: Not applicable.

And the public need for healthful, safe, aesthetic surroundings and conditions.

FINDING: Not applicable.

Proof of change in a neighborhood or area.

FINDING: The City does not assert proof of change in a neighborhood or area, however, the trend in recent years in Blocks 28 and 29 has been a desire by property owners to allow uses more appropriate in CC, such as health and fitness studios, bicycle repair and sales, hardware sales, and beer brewing and tap room sales. This trend is consistent with the intent of the 2005 Town Center Plan, which identified the need to rezone the entire area of Blocks 28 and 29 to CG, which allows CC uses outright. The proposed amendment recognizes the transition in use from light manufacturing to predominantly commercial/retail use that is occurring in this part of downtown Tualatin and the appropriateness of expanding commercial/retail uses consistent with its location and access.

Mistake in the Plan Text or Plan Map.

FINDING: There is no mistake in the Plan Text or Plan Map.

The above factors were consciously considered.

Criterion "4" is met.

5. The criteria in the Tigard-Tualatin School District Facility Plan for school facility capacity have been considered when evaluating applications for a comprehensive plan amendment or for a residential land use regulation amendment.

FINDING: Criterion 5 is not applicable because the proposed amendment does not involve a comprehensive plan amendment or amendments to a residential land use regulation.

6. 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: Three State Planning Goals have been identified as applicable to the proposed amendment: Goal 1, Citizen Involvement; Goal 2, Land Use Planning; and Goal 9, Economic Development.

Goal 1, "Citizen Involvement," states, "To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process."

This goal will be met by complying with Tualatin Development Code 1.031 Notice Requirements for Plan Amendments. A notice was published in the Tualatin Times 10 City business days prior to the public hearing. Notices were posted in two conspicuous places within the City and a notice was sent to property owners and businesses in Blocks 28 and 29, to property owners within 1000 feet of the boundary of the affected area, and designated representatives of recognized Citizen Involvement Organizations.

A public open house was held in Blocks 28 and 29 on March 31, 2015, to discuss the proposed code changes and gather feedback from property owners and businesses. The Tualatin Planning Commission held a public meeting on May 21, 2015. This public meeting gave citizens and members of the public an opportunity to comment on the proposed recommendation to the City Council. A public hearing before the City Council will occur on June 8, 2015, during which the public can give input on the proposed amendment. All work session agendas and minutes are available to the public through the City website.

This Goal is satisfied.

Goal 2, “Land Use Planning”, states, “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.”

The Department of Land Conservation and Development (DLCD) has acknowledged the City's Comprehensive Plan as being consistent with the statewide planning goals. The Development Code implements the Community Plan and both pieces combine to make the Comprehensive Plan. The Community Plan establishes a process and standards to review changes to the Tualatin Development Code in compliance with the Community Plan and other applicable state requirements. As discussed above under Criteria “3”, the applicable Community Plan standards have been applied to the proposed amendment.

This Goal is satisfied.

Goal 9, Economic Development, states, “To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.”

The proposed amendment allows additional commercial/retail uses in Blocks 28 and 29, thus responding to property owner requests and market pressures, while limiting the scale of those uses to control traffic congestion on SW Tualatin-Sherwood Road and at major intersections in downtown Tualatin. Further the proposed amendment does not allow two uses permitted under the existing CG zoning – automobile service stations with or without a mini-mart and motel or tourist courts – to locate in Blocks 28 and 29 as an additional measure to control traffic congestion. Adopting PTA-15-02 now will result in future development that better responds to public requests and market conditions while maintaining traffic congestion at acceptable levels.

Compliance with the Transportation Planning Rule (TPR) (OAR 660-012-0060)

DKS Associates conducted a limited TPR analysis for the proposed amendment. This analysis concludes that, based on the documented land use assumptions, the proposed zoning change would not significantly increase daily trips or p.m. peak hour trips. There would be no level of service (mobility standard) impacts at adjacent intersections for the Transportation System Plan horizon year (2035) under this scenario. Off-peak performance of the Main Roadway Routes and Roadway Connectors (as shown in the Regional Freight Network Map in the Metro Regional Transportation Plan) will not be diminished as a result of the proposed zoning change. Because the proposed zoning change does not generate significantly more vehicle trips, the Transportation Planning Rule requirements (OAR 660-012-0060) would be sufficiently met.

Criterion “6” is met.

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

Title 4 of the Metro Functional Plan addresses protection of industrial areas and is relevant to the proposed amendment. Findings for Title 4 are provided below.

Title 4 - Industrial and Other Employment Areas

3.07.440(A) Protection of Employment Areas

This section states, “... cities and counties shall limit new and expanded commercial/retail uses to those appropriate in type and size to serve the needs of businesses, employees and residents of the Employment Area.”

FINDING: Land use in Blocks 28 & 29 currently includes a mix of light manufacturing and auto-oriented commercial/retail. The City receives numerous requests to allow Central Commercial (CC) uses, such as health and fitness facilities and studios, which currently are either allowed in

limited size and as subordinate uses to manufacturing on any given property, or are prohibited outright. The 2005 Town Center Plan identified the need to rezone the entire area to CG, which allows CC uses outright.

The intent of Title 4 to protect Employment Areas will not be met with this proposed change. However, this area is in transition and currently only has about 35% industrial uses compared with 65% commercial/retail uses. The City is requesting to remove the EA designation given the current amount of industrial uses and the transitional status of the area.

3.07.450(C) Employment and Industrial Areas Map

“A city or county may amend its comprehensive plan or zoning regulations to change its designation of land on the Employment and Industrial Areas Map in order to allow uses not allowed by this title upon a demonstration that:”

1. **“The property is not surrounded by land designated on the map as Industrial Area, Regionally Significant Industrial Area or a combination of the two;”**

FINDING: The area referred to as Blocks 28 & 29 is bordered on the west by Industrial Area (IA), however, the rest of the area is bounded by Inner Neighborhood (IN) and Town Center (TC). Therefore, Blocks 28 & 29 are not surrounded by IA or RSIA, and this criterion is met.

2. **“The amendment will not reduce the employment capacity of the city or county;”**

FINDING: The proposed amendment will not reduce the employment capacity of the City of Tualatin. The proposed amendment is intended to allow more flexibility in uses in Blocks 28 & 29. Commercial/retail uses in the General Commercial (CG) Planning District, not including those in the Central Commercial (CC) Planning District, already are allowed in Blocks 28 & 29. There are several automobile-related uses in Blocks 28 & 29, however, in recent years property owners have expressed interest in allowing uses more appropriate in CC, such as health and fitness studios, bicycle repair and sales, hardware sales, and beer brewing and tap room sales. This trend is consistent with the intent of the 2005 Town Center Plan, which identified the need to rezone the entire area of Blocks 28 & 29 to CG, which allows CC uses outright.

The proposed amendment recognizes the transition in use from light manufacturing to predominantly commercial/retail use that is occurring in the area and the appropriateness of expanding commercial/retail uses consistent with its location and access. The amendment does not propose to allow uses, such as residential or land-extensive uses (i.e. warehousing), that potentially would reduce the employment capacity of the area or, by extension, the City. It is likely that additional commercial/retail uses would increase employment density in the area as compared with those already located there, such as automobile-related uses and self-storage. Further, the proposed amendment is specific to Blocks 28 & 29 and will not affect preservation and protection of existing industrial land elsewhere in Tualatin. Therefore, while the type of employment is expected to gradually change in this area to include less industrial employment and more commercial/retail employment, the change will not reduce the employment capacity of the City overall. This criterion is met.

3. **“If the map designates the property as Regionally Significant Industrial Area, the subject property does not have access to specialized services, such as redundant electrical power or industrial gases, and is not proximate to freight loading and unloading facilities, such as trans-shipment facilities;”**

FINDING: Blocks 28 & 29 are not designated Regionally Significant Industrial Area (RSIA), do not have access to specialized services, and are not proximate to freight loading and unloading facilities; therefore, this criterion does not apply.

4. **“The amendment would not allow uses that would reduce off-peak performance on the Main Roadway Routes and Roadway Connectors shown on the Regional Freight Network Map in the RTP below volume-to-capacity standards in the plan, unless mitigating action is taken that will restore performance to RTP standards within two years after approval of uses;”**

FINDING: The amendment would not reduce off-peak performance on the Main Roadway Routes and Roadway Connectors shown on the Regional Freight Network Map in the RTP below volume-to-capacity standards in the plan. DKS Associates performed a transportation analysis of the motor vehicle trip generation potential of the site under existing and proposed zoning. The analysis compares the “worst reasonable case” of traffic generation for these two land use scenarios. The land use assumptions were developed in coordination with City staff, reflecting their judgment of reasonable development potential on the site.

Based on the land use assumptions documented in this analysis, the proposed zoning change would not significantly increase daily trips or p.m. peak hour trips. Because the proposed zoning change does not generate significantly more vehicle trips, Transportation Planning Rule requirements (OAR 660-012-0060) would be sufficiently met.

Similarly, no reduction in off-peak performance for the regional freight system will result from the proposed zoning change. Because the estimated daily vehicle trips do not increase as a result of the proposed zoning change, off-peak performance of the Main Roadway Routes and Roadway Connectors (shown in the Regional Freight Network Map in the RTP) will not be diminished as a result of the amendment.

5. **“The amendment would not diminish the intended function of the Central City or Regional or Town Centers as the principal locations of retail, cultural and civic services in their market areas; and”**

FINDING: Blocks 28 & 29 comprise approximately 20 acres of land in 23 parcels immediately southwest of Tualatin’s Town Center. Some of the parcels, about 35% of the total area, currently are occupied by light industrial uses such as a mini-storage facility and a supplier of concrete building materials. The remainder of the area, about 65%, is occupied with a variety of commercial/retail businesses. For several years Blocks 28 & 29 have been transitioning from light industrial use to commercial/retail because CG uses are allowed and the location of the area in close proximity to the Town Center makes the area appealing for this type of use. In addition the 2005 Town Center Plan identified the need to rezone the entire area of Blocks 28 & 29 to CG, which allows CC uses outright, for this reason. The proposed amendment will not diminish the intended function of the Town Center as the principal location of retail, cultural and civic services in its market area for two reasons:

- The capacity of Blocks 28 & 29 to accommodate substantial commercial/retail development is severely limited by the small size of existing lots, multiple ownerships, and access constraints
- The proposed amendment would limit development of commercial/retail uses to 60,000 square feet per parcel, consistent with the intent of Title 4

Moreover, the amendment will enhance, not diminish the intended function of the Town Center. The criterion is met.

6. **“If the map designates the property as Regionally Significant Industrial Area, the property subject to the amendment is 20 acres or less; if designated Employment Area, the property subject to the amendment is 40 acres or less.”**

FINDING: The area is designated EA and is less than 40 acres in size; therefore, the criterion is met.

The proposed amendment meets all applicable criteria for removing the EA designation from Blocks 28 & 29.

Criterion “7” is met.

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

As stated earlier, DKS Associates conducted a limited TPR analysis for the proposed amendment. This analysis concludes that, based on the documented land use assumptions, the proposed zoning change would not significantly increase daily trips or p.m. peak hour trips. There would be no level of service (mobility standard) impacts at adjacent intersections for the Transportation System Plan horizon year (2035) under this scenario. Off-peak performance of the Main Roadway Routes and Roadway Connectors (as shown in the Regional Freight Network Map in the Metro Regional Transportation Plan) will not be diminished as a result of the proposed zoning change. Because the proposed zoning change does not generate significantly more vehicle trips, the Transportation Planning Rule requirements (OAR 660-012-0060) would be sufficiently met.

Criterion “8” is met.

9. **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: Blocks 28 and 29 of the CURP are fully served by utilities consistent with urban scale development. For this reason, Criterion “9” does not apply.

10. **The applicant has entered into a development agreement.**

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

(b) This criterion is applicable to any issues about meeting the criterion within 1.032(9).

FINDING: The proposed amendment is a legislative, not a quasi-judicial, action; therefore, a development agreement is not appropriate and Criterion “10” does not apply.