



City of Tualatin

www.tualatinoregon.gov

INSTRUCTIONS AND REQUIRED INFORMATION FOR MINOR VARIANCE APPLICATIONS

Chapter 33 of the Tualatin Development Code (TDC) regulates the minor variance process. The City may authorize minor variances from the requirements of the TDC where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of the TDC would cause an undue or unnecessary hardship. Minor variances may be requested to the lot area, lot width, building coverage, setbacks, projections into required yards and structure height development standards for permitted uses in the Residential Low Density Planning District (RL) and single family dwellings in Small Lot Subdivisions in the RL and Residential Medium to Low Density Planning District (RML). No minor variance shall be granted for uses not allowed in the Planning District or to the regulations in TDC Chapter 38, Sign Regulations.

The City Engineer may authorize minor variances when they are part of a Subdivision, Partition or Property Line Adjustment application. The Community Development Director may authorize minor variances that are not part of a Subdivision, Partition or Property Line Adjustment application. If granted, staff may attach conditions that it finds necessary to protect the best interests of the surrounding property and to otherwise achieve the purposes and goals of the Tualatin Community Plan. Minor variances that are not part of a Subdivision, Partition or Property Line Adjustment receive staff review and a staff recommended decision that is final unless a request for review by the City Council is filed within 14 calendar days. Minor variances that are part of a Subdivision, Partition, or Property Line Adjustment are reviewed and decided as part of those applications.

When a minor variance is a staff recommended decision, the decision is mailed to the applicant and project team, property owners and recognized neighborhood associations within 300 feet, City Council members, affected government agencies. A request for review of the staff recommended decision may be submitted by any person provided it is filed within the 14 calendar day period. A request for review of a staff recommended decision is considered by the City Council in a public hearing. Appeal of any Council decision on a minor variance is to the State Land Use Board of Appeals. The State Land Use Board of Appeals limits appeals to persons who have established standing by either submitting written comment to the record, or testifying at the public hearing. When a minor variance is part of another application, its procedure follows that of the other application.

The following information is required with all minor variance applications. If any information is missing or incomplete, the application will not be accepted. Once a complete application is submitted, the review can begin.

1. Obtain [application](#) form from the front counter at the Community Development Department - Planning Division, or if the minor variance is part of a Subdivision, Partition, or Property Line Adjustment, obtain the application from the Engineering Department.
2. An optional Scoping Meeting is highly recommended prior to the required Pre-Application meeting. To schedule a [Scoping](#) or a [Pre-Application meeting](#) with the Community Development Department - Planning Division, you may contact (Lynette Sanford, Office Coordinator at 503-691-3026 or lsanford@ci.tualatin.or.us). The pre-application meeting should occur as the earliest step of your project. The application to request a Pre-Application meeting is available on the city website and the fee is \$205.00.

3. Submit 2 copies of the application form and supporting materials to the Community Development Department - Planning Division, or to the Engineering Department if part of a Partition, Property Line Adjustment, or Subdivision application.
4. Include a filing fee of \$1,050.00 when the primary use is not a single family dwelling in RL or \$285.00 when the primary use is a single family dwelling in RL. Make the check payable to the City of Tualatin.
5. Include a copy of the Washington and/or Clackamas County Assessor's Map(s) showing the subject property and properties within 1000 feet of the subject property (one set of maps is sufficient).
6. Include the correct names and addresses of all owners of property within 1000 feet of the subject property. The current computer roll shall be used. The Tax Lot number and Assessors Map Number must be included with each name and address. The Assessors numbers, names, addresses must be placed on the blank matrix or exact facsimile provided with the application materials. The spacing of the address on the matrix is critical because the addresses are reproduced onto pre-gummed address labels for mailing (one list of property owners is sufficient). Preparation of the list of property owners shall be the applicant's responsibility and shall be prepared by one of the following: a land title company, a land use planning consultant authorized by the State of Oregon to conduct business in the State, registered architect, landscape architect, engineer, surveyor, or attorney. The list of property owners shall be updated not less than every 90 days by the applicant. **All parties listed on the application form shall also be included on the mailing list.**
7. Include a legal description of the subject property as it appears on the deed (one copy is sufficient).
8. Include a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development.
9. The applicant carries the burden of proof that the requested change meets the four approval criteria (Section 33.024 of the Tualatin Development Code) that are listed below. Answer the questions listed below and include a written statement explaining the facts that support your answer to each question.
 - A. Is the minor variance necessary due to an unusual situation that is the result of lot size, lot shape, topography, development circumstances or being able to use the land or public infrastructure more efficiently?
 - B. Does the hardship result from regional economic conditions?
 - C. If granted, will the minor variance be injurious to property abutting the subject property?
 - D. Is the requested minor variance the minimum variance from the provisions and standards of this Planning District which will alleviate the hardship?

A copy of Chapter 33 of the Tualatin Development Code is attached to these instructions. The above materials represent the minimum requirements for minor variance applications. All application forms and written material should be typewritten or printed in ink.

If you have any questions about the minor variance application procedures, or if you wish to arrange for a pre-application conference, please contact the Tualatin Community Development Department - Planning Division, or the Engineering Department if the minor variance will be included in a Subdivision, Partition, or Property Line Adjustment process. Both departments can be reached by calling (503) 692-2000.



City of Tualatin

www.tualatinoregon.gov

APPLICATION FOR MINOR VARIANCE

PLEASE PRINT IN INK OR TYPE

Minor Variance Requested From Section _____ to allow _____
_____ Planning District _____

As the applicant and person responsible for this application, I, the undersigned hereby acknowledge that I have read the instructions and information sheet and understand the requirements described therein, and state that the information supplied is as complete and detailed as is currently possible, to the best of my knowledge.

Applicant's Signature _____

Applicant's Name _____ Phone _____

Applicant's Address _____
(street) (city) (state) (ZIP)

Applicant is: Owner _____ Contract Purchase _____ Developer _____ Agent _____

Other _____

Assessor's Map # _____ Tax Lot #(s) _____

Address of Property _____ Lot Area _____ acres

Existing Buildings (Number and Type) _____

Owner's Name _____

Owner's Address _____
(street) (city) (state) (ZIP)

Owner recognition of application: _____

Signature of owner(s)

