

Tualatin Development Code Improvement Project (TDCIP) Phase 1 Code Update

DRAFT FINDINGS 10/25/18

OVERVIEW

Plan Text Amendment 18-0003 (PTA 18-0003) implements the recommendations of Phase 1 of the Tualatin Development Code Improvement Project (TDCIP), and is focused on identifying and proposing “policy neutral” amendments to the Tualatin Development Code (TDC). This includes proposed revisions to the City of Tualatin’s development regulations, Chapters 31-80 of the Tualatin Development Code (TDC), and minor changes to Chapters 1 and 2 of the Community Plan. The focus of the proposed amendments is improved readability, organization, and user friendliness of the TDC, and to improve the City’s ability to efficiently administer the code. The overriding objective of the Phase 1 amendments is to make improvements while preserving the general substance and policies of the current regulations in order to maintain development outcomes.

The proposed amendments:

- Reorganize chapters and sections into consistent structure and logical sequence;
- Streamline Planning District chapters through the use of tables and standardized Use Categories;
- Clarify language, improve grammar, resolve language conflicts, correct known errors and meet current legal requirements;
- Provide new chapters to simplify, clarify and consolidate information that is currently spread across multiple chapters; and
- Improve the visual and organizational appearance of the TDC.

MEETINGS, NOTICE, OUTREACH & PUBLIC ENGAGEMENT

Tualatin City Council and Planning Commission Meetings, Work Sessions and Workshop with Staff and/or Consultant Presentations

- 11/14/16 City Council Work Session - Tualatin Development Code Update - Project Framing
- 1/19/17 Planning Commission Meeting- Tualatin Development Code Update – Project Framing
- 6/12/17 City Council Work Session - Tualatin Development Code Improvement Project: Update Phase 1
- 6/15/17 Planning Commission Meeting - Tualatin Development Code Improvement Project: Update
- 5/17/18 Planning Commission Meeting - Tualatin Development Code Improvement Project: Phase 1 Update
- 5/29/18 City Council Work Session- Tualatin Development Code Improvement Project:

Update Phase 1

- 9/6/18 Planning Commission Workshop - Tualatin Development Code Improvement Project (TDCIP) Phase 1
- 10/8/18 City Council Work Session – Tualatin Development Code Improvement Project (TDCIP) Phase 1

TDCIP Phase 1 Notices to Interested Parties List

Notice #1: Announcing Tualatin Planning Commission Workshop on September 6, 2018 emailed 08/16/18.

Notice #2: Reminder Notice Announcing Tualatin Planning Commission Workshop on September 6, 2018 and Comment Period for Sept 7-21, 2018 emailed 09/04/18.

Notice #3: Announcing City Council Work Session on October 8, 2018 and Comment Period for TDCIP Phase 1 October 10-24, 2018 emailed 10/02/18.

TDCIP Phase 1 Outreach and Public Engagement

Frequent Customers Tested Phase 1 Draft Amendment #3

Phase 1 Draft Amendment #3 Tested by Frequent Users: Six frequent professional development code customers were invited to participate in a series of questions via Survey Monkey. Three of those customers participated in the survey and survey results were presented at the Tualatin Planning Commission Meeting on September 6, 2018 and at the City Council Work Session on October 8, 2018. Results indicated support for the Draft Amendment #3 work.

Tualatin Planning Commission Workshop September 6, 2018

1. Large yellow public comment cards were placed at each participant's seat at the start of the Workshop.
2. Two bound sets (hard copies) of the draft development code and the existing code were available at the Workshop at the front door sign-in table.
3. A lively presentation was given about the work to date and results thus far of the Phase 1 Clean-up, showing before and after slides of key changes to the Development Code. The presentation included the results of the frequent customers survey mentioned above.
4. Live Interactive Polling was conducted following the presentation involving citizen participation using "clickers" to respond to five key questions about whether the Draft Amendment #3 work achieved the goals and objectives set out for TDCIP Phase 1 Code Clean-Up. The response choices were: 1. Vastly Improved 2. Impressive 3. Good 4. Fair 5. Low or 6. Don't Know. In the last summary style question, "To what degree do you think the Phase 1 Code Clean-Up improves the overall efficiency, consistency and readability of the code?" 57% of the participants chose the response

“Impressive, 29% chose the response “Vastly Improved” and 14% chose the response “Good.”

5. An interactive question and answer opportunity was held following the polling. Citizens were engaged and asked many questions and responses were provided by project consultant, Angelo Planning Group and were also written on large poster paper City staff to document the process.

Comment Periods for TDCIP Phase 1:

1. A comment period was held via Survey Monkey from September 7-21, 2018. Notice was provided to the List of Interested Parties and on the project webpage on the City’s website for his comment periods.
2. A second comment period was held via Survey Monkey from October 10-24, 2018. Notice was provided to the List of Interested Parties and on the project webpage on the City’s website for this comment period.

Agency Coordination

City staff reached out to six agencies (Department of Land Conservation and Development (DLCD), Washington County, Metro, TriMet, Oregon Department of Transportation (ODOT) and Clackamas County) and invited them to review the TDCIP Phase 1 Draft Amendment #3. Three of those agencies accepted (DLCD, Washington County and Metro) and one, DLCD, provided written comment at this stage that was included in the Planning Commission Workshop presentation on September 6, 2018. Results indicated strong support for the Draft Amendment #3 work from DLCD.

SUMMARY OF PROPOSAL

Key changes proposed as part of Plan Text Amendment 18-0003 are summarized by Chapter below:

TDC Chapter 01: Administration Provisions

Sections 1.030 (Initiation of Amendments), 1.031 (Notice Requirements), and 1.032 (Burden of Proof) are proposed to be deleted to avoid creating conflicts with the new chapters. These requirements are now addressed in the new Procedures (Chapter 32) and Applications (Chapters 33). Some definitions were deleted to reduce conflicts and redundancy with definitions contained in Chapter 31 (Definitions).

TDC Chapter 02: Introduction

Minor grammatical changes and updated references are proposed. Section 2.050 was amended to delete a reference to the Urban Renewal Advisory Committee (URAC). Reference to the URAC in the City’s Comprehensive Plan is unnecessary as the URAC advises a separate government entity, the Urban Renewal Agency of the City of Tualatin, and is inactive.

TDC Chapters 03 – 30

No amendments are proposed for these Chapters.

TDC Chapter 31: General Provisions

The following modifications were made to this Chapter:

- Sections 31.020 – 31.050 amended to include a reference to the term “Zone” as equivalent to the City’s current term “Planning District.” Use of the term “Zone” is the more common usage. The table in TDC 31.020 was updated to include all zones within the City. The current table was missing some existing zones.
- Section 31.060 (Definitions) is reorganized and updated:
 - A number of closely related definitions were clustered into “Types” such as “Lighting Types”, “Lot Lines”, “Lot Types”, “Residential Structure Types”, “Setback/Yard Setback” and “Vehicle Types”.
 - All definitions for signs were moved to Chapter 38 (Sign Regulations).
 - All definitions for Landmarks were moved to Chapter 68 (Landmarks).
 - The definitions for types of Uses were moved to New Chapter 39: Use Categories.
 - Antiquated definitions or those not utilized in the TDC were deleted.
 - Some definitions were revised or added for clarification. For example: A definition of “zone” was added to 31.060 and the definition of “planning district” was amended to clarify that these two terms are used interchangeably. A definition of “pharmacy” was added for consistency with the new Use Categories Chapter (Chapter 39).
- Sections 31.063, 31.064, 31.067, and 31.071-31.078 are deleted. These requirements are now addressed in the new Procedures (Chapter 32) and Applications (Chapters 33).
- Section 31.065 contains a “Procedure for Council Recognition of a Neighborhood Association.” This section is deleted because Tualatin Municipal Code Chapter 11-9 addresses these organizations under Citizen Involvement Organizations (CIOs).
- Section 31.070 will remain in Chapter 31 but was updated to require notice to the City Council of “Interpretation of Code Provisions”.
- AMENDMENTS: Sections 31.080 – 31.092 (Amendments) are proposed to be deleted. These requirements are now addressed in the new Procedures (Chapter 32) and Applications (Chapters 33).
- FEES: Section 31.100 was updated to clarify that fees are determined by City Council resolution. Sections 31.101 (Commencement of Action by City) was deleted as the language was included in 31.100
- COMPLIANCE AND ENFORCEMENT: Section 31.105 was moved from Section 36.050 in order to apply it to the TDC generally rather than just the Subdivision Chapter. The current sections of Chapter 31 related to compliance and enforcement (including 31.030, 31.079, 31.110, 31.114,) were consolidated into Section 31.110 and updated to remove redundancy.
- Sections 31.111 was updated to reference the civil violation section in TMC 7-01 and increased the fine amount from \$500 to \$1,000 to reflect the current minimum fines, consistent with other chapters of the TMC.
- Section 3112 was updated to delete a reference to State District Courts as these no longer exist in state law.
- Section 31.113 was amended to use common terms.
- Section 31.120 Violations was deleted as redundant with TDC 31.111.

TDC Chapter 32 – Development Review Procedures

This chapter is entirely new and creates a single chapter that contains all City procedures. This chapter incorporates procedures from current chapters, including Chapter 01 (Administrative

Provisions) and Chapter 31 (General Provisions). While the organization of the chapter is new, the substance of the requirements is consistent with current code requirements and practices. Changes were made to comply with State law. For example, ORS 227.180 requires the City to take final action on certain affordable housing projects within 100 days after the application is deemed complete. This requirement was included in the new procedures. The existing TDC Chapter 32 (Conditional Uses) is no longer contained in this Chapter and moved to Chapter 33 (Applications). Accessory Dwelling Units was added into Procedures Table 32-1 following adoption of Ordinance 1411-18 on July 23, 2018.

TDC Chapter 33 – Applications and Approval Criteria

This chapter is entirely new. It creates one chapter for all applications and the approval criteria within each application. It provides a uniform set of information for each of application type, including: (1) Purpose, (2) Applicability, (3) Procedure Type, (4) Specific Submittal Requirements, and (5) Approval Criteria. This chapter also codifies aspects of current practice, such as the Minor Architectural Review process. This chapter simplifies and clarifies existing application submittal requirements, such as Tree Removal Permit / Review. The provisions in existing TDC Chapter 33 (Variances) and TDC Chapter 32 (Conditional Use Permits) are contained in this chapter. This chapter is intended to work in conjunction with Chapter 32 (Procedures).

TDC Chapter 34: Special Use Regulations

This chapter includes use-specific regulations that are particular to certain types of uses, such as Home Occupations and Accessory Dwelling Units. While some of these uses are currently only allowed in one zone, others are allowed in many. The following modifications were made to this Chapter:

- Temporary uses and tree permit requirements were deleted and are now addressed in TDC Chapter 33 (Applications).
- Masonry “fence” (which is the term used for masonry wall) were deleted and moved to TDC Chapter 73G (Masonry Wall Standards).
- Transitional Uses was deleted.
- A new section on Religious Uses was added in compliance with State law.

TDC Chapter 35: Nonconforming Uses, Development, and Signs

This chapter was updated and replaces the existing TDC Chapter 35 (Nonconforming Uses, Structures and Signs) in its entirety. The current code mixes nonconforming uses, nonconforming development, and nonconforming lot issues into one. The new chapter separates each nonconforming “type” into its own section and evaluation criteria. This Chapter also updates the nonconforming wireless communication facility requirements to be consistent with federal law.

TDC Chapter 36: Subdivisions, Partitions, and Property Line Adjustments

This chapter was rewritten and reorganized and replaces the existing TDC Chapter 36 (Subdividing, Partitioning, and Property Line Adjustments) in its entirety. The updated chapter consolidates the many code sections into one section and process for each land division type. New sections were added, such as Replat and Manufactured Dwelling Park Subdivision Plans, to comply with state law. In addition, the following modifications were made to this Chapter:

- Section 36.050 (Interpretation, Conflict and Rules of Construction) is proposed to be moved to Ch. 31 so that it will apply to the TDC generally, not just land divisions.
- Section 36.410 (Small Lot Subdivisions in the RL and RML Zones) and Section 36.420 (Greenway and Natural Area Dedications in the RL Zone) were moved from the residential zone chapters to this chapter.
- All references to “City Engineer” were updated to “City Manager”.

TDC Chapter 37: Industrial Master Plan

This chapter was deleted in its entirety. The application requirements for an industrial master plan were moved to TDC Chapter 33 – Applications and Approval Criteria.

TDC 38: Sign Regulations

Cross-references were updated to the new Procedures (Chapter 32) and Applications (Chapter 33). References to the “Planning Director” and “Community Services Director” were updated to “City Manager”; and, a reference to the “Central Urban Renewal Areas Central Design District” was updated to the renamed “Central Tualatin Overlay District.” Sign-specific definitions were moved into this Chapter from Chapter 31 (General Provisions).

TDC Chapter 39: Use Categories

This is a new chapter and includes all new language. Each type of “general use” is given organized into a “use category” and then within each category are more particular use descriptors. For example, “Residential Uses” is its own category and within Residential Uses are “Household Living,” “Residential Accessory Uses,” and “Group Living.” The use categories and particular uses provide more detailed description what may be allowed within zoning districts. The use categories in this chapter are used in conjunction with the use table in each zoning district. Definitions for uses were moved to this Chapter from Chapter 31 (General Provisions), and:

- Antiquated use definitions or those not used in the TDC have been deleted.
- Some use definitions deleted because of conflicts with constitutional law.
- Some definitions have been revised or added to the TDC for clarification.

TDC Chapter 40: Low Density Residential (RL) Zone

This chapter replaces existing TDC Chapter 41 (Low Density Residential (RL) Planning District) in its entirety. The chapter organizes the current code into a user-friendly table that lists permitted and conditional uses, as well as the development standards for each use. The descriptions of uses are contained in TDC 39 (Use Categories). Some regulations were moved to other chapters.

For example, regulations pertaining to Small Lot Subdivisions and Greenway and Natural Area Dedications were moved to TDC Chapter 36 (Subdivisions, Partitions, and Property Line Adjustments).

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

This chapter replaces existing TDC Chapter 41 (Medium Low Density Residential (RML) Planning District) in its entirety. The chapter organizes the current code into a user-friendly table that lists permitted and conditional uses, as well as the development standards for each

use. The descriptions of uses are contained in TDC 39 (Use Categories). Some regulations were moved to other chapters.

TDC Chapter 42: Medium High Density Residential (RMH) Zone

This chapter replaces existing TDC Chapter 42 (Medium High Density Residential (RMH) Planning District) in its entirety. The chapter organizes the current code into a user-friendly table that lists permitted and conditional uses, as well as the development standards for each use. The descriptions of uses are contained in TDC 39 (Use Categories). Some regulations were moved to other chapters.

TDC Chapter 43: High Density Residential (RH) Zone

This chapter replaces existing TDC Chapter 43 (High Density Residential (RH) Planning District) in its entirety. The chapter organizes the current code into a user-friendly table that lists permitted and conditional uses, as well as the development standards for each use. The descriptions of uses are contained in TDC 39 (Use Categories). Some regulations were moved to other chapters.

TDC Chapter 44: High Density High Rise Residential (RH-HR) Zone

This chapter replaces existing TDC Chapter 44 (High Density High Rise Residential (RH-HR) Planning District) in its entirety. The chapter organizes the current code into a user-friendly table that lists permitted and conditional uses, as well as the development standards for each use. The descriptions of uses are contained in TDC 39 (Use Categories). Some regulations were moved to other chapters.

TDC Chapter 49: Institutional (IN) Zone

This chapter replaces existing TDC Chapter 49 (Institutional (IN) Planning District) in its entirety. The chapter organizes the current code into a user-friendly table that lists permitted and conditional uses, as well as the development standards for each use. The descriptions of uses are contained in TDC 39 (Use Categories). Some regulations were moved to other chapters.

TDC Chapter 50: Office Commercial (CO) Zone

This chapter replaces existing TDC Chapter 50 (Office Commercial (CO) Planning District) in its entirety. The chapter organizes the current code into a user-friendly table that lists permitted and conditional uses, as well as the development standards for each use. The descriptions of uses are contained in TDC 39 (Use Categories). Some regulations were moved to other chapters.

TDC Chapter 51: Neighborhood Commercial (CN) Zone

This chapter replaces existing TDC Chapter 51 (Neighborhood Commercial (CN) Planning District) in its entirety. The chapter organizes the current code into a user-friendly table that lists permitted and conditional uses, as well as the development standards for each use. The descriptions of uses are contained in TDC 39 (Use Categories). Some regulations were moved to other chapters.

TDC Chapter 52: Recreational Commercial (CR) Zone

This chapter replaces existing TDC Chapter 52 (Recreational Commercial (CR) Planning District) in its entirety. The chapter organizes the current code into a user-friendly table that lists permitted and conditional uses, as well as the development standards for each use. The descriptions of uses are contained in TDC 39 (Use Categories). Some regulations were moved to other chapters.

TDC Chapter 53: Central Commercial (CC) Zone

This chapter replaces existing TDC Chapter 53 (Central Commercial (CC) Planning District) in its entirety. The chapter organizes the current code into a user-friendly table that lists permitted and conditional uses, as well as the development standards for each use. The descriptions of uses are contained in TDC 39 (Use Categories). Some regulations were moved to other chapters.

TDC Chapter 54: General Commercial (CG) Zone

This chapter replaces existing TDC Chapter 54 (General Commercial (CG) Planning District) in its entirety. The chapter organizes the current code into a user-friendly table that lists permitted and conditional uses, as well as the development standards for each use. The descriptions of uses are contained in TDC 39 (Use Categories). Some regulations were moved to other chapters.

TDC Chapter 55: Mid-Rise Office Commercial (CO/MR) Zone

This chapter replaces existing TDC Chapter 55 (Mid-Rise Office Commercial (CO/MR) Planning District) in its entirety. The chapter organizes the current code into a user-friendly table that lists permitted and conditional uses, as well as the development standards for each use. The descriptions of uses are contained in TDC 39 (Use Categories). Some regulations were moved to other chapters.

TDC Chapter 56: Medical Center (MC) Zone

This replaces existing TDC Chapter 56 (Medical Center (MC) Planning District) in its entirety. The chapter organizes the current code into a user-friendly table that lists permitted and conditional uses, as well as the development standards for each use. The descriptions of uses are contained in TDC 39 (Use Categories). Some regulations were moved to other chapters.

TDC Chapter 57: Mixed Use Commercial Overlay District

No amendments are proposed.

TDC Chapter 58: Central Tualatin Overlay Zone

This chapter is new. Currently, the regulations that implement the Central Urban Renewal Area Plan are distributed throughout multiple zones including the Central Commercial (CC), General Commercial (CG), Office Commercial (CO), Light Manufacturing (ML), High Density Residential (RH), and High Density High Rise Residential (RH-HR). This complicates the base zone chapters and makes it difficult for users to understand. This new chapter integrates the entire regulations specific to the Central Tualatin Urban Renewal Area in one place to create an overlay zone chapter. To enhance usability, notes are provided in the base zone chapters to direct users to this chapter if their site is located in the Central Tualatin Overlay Zone. Consistent with the current TDC, if a use regulation or development standard is not modified in

the Central Tualatin Overlay, then the base zone regulation applies. The title of the chapter (“Central Tualatin Overlay Zone”) does not include “urban renewal area” because the urban renewal district is no longer active to eliminate possible confusion with Urban Renewal, which has separate legal requirements and provisions.

TDC Chapter 59 – Does not exist.

TDC Chapter 60: Light Manufacturing (ML) Zone

This chapter replaces existing TDC Chapter 60 (Light Manufacturing (ML) Planning District) in its entirety. The chapter organizes the current code into a user-friendly table that lists permitted and conditional uses, as well as the development standards for each use. The descriptions of uses are contained in TDC 39 (Use Categories). Some regulations were moved to other chapters.

TDC Chapter 61: General Manufacturing (MG) Zone

This chapter replaces existing TDC Chapter 61 (General Manufacturing (MG) Planning District) in its entirety. The chapter organizes the current code into a user-friendly table that lists permitted and conditional uses, as well as the development standards for each use. The descriptions of uses are contained in TDC Chapter 39 (Use Categories). Some regulations were moved to other chapters.

TDC Chapter 62: Manufacturing Park (MP) Zone

This chapter replaces existing TDC Chapter 62 (Manufacturing Park (MP) Planning District) in its entirety. The chapter organizes the current code into a user-friendly table that lists permitted and conditional uses, as well as the development standards for each use. The descriptions of uses are contained in TDC Chapter 39 (Use Categories). Some regulations were moved to other chapters.

TDC Chapter 63: Industrial Uses and Utilities and Manufacturing Zones - Environmental Regulations

This chapter was updated to clarify its applicability and method of measurement, as well as what stored materials and waste materials are allowed. Section 63.058 (Dangerous Substances) was added to clarify the existing TDC prohibited uses in the Manufacturing Planning Districts.

TDC Chapter 64: Manufacturing Business Park (MBP) Zone

This chapter replaces existing TDC Chapter 64 (Manufacturing Business Park (MBP) Planning District) in its entirety. The chapter organizes the current code into a user-friendly table that lists permitted and conditional uses, as well as the development standards for each use. The descriptions of uses are contained in TDC 39 (Use Categories). Some regulations were moved to other chapters.

TDC Chapters 65; 66; and 67 do not currently exist.

TDC Chapter 68: Historic Preservation

This chapter was amended for consistency with the new Chapter 32 (Procedures 32) and Chapter 33 (Applications). The chapter was also amended to update and clarify language consistent with state law. Some of the key revisions are:

- Provisions required by state law regarding owner consent, 120-day Delay for Demolition or Modification Permit, and National Register Resource protection were added.
- The definitions pertaining to landmarks and historic preservation were moved to this Chapter from Chapter 31 (General Provisions)
 - Some definitions were updated/revised and some definitions were added for clarity or consistency with state law.
 - The definition for “Landmark” was clarified to be consistent with state definition for “locally significant historic resources”.
 - The definition for “Significant Historic Resource” was added and includes Landmark and National Register Resource to be consistent with state law.
- The Landmark List (previously titled Landmark Inventory which listed 26 landmarks) was updated to remove the 4 landmarks that were demolished in recent years including the Barngrover Barn built 1899, Nyberg House built 1905, Minnie Skog House built 1916 and Log Cabin on Childs Rd built 1930.
- A correction to an obvious error to the minimum requirement for age of a historic resource was made, changing it from less than 50 years to more than 50 years.

TDC Chapter 69: Industrial Business Park Overlay Planning District

No amendments are proposed to this chapter.

TDC Chapter 70: Flood Plain District (FP)

No changes are proposed to Chapter 70 at this time. Chapter 70 was recently updated by Ordinance No. 1413-18.

TDC Chapters 71 through 72 – No amendments are proposed.

TDC Chapter 73: Community Design Standards

Chapter 73 was modified to make it easier to read and breaks out each design requirement by its particular form. Former chapter 73 is reorganized into the following chapters:

- Chapter 73A – Site Design
- Chapter 73B – Landscaping Standards
- Chapter 73C – Parking Standards
- Chapter 73D – Waste Management and Recycling Standards
- Chapter 73E – Central Design District Standards
- Chapter 73F – Wireless Facilities Standards
- Chapter 73G – Masonry Wall Standards.

In addition, the following modifications were made to this Chapter:

- Sections 73.030 through 73.038 regarding the creation, qualifications, and work of the Architectural Review Board was deleted to eliminate inconsistencies as these provisions already exist in TMC 11-08 (Architectural Review Board).
- Sections 73.010, 73.020 and 73.040 through 73.095 related to the Architectural Review

Process were deleted. This information is now addressed in Chapter 32 (Procedures) and Chapter 33 (Applications).

- Wireless facilities standards which were previously repeated in all the zones were moved to Chapter 73F (Wireless Facilities Standards).
- Standards related to masonry walls were moved from Chapter 34 (Special Uses) to 73G (Masonry Wall Standards).
- Updating section names to avoid duplicate section names and changing “planning district” to “zone” and “Community Development Director” to “City Manager.”
- Some of landscape standards were moved to tables.

TDC Chapter 74: Public Improvement Requirements

This chapter is unchanged from the current version except for updates to change references from City Engineer to City Manager and minor grammatical changes.

TDC Chapter 75: Access Management

New language was added to current code provisions to clarify the intent of the chapter and provide clear requirements for permits and requirements. Amendments were made to specify the access management permits are a Type II permit under the City’s new Chapters 32 (Procedures) and Chapter 33 (Applications) process. Modifications were made to clarify the application requirements for the permit process. Some items not address include:

- Problems with the current code referencing specific business names and tax lots, e.g., GI Joes. Business can come and go and tax lot numbers can change. These provisions were not addressed in this amendment, but should be modified with future amendments.
- Some of the provisions in this chapter should be deleted and moved to the City’s Transportation Master Plan when future master plan updates occur.

TDC Chapters 76; 77; 78; and 79 do not currently exist.

TDC Chapter 80: Marijuana Facilities

The definition of marijuana was updated to reference the family Cannabaceae.

APPROVAL CRITERIA SECTION 1.032

The approval criteria of the Tualatin Development Code (TDC), Section 1.032, 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.

Staff identifies that it is in the public interest to:

- a) Improve the readability, organization and user friendliness of the TDC’s land use regulations; and
- b) Improve the City’s ability to efficiently administer the TDC.

Updating the TDC was a Council priority to improve the understanding and administration of the TDC. Currently some chapters of the TDC are out-of-date and others were amended in a

piecemeal fashion over the years, resulting in land use regulations that are confusing and difficult to administer. The proposed amendments:

- Reorganize the TDC chapters and sections into consistent structure and logical sequence;
- Streamline Planning District chapters through the use of tables and standardized Use Categories;
- Clarify language, improve grammar and flow, resolve language conflicts, correct known errors and meet current legal requirements ;
- New chapters for Procedures and Applications to simplify, clarify, and consolidate information that is currently spread across multiple chapters; and
- Improve the visual and organizational appearance of the code.

Considerable care was taken in crafting the amendments to ensure development approved under the proposed updated TDC would be consistent with development approved under the current TDC. The new use classification system proposed in TDC Chapter 39 (Use Categories) defines each use categories allowed in the zoning districts. The use categories were defined to be consistent with the current lists of uses to the extent feasible. However, some of these use categories are broader than the specific use lists in the current code. As a result, additional limitations were placed on use categories within the use tables of the zones to be consistent with the uses allowed in the current TDC. Existing development standards, such as lot size, density, maximum height and setbacks, were moved into tables, but the substance of the standards was retained. The procedures for processing land use applications were updated for ease of administration but notice requirements and other processes are consistent with the current TDC or implement changes necessitate by changes in State law. Therefore, granting the amendment is in the public interest, and Criterion “1” is satisfied.

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

As discussed for Criterion “1” above, the objective of the proposed amendment is to improve the readability, organization, and user friendliness of the TDC’s land use regulations; and to improve the City’s ability to efficiently administer these regulations. Updating the TDC was a Council priority to enhance efficient government service to the public. The updated TDC will assist planning staff to facilitate the development review process and make it easier for all users to access information related to land use and development in the City of Tualatin. In addition, the City will begin Phase 2 of the TDCIP, which will focus on public outreach and policy review. Completing Phase 1 of the TDCIP prior to the conclusion of Phase 2 will aid in clarifying the policy issues for Phase 2 consideration. These conditions make the amendment timely.

Therefore, granting the amendment at this time best protects the public interest, and Criterion “2” is satisfied.

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

Chapters 1 and 2 of the Tualatin Community Plan are proposed to be amended in Phase 1 of the TDCIP:

- TDC Chapter 01 (Administration Provisions) was amended to remove redundant information about procedures and applications and to remove redundant definitions.
- TDC Chapter 02 (Introduction) was amended to correct minor grammatical changes and update references. Section 2.050 was amended to reflect the current status of the Urban Renewal Advisory Committee (URAC) as inactive.

As discussed for Criterion “1” above, considerable care was taken to ensure development approved under the proposed updated TDC would be consistent with development approved under the current TDC. Existing development standards, such as lot size, density, maximum height and setbacks, were moved into tables, but the substance of the standards was retained. Because the proposed amendments to TDC Chapters 31 – 80 were written to be “policy neutral”, the updated chapters remain consistent with the policies related to planning districts and development in the Tualatin Community Plan (TDC Chapters 03 – 30).

Therefore, the proposed amendment is in conformity with the applicable objectives of the Tualatin Community Plan, and Criterion “3” is satisfied.

4. The following factors were consciously considered:

The various characteristics of the areas in the City; the suitability of the areas for particular land uses and improvements in the areas;

The updated TDC does not change the uses, densities, and/or intensities of development, or the applicable development and design standards of the current TDC. The updated TDC does not change development outcomes. Therefore, the suitability of areas for a particular land use or amendment to the Planning District Map is not proposed as a part of this amendment.

Trends in land improvement and development; property values;

This factor is not applicable as the proposed amendment would not result in legislative changes that would affect trends in land improvement and/or development.

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

The proposed changes to the TDC will not affect the needs of economic enterprises and the future development of the area. However, the goals of the project to improve the readability, organization and user friendliness of the TDC’s land use regulations, and to improve the City’s ability to efficiently administer the TDC, will potentially benefit economic enterprises within the City of Tualatin by reducing transaction costs related to development.

Needed right-of-way and access for and to particular sites in the area;

The proposed amendment would not impact needed right-of-way and access for and to particular sites in the area. The amendment would not change the Transportation System Plan. Further, standards related to Public Improvement Requirements in TDC Chapter 74 and Access Management in TDC Chapter 75 will continue to apply.

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

The proposed amendment would not result in legislative changes to protection and conservation of natural resources in the City. The standards related to natural resources including Flood Plain District (TDC Chapter 70), Wetlands Protection District (TDC Chapter 71) and Natural Resource Protection Overlay District (TDC Chapter 72) will continue to apply.

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

The proposed amendment would not result in changes to prospective requirements for the development of natural resources in the City. The standards related to natural resources including Flood Plain District (TDC Chapter 70), Wetlands Protection District (TDC Chapter 71) and Natural Resource Protection Overlay District (TDC Chapter 72) will continue to apply.

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

The proposed amendment would not change current development requirements. However, the amendment would provide a benefit for healthful, safe, and esthetic surroundings and conditions as the amendment will make development requirements and standards clearer. This will provide a better understanding of development expectations and allow easier compliance with code requirements. The result will be enhanced healthful, safe, and esthetic surroundings and conditions.

Proof of change in a neighborhood or area.

The updated TDC does not change the uses, densities, and intensities of development, and does not change the applicable development and design standards of the current TDC. The updated TDC does not change development outcomes and therefore, the amendment does not change a neighborhood or area.

Mistake in the Plan Text or Plan Map.

The proposed amendment does include the correction of errors in the plan text. For example, in TDC Chapter 68 (Historic Preservation), a correction was made to an obvious error to the minimum requirement for age of a historic resource, changing it from less than 50 years to more than 50 years. Also, the Landmark List (previously titled Landmark Inventory which listed 26 landmarks) was updated to remove the 4 landmarks that were demolished. New sections were added to Chapter 36 (Subdivisions) to include provisions regarding Replat and Manufactured Dwelling Park Subdivision Plans, to comply with state law. Updates were also made to Wireless Facilities to comply with federal law.

All of the above factors were consciously considered; therefore, Criterion “4” is satisfied.

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

The proposed amendment does not result in a change to the Plan Map. The proposed amendment does not modify current residential densities or housing types. As a result, the amendment does not impact school district capacity. Criterion “5” is not applicable.

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).

The Department of Land Conservation and Development (DLCD) has acknowledged the City’s Comprehensive Plan as being consistent with the statewide planning goals. As discussed for Criterion “1” above, considerable care was taken to ensure that development approved under the proposed updated TDC would be consistent with development approved under the current TDC. Existing development standards, such as lot size, density, maximum height and setbacks, were moved into tables, but the substance of the standards was retained. Because the proposed amendments to TDC Chapters 31 – 80 were written to be “policy neutral”, the updated chapters remain consistent with the statewide planning goals.

No map amendments or amendments to residential densities or housing types or to intensities of permitted non-residential uses are proposed; therefore, the amendments will have no impact on transportation facilities.

The PTA is consistent with the State of Oregon Planning Goals and applicable Oregon Administrative Rules; therefore, Criterion “6” is satisfied.

APPLICABLE STATEWIDE PLANNING GOALS

1. CITIZEN INVOLVEMENT Goal 1 requires each city and county to have a citizen involvement program. OAR 660-015-0000(1)

Findings: The City, through the Tualatin Development Code has created proper procedures to ensure citizens the opportunity to have input in any proposed text amendment. Opportunities for public input will be available in the hearings process prior to action on this proposal. Notification of this proposal and hearing is detailed above.

The proposed PTA includes a new Procedures Chapter (TDC Chapter 32). This chapter retains the notification requirements established in the current Tualatin Development Code. These requirements meet or exceed the State requirements for notice of a land use decision or land use hearing.

The City has therefore met its obligation of providing for Citizen Involvement under Statewide Planning Goal 1, as defined through the City’s adopted procedures, and as those procedures are proposed to be amended.

This Goal and applicable OAR are satisfied.

2. LAND USE PLANNING Goal 2 outlines the basic procedures of Oregon's statewide planning program. It says that land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted. It requires that

plans be based on "factual information"; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. OAR 660-015-0000(2)

Findings: The proposed PTA includes a new Procedures chapter (TDC Chapter 32). This chapter more clearly outlines the processes applicable to land use decisions and the requirements for the notification of other affected jurisdictions and agencies. In addition, the Procedures chapter has been updated to reflect changes in state law related to the length of time a jurisdiction may take in reviewing certain affordable housing projects (100 days rather than 120 days).

By clarifying and updating these requirements, the Procedures chapter will help ensure compliance with Goal 2.

This Goal and applicable OAR are satisfied.

5. OPEN SPACES, SCENIC AND HISTORIC AREAS AND NATURAL RESOURCES

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)

Findings: There are no text or map changes that modify the City's existing open space and natural resources requirements. The proposed PTA does not include any map changes or changes to the regulations for those Goal 5 resources regulated by TDC Chapter 71 (Wetlands Protection District) and TDC Chapter 72 (Natural Resource Protection Overlay District). The proposed amendment does modify the City's Historic Resources provisions, but does not modify the process for each resource to be inventoried and evaluated. The proposed amendments include changes to TDC Chapter 68 (Historic Preservation). This Chapter is proposed to be modified to update and clarify language consistent with state law. Some of the key revisions include:

- Provisions required by state law regarding owner consent, 120-day Delay for Demolition or Modification Permit, and National Register Resource protection were added.
- The definitions pertaining to landmarks and historic preservation were moved to this Chapter from Chapter 31 (General Provisions)
 - Some definitions were updated/revised and some definitions were added for clarity or consistency with state law.
 - The definition for "landmark" was clarified to be consistent with state definition for "locally significant historic resources".
 - The definition for significant historic resource was added and includes Landmark and National Register Resource to be consistent with state law.
- The Landmark List (previously titled Landmark Inventory which listed 26 landmarks) was updated to remove the 4 landmarks that were demolished in recent years including the Barngrover Barn built 1899, Nyberg House built 1905, Minnie Skog House built 1916 and Log Cabin on Childs Rd built 1930.

- A correction to an obvious error to the minimum requirement for age of a historic resource was made, changing it from less than 50 years to more than 50 years.

These proposed amendments to TDC Chapter 68: Historic Preservation will help ensure that Goal 5 Historic Resources are protected appropriately, and in a manner consistent with state law.

This Goal and applicable OARs are satisfied.

6. AIR, WATER AND LAND RESOURCES QUALITY. This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution. OAR 660-015-0000(6)

Findings: The City's existing standards related to water quality resources will continue to apply. The proposed PTA does not include any text or map changes or changes to the regulatory approach for water quality resources regulated by TDC Chapter 71 (Wetlands Protection District) and TDC Chapter 72 (Natural Resource Protection Overlay District). No changes are proposed to the public facility requirements in Chapter 74 related to water quality, storm water detention and erosion control.

The PTA does include proposed changes to TDC Chapter 63 (Industrial Uses and Utilities and Manufacturing Zones - Environmental Regulations) to clarify current regulatory requirements. The proposed changes to TDC Chapter 63 (Manufacturing Environmental Regulations) clarify the applicability of current regulations involving air, noise, vibration, odors, and other environmental regulation. The proposed amendments also clarify the method of measurement to ensure better knowledge of compliance requirements. In addition, the proposed amendments clarify which stored materials and waste materials are allowed.

These changes will enhance the City's ability to protect air and water quality. The proposed amendments are consistent with Goal 6.

This Goal and applicable OAR are satisfied.

7. AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS Goal 7 deals with development in places subject to natural hazards such as floods or landslides. OAR 660-015-0000(7)

Findings: The City's existing standards related to natural hazards will continue to apply. The proposed PTA does not include any map or text changes or changes to the regulatory approach for the Flood Plain District (TDC Chapter 70).

This Goal and applicable OAR are satisfied.

8. RECREATION NEEDS. This goal calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. OAR 660-015-0000(8) and OAR 660.034 (State and Local Park Planning)

Findings: The proposed amendments do not impact the current policy goals and regulatory requirements relating to recreational facilities. The proposed requirements enhance and clarify the current requirements to make them easier to understand.

The PTA does not include any changes to TDC Chapter 15 (Parks and Recreation) or to the location or size of any existing or future parks and open space facilities. TDC Chapter 39 (Use Classifications) of the PTA includes two related institutional use categories:

Section 39.600 – Greenways and Natural Areas.

Section 39.610 – Parks and Open Areas.

Consistent with the existing TDC, the PTA identifies Greenways and Natural Areas as a permitted use in all zones except Medical Center Planning District (MC). Parks and Open Areas are not permitted in the industrial and manufacturing zones. Parks and Open Areas are generally permitted or permitted with limitations or conditional use approval in commercial and residential zones, although there are specific exceptions that may apply. For example, in the Low Density Residential (RL) Zone permitted uses are limited to public parks and playgrounds and conditional uses are limited to golf course or country clubs with a golf course. These limitations in the use tables are intended to maintain consistency with the existing TDC.

This Goal and applicable OARs are satisfied.

9. ECONOMY OF THE STATE Goal 9 asks communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs. OAR 660-015-0000(9) and OAR 660-009 (Economic Development)

Findings: The PTA does not include any changes to TDC Chapter 6 (Commercial Planning Districts) or TDC Chapter 7 (Manufacturing Planning Districts). The proposed amendments do not impact the inventory of commercial and industrial lands. The proposed amendments do not rezone any land uses and there are no changes proposed to the boundaries of lands zoned for commercial and industrial uses, as indicated on the City's adopted Planning District Map. The types of commercial and industrial uses and overall intensities of use in the current code will continue to be permitted under the proposed amendments. Therefore, the PTA will not impact the City's current or future need for commercial and industrial land.

This Goal and applicable OARs are satisfied.

10. HOUSING This goal specifies that each city must plan for and accommodate housing types, such as multifamily and manufactured housing. It also prohibits local plans from discriminating against needed housing types. OAR 660-015-0000(10), OAR 660-007 (Metropolitan Housing) and OAR 660-008 (Interpretation of Goal 10 Housing)

Findings: The proposed amendments do not impact the current policy goals and regulatory requirements relating to housing. The proposed amendments do not propose changes to the Plan Map for residential lands. All residential uses currently in existence will continue to be allowed.

The PTA does not include any changes to TDC Chapter 5 (Residential Planning Districts). No changes are proposed to the boundaries of lands zoned for residential uses as indicated on the City's adopted Planning District Map. The types of residential uses, and the density and intensities of such development, permitted today by the current TDC within the various residential and mixed-use zoning districts will continue to be permitted by the updated TDC.

The proposed amendments include changes relating to Accessory Dwelling Units consistent with state law mandates (e.g., changes to ORS 227.180 that require the City to take final action on certain affordable housing projects within 100 days after the application is deemed complete). The proposed amendments also clarify the subdivision process, consistent with state law. The proposed code clarifications enhance the City's compliance to provide clear and objective standards for housing and thus comply with Goal 10 and the applicable OARs.

This Goal and applicable OARs are satisfied.

11. PUBLIC FACILITIES AND SERVICES Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. OAR 660-015-0000(11) and OAR 660-011 (Public Facilities Planning)

Findings: The PTA does not include any changes to TDC Chapter 8 (Public, Semi-Public and Misc. Land Uses), TDC Chapter 12 (Water Service), TDC Chapter 13 (Sewer Service) or TDC Chapter 14 (Drainage Plan and Surface Water Management). No changes are proposed to the public facility requirements in TDC Chapter 74 (Public Improvement Requirements). Public service uses, such as fire stations, are permitted in the proposed zoning chapters in a manner consistent with the current TDC. The PTA does not include any map amendments or amendments to residential densities or housing types or to the type or intensities of permitted non-residential uses; therefore, the PTA will have no impact on demand for public facilities and services.

This Goal and applicable OARs are satisfied.

12. TRANSPORTATION The goal aims to provide "a safe, convenient and economic transportation system" and the Oregon Administrative Rules. OAR 660-015-0000(12) and OAR 660-012 (Transportation Planning Rule)

Findings: The Transportation Planning Rule requires certain actions 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. The PTA does not include any changes to TDC Chapter 11 (Transportation) or the transportation standards in TDC Chapter 74 (Public Improvement Requirements) or TDC Chapter 75 (Access Management). No changes are proposed to the boundaries of

lands zoned for residential uses or non-residential uses as indicated on the City's adopted Planning District Map. The types of residential and non-residential uses, and the density and intensities of such development permitted today by the current TDC within the various zoning districts, will continue to be permitted by the updated TDC. Therefore, the PTA will have no impact on the provision of, or demand for, transportation facilities.

This Goal and the applicable OAR are satisfied.

13. ENERGY Goal 13 declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles." OAR 660-015-0000(13)

Findings: The PTA does not include any changes to the boundaries of lands zoned for residential uses or non-residential uses as indicated on the City's adopted Planning District Map. The types of residential and non-residential uses, and the density and intensities of such development permitted today by the current TDC within the various zoning districts, will continue to be permitted by the updated TDC. Therefore, the PTA is not expected to impact the City's jobs/housing balance or other factors which affect energy consumption.

This Goal and applicable OAR are satisfied.

14. URBANIZATION This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. OAR 660-015-0000(14) and OAR 660-024 (Urban Growth Boundaries)

Findings: The PTA does not include any changes to TDC Chapter 4 (Community Growth). No changes are proposed to the boundaries of lands zoned for residential uses or non-residential uses as indicated on the City's adopted Planning District Map. The types of residential and non-residential uses, and the density and intensities of such development permitted today by the current TDC within the various zoning districts, will continue to be permitted by the updated TDC. Therefore, the PTA is not expected to impact the City's current or future need for land.

This Goal and applicable OARs are satisfied.

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

The City of Tualatin is currently in compliance with the applicable provisions of the Urban Growth Management Functional Plan. As discussed for Criterion "6" above, because the proposed amendments to TDC Chapters 31 – 80 were written with the intention of being "policy neutral", the updated chapters remain consistent with current policies and practices except as necessary to comply with updates to State law. No amendments are proposed which would take the City of Tualatin out of compliance with the Urban Growth Management Functional Plan.

The PTA is consistent with the Urban Growth Management Functional Plan; therefore, Criterion “7” is satisfied.

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.

The proposed amendments do not change the Plan Map or development densities. The proposed amendments do not change housing types or the intensities of permitted non-residential uses. The proposed amendment does not modify street standards. As a result, As the PTA will have no impact on transportation facilities or vehicle trip generation. Criterion “8” is not applicable.

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.

The proposed amendments do not change the Plan Map or development densities. The proposed amendments do not change housing types or to the intensities of permitted non-residential uses. The proposed amendment does not modify water, sewer, or stormwater standards. As a result, As the PTA will have no impact public facilities standards related to potable water, sanitary sewer, or surface water management. Criterion “9” is not applicable.

10. The applicant has entered into a development agreement.

The PTA is initiated by staff. Criterion “10” is not applicable.