

ORDINANCE NO. 1454-21

AN ORDINANCE AMENDING TUALATIN COMPREHENSIVE PLAN MAP 10-1 TO AMEND THE NEIGHBORHOOD COMMERCIAL (CN) AND MEDIUM LOW DENSITY RESIDENTIAL (RML) ZONES FOR PARCELS LOCATED AT TAX MAP 2S135D, TAX LOTS 400, 401, 500, and 501; AND AMENDING TUALATIN DEVELOPMENT CODE SECTION 51.110 AND 51.200 (PMA 20-0002 AND PTA 20-0005)

WHEREAS, upon the application of Lennar Homes Inc. and AKS Engineering, and with support of the property owners, a public hearing was held before the City Council on March 8, 2021, to consider a Plan Map Amendment and Plan Text Amendment to amend the Tualatin Comprehensive Plan and Tualatin Development Code (PMA 20-0002 AND PTA 20-0005);

WHEREAS, the City provided notice of proposed amendments to the Oregon Department of Land Conservation and Development, as provided in ORS 197.610;

WHEREAS, the City provided notice of the public hearing, as required by TDC 32.250 and TDC 33.070;

WHEREAS, at the public hearing, the Council heard and considered the testimony and evidence presented by City staff, and those appearing at the public hearing, and approved the proposed amendments;

WHEREAS, the Council wishes to amend the Tualatin Comprehensive Plan Map 10-1 and Tualatin Development Code Section 51.110 and 51.200; and

WHEREAS, the Council finds the proposed amendments to be in the best interest of the residents and inhabitants of the City and the public that the public interest will be served by adopting the amendments at this time, and that the amendments conform to the Tualatin Community Plan and Tualatin Development Code.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

**Section 1.** TDC 51.110 (District Location Standards) is amended to read as follows:

**TDC 51.110. - District Location Standards.**

(1) District Location. ~~The boundaries of a CN district must be separated from school property by not less than 300 feet.~~ The boundaries of a CN District must be separated from all other CN, CC, and CG districts by at least 1,320 feet.

(2) Street Frontage. At least one-fourth of the total street frontage of the CN District area must be on an Arterial or Major Collector street.

**Section 2.** TDC 51.200 (Use Categories) is amended to read as follows:

**TDC 51.200. - Use Categories.**

(1) *Use Categories.* Table 51-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the CN zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 51-1 and restrictions identified in TDC 51.210. Limitations may

restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.

(2) *Overlay Zones.* Additional uses may be allowed in a particular overlay zone. See the overlay zone Chapters for additional uses.

**Table 51-1  
Use Categories in the CN Zone**

<b>USE CATEGORY</b>	<b>STATUS</b>	<b>LIMITATIONS AND CODE REFERENCES</b>
<b>RESIDENTIAL USE CATEGORIES</b>		
Household Living	P (L)	Permitted uses limited to one (1) dwelling unit for each business located on the lot.
<b>COMMERCIAL USE CATEGORIES</b>		
Retail Sales and Services	P (L)	Permitted uses limited to: General merchandise or variety stores; <ul style="list-style-type: none"> <li>• Food stores, subject to TDC 51.210(1);</li> <li>• Drug store and pharmacy;</li> <li>• Laundry and dry cleaning, subject to TDC 51.210(2);</li> <li>• Beauty and barber shops;</li> </ul> Shoe repair; and <ul style="list-style-type: none"> <li>• Child day care center, subject to TDC 34.100.</li> </ul> All commercial uses subject to floor area limitation, see TDC 51.210(3).
<b>INSTITUTIONAL USE CATEGORIES</b>		
Community Services	P(L)	Permitted uses limited to a community center, community recreation facility, or community aquatic center, when open to the general public and operated by a non-profit community organization.
<b>INFRASTRUCTURE AND UTILITIES USE CATEGORIES</b>		
<u>Basic Utilities</u>	<u>P/C (L)</u>	<u>Permitted uses limited to sewer and water pump stations, pressure reading stations, water quality and flow control</u>

		<u>facilities.</u> <u>Conditional uses limited to utility substations.</u>
Greenways and Natural Areas	P	—
Transportation Facilities	P	—

**Section 3.** The area established in Exhibit 1 (Legal Description) is zoned Neighborhood Commercial (CN), and those properties in Tax Map 2S135D and Tax Lots 400, 401, 500, and 501 are zoned Neighborhood Commercial (CN) and Medium Low Density Residential (RML), as depicted in Exhibit 2 (Map). If there is a question of whether a property depicted in Exhibit 2 (Map) is zoned Neighborhood Commercial (CN) or Medium Low Density Residential (RML), Exhibit 1 (Legal Description) will control over Exhibit 2 (Map). Exhibit 1 (Legal Description) and Exhibit 2 (Map) are attached and incorporated by reference.

**Section 4.** Based on Section 3, the City’s Comprehensive Plan Map 10-1 is amended as set forth in Exhibit 3 (Amended Comprehensive Plan Map 10-1), which is attached and incorporated by reference.

**Section 5. Findings.** The Council adopts the Findings as set forth in Exhibit 4 (Findings), which is attached and incorporated by reference.

**Section 6. Effective Date.** As provided in the Tualatin Charter, this ordinance is effective 30 days from the date of adoption.

ADOPTED by the City Council this 22nd day of March, 2021.

CITY OF TUALATIN, OREGON

BY Frank Bubenik  
Mayor

APPROVED AS TO FORM

ATTEST:

BY Sean Brady  
City Attorney

BY Don Hudson  
City Recorder

# Exhibit 1 -Ordinance No. 1454-21

## Page 1 of 2



AKS ENGINEERING & FORESTRY, LLC  
12965 SW Herman Road, Suite 100, Tualatin, OR 97062  
P: (503) 563-6151 F: (503) 563-6152

AKS Job #7598

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - KEIZER, OR - BEND, OR

A tract of land located in the Southwest One-Quarter and the Southeast One-Quarter of Section 35, Township 2 South, Range 1 West, Willamette Meridian, City of Tualatin, Washington County, Oregon, and being more particularly described as follows:

Beginning at the South One-Quarter corner of said Section 35; thence along the west line of the Southeast One-Quarter of said Section 35, North  $01^{\circ}34'15''$  East 239.22 feet to the northerly right-of-way line of SW Greenhill Lane (20.00 feet from centerline) and the True Point of Beginning; thence along said northerly right-of-way line, North  $88^{\circ}40'01''$  West 30.99 feet to the easterly right-of-way line of SW Boones Ferry Road (16.50 feet from centerline); thence along said easterly right-of-way line, North  $01^{\circ}43'34''$  West 474.16 feet; thence continuing along said easterly right-of-way line (variable width right-of-way) along a curve to the right with a Radius of 1084.50 feet, Delta of  $14^{\circ}43'05''$ , Length of 278.58, and a Chord of North  $05^{\circ}37'58''$  East 277.82 feet to the north line of Parcel I of Document Number 2007-105096; thence along said north line, South  $88^{\circ}44'18''$  East 215.69 feet; thence leaving said north line, South  $01^{\circ}19'59''$  West 750.79 feet to the northerly right-of-way line of SW Greenhill Lane (20.00 feet from centerline); thence along said northerly right-of-way line, North  $88^{\circ}40'01''$  West 180.23 feet to the True Point of Beginning.

The above described tract of land contains 3.91 acres, more or less.

01/13/2021

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JANUARY 12, 2016  
MICHAEL S. KALINA  
89558PLS

RENEWS: 6/30/21



A TRACT OF LAND LOCATED  
 IN THE SW 1/4 AND THE SE  
 1/4 OF SEC. 35, T2S, R1W,  
 W.M., CITY OF TUALATIN,  
 WASHINGTON COUNTY,  
 OREGON

S88°44'18"E 215.69' DOC. NO. 2015-081254

PARCEL I OF  
 DOC. NO.  
 2007-105096

PARCEL III OF  
 DOC. NO.  
 2007-105096

PARCEL IV OF  
 DOC. NO.  
 2007-105096

AREA:  
 3.91 ACRES±

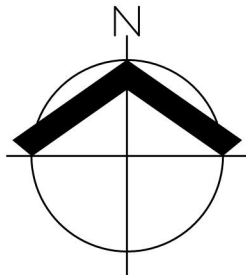
01/13/2021

**REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR**

*Michael S. Kalina*

**OREGON  
 JANUARY 12, 2016  
 MICHAEL S. KALINA  
 89558PLS  
 RENEWS: 6/30/21**

CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	1084.50'	14°43'05"	278.58'	N5°37'58"E 277.82'



SCALE: 1"=100 FEET



CENTERLINE ALIGNMENT  
 PER SN 32,841  
**SW BOONES FERRY ROAD**

VAR  
 C1 L=278.58'

N01°43'34"W 474.16'

S01°19'59"W 750.79'

N88°40'01"W  
 30.99'

N88°40'01"W 180.23'

**SW GREENHILL LANE**

TRUE POINT OF BEGINNING

LOT 1 OF  
 GREENHILL ACRES

WEST LINE OF  
 THE SE 1/4

POINT OF BEGINNING  
 SOUTH 1/4 CORNER  
 OF SECTION 35

N01°34'15"E 239.22'

**PROPOSED ZONE CHANGE**

AKS ENGINEERING & FORESTRY, LLC  
 12965 SW HERMAN RD, STE 100  
 TUALATIN, OR 97062  
 503.563.6151 WWW.AKS-ENG.COM



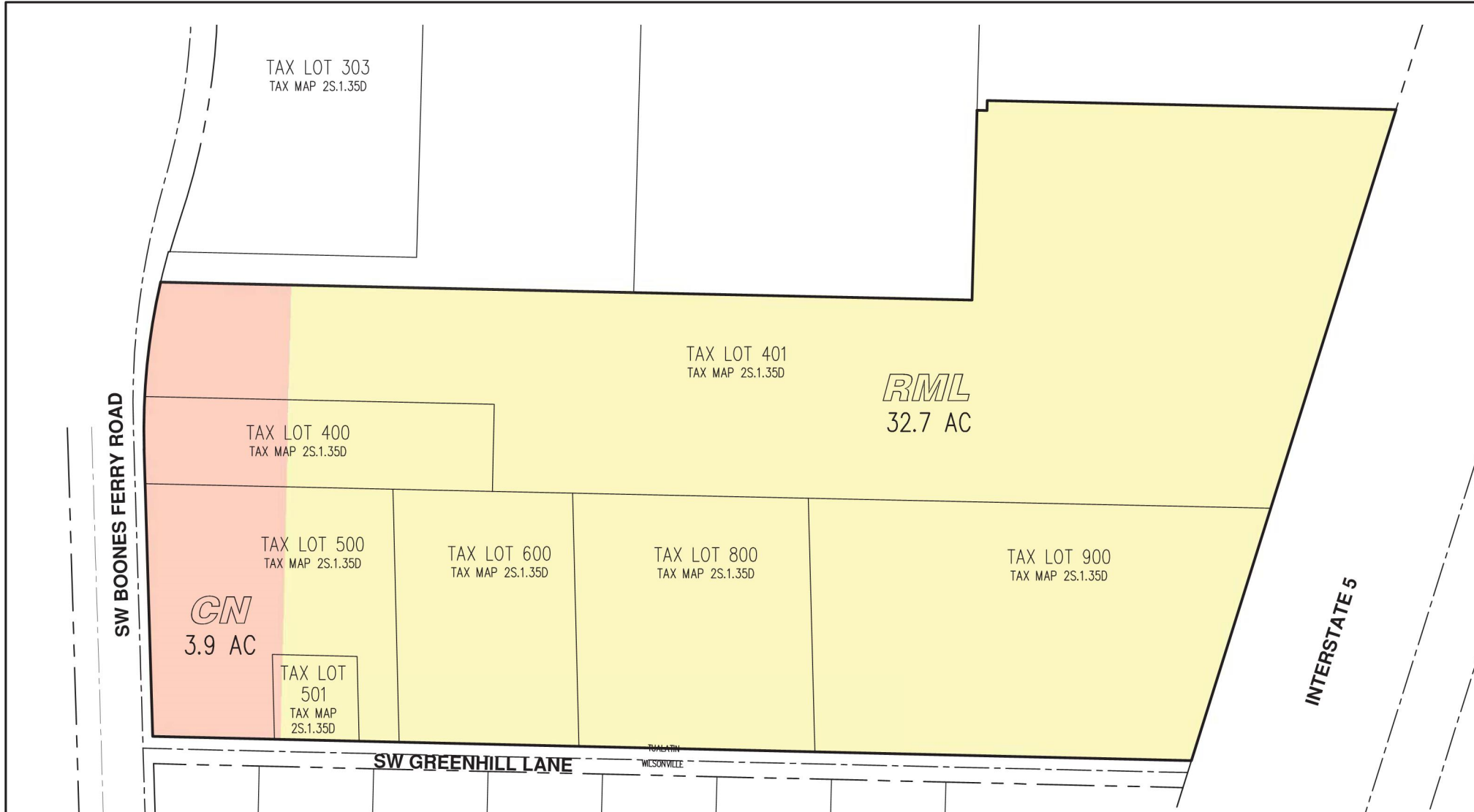
EXHIBIT  
**B**

DRWN: MHJ  
 CHKD: MSK

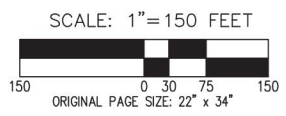
AKS JOB:  
 7454

# Exhibit 2

## Ordinance No. 1454-21



DATE: 7/15/2020



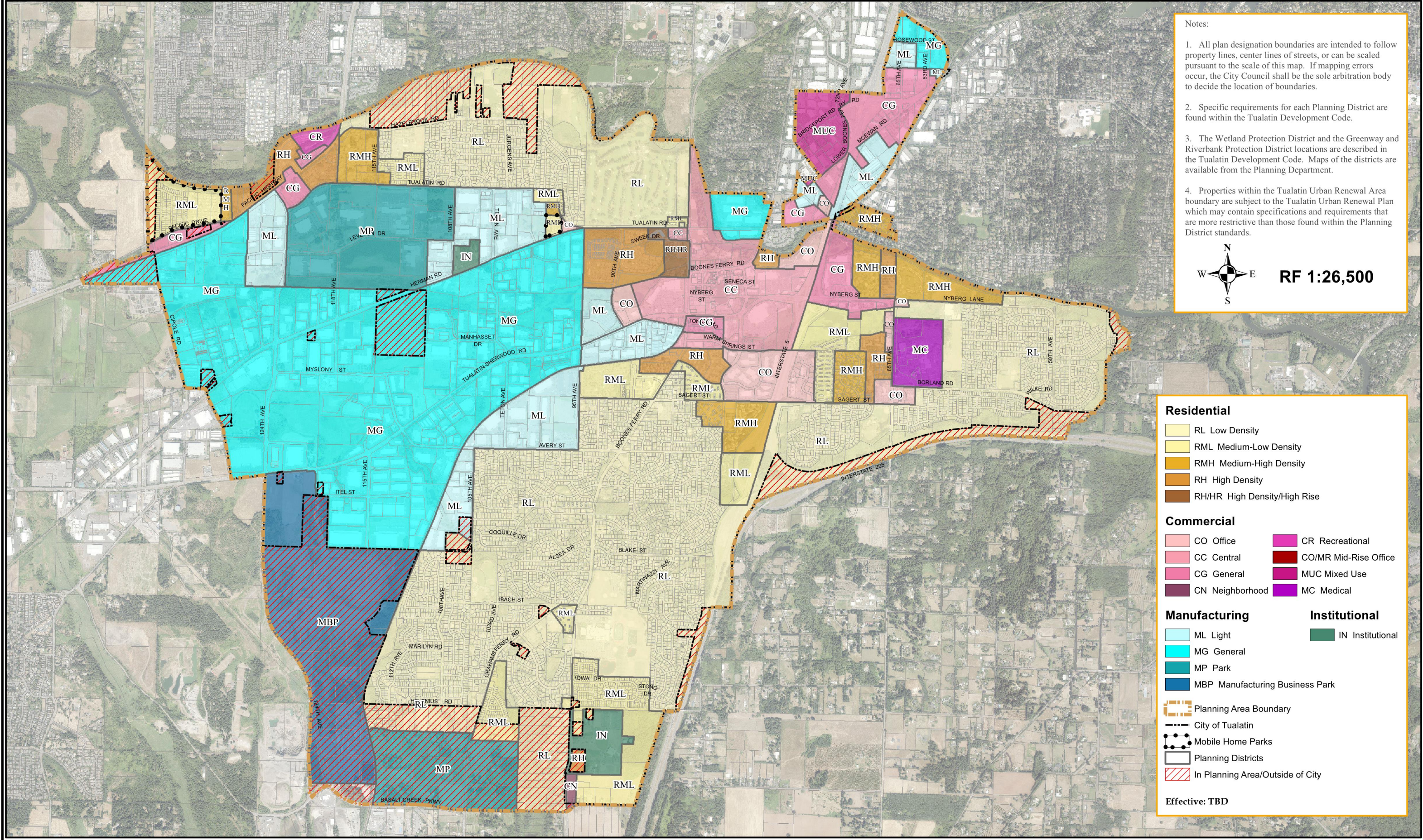
<b>ZONE CHANGE PROPOSED ZONING</b>	<b>EXHIBIT</b>
<b>AUTUMN SUNRISE</b>	<b>B</b>
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 503.563.6151    WWW.AKS-ENG.COM	DRWN: MTS CHKD: MTS AKS JOB: 7454





# Map 10-1 Comprehensive Plan Map

## Exhibit 3 Ordinance No. 1454-21



**Notes:**

1. All plan designation boundaries are intended to follow property lines, center lines of streets, or can be scaled pursuant to the scale of this map. If mapping errors occur, the City Council shall be the sole arbitration body to decide the location of boundaries.
2. Specific requirements for each Planning District are found within the Tualatin Development Code.
3. The Wetland Protection District and the Greenway and Riverbank Protection District locations are described in the Tualatin Development Code. Maps of the districts are available from the Planning Department.
4. Properties within the Tualatin Urban Renewal Area boundary are subject to the Tualatin Urban Renewal Plan which may contain specifications and requirements that are more restrictive than those found within the Planning District standards.



**Residential**

- RL Low Density
- RML Medium-Low Density
- RMH Medium-High Density
- RH High Density
- RH/HR High Density/High Rise

**Commercial**

- CO Office
- CC Central
- CG General
- CN Neighborhood
- CR Recreational
- CO/MR Mid-Rise Office
- MUC Mixed Use
- MC Medical

**Manufacturing**

- ML Light
- MG General
- MP Park
- MBP Manufacturing Business Park

**Institutional**

- IN Institutional

Planning Area Boundary  
 City of Tualatin  
 Mobile Home Parks  
 Planning Districts  
 In Planning Area/Outside of City

Effective: TBD



# Exhibit 4 - Ordinance No. 1454-21



March 22, 2021

## Analysis and Findings

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Case #:	PMA 20-0002 and PTA 20-0005
Project:	Basalt Creek Map Amendment: Neighborhood Commercial and Medium Low Density Residential
Location:	Tax Map 2S135D, Lots 400, 401, 500, and 501 (SW Boones Ferry Road)
Applicant:	AKS Engineering on behalf of Lennar Northwest, Inc.
Property owners:	Autumn Sunrise, LLC

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## I. INTRODUCTION

### A. Applicable Criteria

Applicable Statewide Planning Goals; Divisions 7 and 18 of the Oregon Administrative Rules; applicable Goals and Policies from the City of Tualatin Comprehensive Plan, applicable Sections of the City of Tualatin Development Code, including Section 33.070 (Plan Amendments).

### B. Project Description

The subject proposal includes a change to the combined Comprehensive Plan and zoning map for the City of Tualatin, adjusting the existing boundaries between the Neighborhood Commercial (CN) and Medium Low Density Residential (RML) zones at a location east of SW Boones Ferry Road approximately at SW Greenhill Lane. As shown in Exhibits 1 and 2, the net area of each zone would stay consistent. In the existing Comprehensive Plan Map, the CN zone comprises approximately 3.9 acres in a rough square at the intersection of Greenhill and Boones Ferry following existing taxlot lines, with additional residential zoning to the north. In the proposed map configuration, the CN zone would occupy approximately 3.9 acres in a more elongated rectangle fronting on SW Boones Ferry, with residential areas at a more distant remove from the arterial.

This area is generally bounded by SW Boones Ferry Road to the immediate west, the edge of the Tualatin Urban Planning Area to the South, and Horizon Community Church and Christian School Campus (23370 SW Boones Ferry Road) to the north. East of the subject area is land that is primarily undeveloped and under discussion for future residential subdivision, in turn running up to Interstate-5 to the east.

If approved, the Plan Text Amendment would amend Map 10-1 (Comprehensive Plan Map) and Chapter 51 (Neighborhood Commercial Zone) of the Tualatin Development Code. Changes to Chapter 51 include removing a provision that prohibits the application of this zone within 300 feet of a school property, and an addition of the “basic utilities” use category to the list of permitted uses within this zone.

### C. Site Description and Surrounding Uses

The subject territory includes the partial area of four taxlots in the Basalt Creek Planning Area, east of SW Boones Ferry Road and west of I-5. The land has been used for low-density residential and agricultural use, but is largely undeveloped and with few mature trees.

Surrounding uses:

North: Institutional (IN)

- Horizon Community Church/Christian School campus
- City of Tualatin water towers

Washington County FD-20/Tualatin Urban Planning Area RH

- Single dwelling. Planned for future multi-family development. Current Annexation case under review (ANN 20-0005).

Washington County FD-20/Tualatin Urban Planning Area RML

- Individual dwellings on large lots

South: Washington County FD-20

- Agriculture and low-density residential
- Wilsonville Planning Area—Planned as High Tech Employment District

East: Medium Low Density Residential (RML)

- Under discussion for potential residential subdivision
- Interstate 5 Right-of-Way

West: Washington County FD-20/Tualatin Urban Planning Area RL

- Large-lot residential homes

#### **D. Public Comments**

The application for PMA 20-0002/PTA 20-0005 was submitted on August 5, 2020 and public notice for the City Council hearing of this application was mailed on February 10, 2021, with additional notice delivered by email. At the time of writing, staff have received comments from one neighbor during the active notice period for this set of land use applications (Exhibit 6). Key concerns include stormwater infrastructure and planning, the lack of a Natural Resource Inventory and associated environmental planning standards in the Basalt Creek Concept Plan area, transportation infrastructure issues, and aspects of future development. Compliance with State Goals and Oregon Administrative Rules is discussed in Sections II(A) and II(B) respectively.

Another area of concern include transportation impacts, and the location of conceptual right-of-way and transportation facilities. No right-of-way dedication or specific infrastructure development is included in this proposal. Applicants for future Subdivision and Architectural Review will be responsible for working with City, County, and State agencies as applicable in developing effective transportation infrastructure as part of those anticipated future applications.

The comments also raise additional questions about the process for engaging and submitting testimony regarding land use applications, and the adequacy of the City's processes. While staff acknowledge that it is always possible to improve the accessibility and breadth of our processes in engaging a broader range of our community members, the scope of this review is an applicant-initiated quasi-judicial application. As such, these findings are appropriately limited to the evaluating conformity with the codified processes of the Tualatin Development Code. Findings related to this evaluation are discussed in Section II(C) of this document.

Comments about the broader anticipated development at this location and thoughts regarding the applicant's Neighborhood Developer meeting have been received prior to the notice period for this land use case, and in relationship to other land use cases in this location. While not included in the record for the subject applications, staff acknowledge that we have heard a range of public comments related to future development impacts, including concerns about tree removal, stormwater management, environmental resource protection, school capacity, exposure to health impacts, and transportation impacts. These development concerns will be more specifically addressed to the extent specified in existing city and partner agency development standards during future land use review phases for Subdivision or other development.



Additional comments received following this staff report and through the scheduled City Council hearing will be added to the record.

## **II. FINDINGS**

### **A. Oregon Statewide Planning Goals**

#### **Goal 1 – Citizen Involvement**

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

##### **Finding:**

Public notice for the City Council hearing of the proposed changes have been mailed to surrounding property owners, emailed to additional agencies and parties previously expressing an interest in this application, advertised in the newspaper of record, and posted on the City's website. The applicant held a Neighborhood-Developer meeting on July 28, 2020. The proposal has also been discussed at the February 18, 2021 meeting of the Tualatin Planning Commission.

Additional public notice will be shared during future Architectural Review and/or Subdivision application phases. The applicable notification and review processes would not be themselves be modified by the proposed amendments. The proposed amendments conform to Goal 1.

#### **Goal 2 – Land Use Planning**

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

[...]

##### **Finding:**

The proposed amendments have been reviewed pursuant to the City's established land use planning process and procedures as described in Tualatin Development Code Chapter 32 and 33. The proposed amendments conform to Goal 2.

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

##### **Finding:**

Applicability of Goal 5 to post-acknowledgment plan amendments is governed by OAR 660-023-0250. The requirements of Goal 5 do not apply to land use decisions made pursuant to acknowledged comprehensive plans and land use regulations. The proposed amendments do not modify the acknowledged Goal 5 resource list, or a policy that addresses specific requirements of Goal 5. The proposed amendments do not allow uses that would conflict with a particular Goal 5 resource site on an acknowledged resource list.

The impact of a specific proposed development would be reviewed by Clean Water Services for potential natural resource impacts as part of that future land use application.

The proposed amendments conform to Goal 5.

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

#### **Finding:**

The Oregon Department of Environmental Quality (DEQ) regulates air, water and land with Clean Water Act (CWA) Section 401 Water Quality, Water Quality Certificate, State 303(d) listed waters, Hazardous Wastes, Clean Air Act (CAA), and Section 402 NPDES Construction and Stormwater Permits. The Oregon Department of State Lands and the U.S. Army Corps of Engineers regulate jurisdictional wetlands and CWA Section 404 water of the state and the country respectively. Clean Water Services (SWC) coordinates storm water management, water quality and stream enhancement projects throughout the city. Future development will still need to comply with these state, national and regional regulations and protections for air, water and land resources.

The proposed amendments conform to Goal 6.

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

#### **Finding:**

The proposed amendments do not affect policies associated with Goal 7 established by the Comprehensive Plan. Approval of the proposed amendments will not eliminate the requirement for future development to meet the requirements of the Chapters 70 and 72 of the Tualatin Development Code. The proposed amendments conform to Goal 7.

### **Goal 10 – Housing**

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

#### **Finding:**

While the proposed Plan Map Amendment modifies the boundary between abutting Neighborhood Commercial (CN) and Medium Low Density Residential (RML) zones, the net area of each respective land use designation/zone would remain approximately equal, preserving the residential development potential of the existing RML zone. As such, this change does not jeopardize the provision of future housing and meeting the City's housing needs as identified in the adopted Housing Needs Analysis. To the extent that the proposed configuration supports a more efficient development path, allowing the more complete use of the area within each respective zone, as supported by the applicant's conceptual development diagrams (Attachment 2), the change may better support future housing development.

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

#### **Finding:**

The proposed amendments would not change the available residential density or commercial floor area planned for this area; therefore, no significant additional impacts to public facilities and services are anticipated over what the existing zoning map would allow. Future development would be subject to a land use application that would evaluate the development's impact to public facilities and the transportation system; therefore no amendments to the public facilities plans are necessary in order to accommodate the proposed text and map amendment. To the extent that the applicant has shown that the proposed configuration better meets their needs in providing efficient stormwater management, public facilities needs may be better met than under existing conditions. The proposed amendments conform to Goal 11.

### **Goal 12 – Transportation**

#### **Finding:**

The proposed amendments would not change the available residential density and commercial floor area planned for this area. The proposed zoning map configuration would not be anticipated to permit additional impacts to transportation facilities and services are anticipated over the existing map configuration as previously approved by the Basalt Creek Concept Plan. The applicant has provided a support trip generation memo confirming that the estimated trip generation would remain the same with the proposed zoning. The proposed amendments conform to Goal 12.

### **Goal 14 – Urbanization**

#### **Finding:**

The subject territory is within the Urban Growth Boundary. The proposal does not contain any proposed modification to the Urban Growth Boundary or development outside of the Urban Growth Boundary. The proposal is consistent with Goal 14.

## **B. Oregon Administrative Rules**

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

[...]

#### **660-018-0020: Notice of a Proposed Change to a Comprehensive Plan or Land Use Regulation**

**(1) Before a local government adopts a change to an acknowledged comprehensive plan or a land use regulation, unless circumstances described in OAR 660-018-0022 (Exemptions to Notice Requirements Under OAR 660-018-0020) apply, the local government shall submit the proposed change to the department, including the information described in section (2) of this rule. The local government must submit the proposed change to the director at the department's Salem office at least 35 days before holding the first evidentiary hearing on adoption of the proposed change.**

**(2) The submittal must include applicable forms provided by the department, be in a format acceptable to the department, and include all of the following materials:**

**(a) The text of the proposed change to the comprehensive plan or land use regulation implementing the plan, as provided in section (3) of this rule;**

- (b) If a comprehensive plan map or zoning map is created or altered by the proposed change, a copy of the relevant portion of the map that is created or altered;
  - (c) A brief narrative summary of the proposed change and any supplemental information that the local government believes may be useful to inform the director and members of the public of the effect of the proposed change;
  - (d) The date set for the first evidentiary hearing;
  - (e) The notice or a draft of the notice required under ORS 197.763 (Conduct of local quasi-judicial land use hearings) regarding a quasi-judicial land use hearing, if applicable; and
  - (f) Any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained.
- (3) The proposed text submitted to comply with subsection (2)(a) of this rule must include all of the proposed wording to be added to or deleted from the acknowledged plan or land use regulations. A general description of the proposal or its purpose, by itself, is not sufficient. For map changes, the material submitted to comply with Subsection (2)(b) must include a graphic depiction of the change; a legal description, tax account number, address or similar general description, by itself, is not sufficient. If a goal exception is proposed, the submittal must include the proposed wording of the exception.
- (4) If a local government proposes a change to an acknowledged comprehensive plan or a land use regulation solely for the purpose of conforming the plan and regulations to new requirements in a land use statute, statewide land use planning goal, or a rule implementing the statutes or goals, the local government may adopt such a change without holding a public hearing, notwithstanding contrary provisions of state and local law, provided:
- (a) The local government provides notice to the department of the proposed change identifying it as a change described under this section, and includes the materials described in section (2) of this rule, 35 days before the proposed change is adopted by the local government, and
  - (b) The department confirms in writing prior to the adoption of the change that the only effect of the proposed change is to conform the comprehensive plan or the land use regulations to the new requirements.
- (5) For purposes of computation of time for the 35-day notice under this rule and OAR 660-018-0035 (Department Participation)(1)(c), the proposed change is considered to have been “submitted” on the day that paper copies or an electronic file of the applicable notice forms and other documents required by section (2) this rule are received or, if mailed, on the date of mailing. The materials must be mailed to or received by the department at its Salem office.

**Finding:**

Notice of a proposed Post-Acknowledgement Plan Amendment was submitted to the Department of Land Conservation and Development (DLCD) via the PAPA Online portal on January 29, 2021, 38 days before the scheduled hearing.

**C. Tualatin Comprehensive Plan**

*Note that applications PMA 20-0002 and PTA 20-0005 were submitted on August 5, 2020, and the findings below reflect the Tualatin Community Plan as written at that time.*

**Chapter 5 Residential Planning Growth**

**TDC 5.030- General Objectives**

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

- (1) Provide for the housing needs of existing and future City residents.**
- (2) Provide housing opportunities for residents with varied income levels and tastes that are esthetically and functionally compatible with the existing community housing stock.**
- (3) Cooperate with the Housing Authority of Washington County and the Housing Division of Clackamas County to identify sites, projects and developers to provide the City's fair share of assisted housing units for low and moderate income households, and participate in the region's Housing Opportunity Plan.**
- (4) Locate higher density development where it is convenient to the City's commercial core, near schools and transit corridors, adjacent to arterial and collector streets and, as much as possible, in areas with existing multi-family housing and provide residential opportunities in selected commercial areas through the Mixed Use Commercial District.**
- (5) Provide areas that are suitable for manufactured dwelling parks and areas that are suitable for subdivisions that will accommodate manufactured homes.**
- (6) Provide areas that will accommodate small lot subdivisions.**
- (7) Develop specific and enforceable design standards for multi-family developments, townhouses, manufactured homes, manufactured dwelling parks and small lot subdivisions.**
- (8) Encourage owner occupancy of multi-family developments and other housing units within the City.**
- (9) Encourage subdividers and other residential developers to consider the need for solar access on residential construction sites.**
- (10) Provide for the raising of agricultural animals and agricultural structures in areas that are presently used for this purpose and that are not buildable due to their location in the 100-year flood plain.**
- (11) Require that all residential development adjacent to Expressways be buffered from the noise of such Expressways through the use of soundproofing devices such as walls, berms or distance. Density transfer to accommodate these techniques is acceptable.**
- (12) Encourage the development of attached housing in accordance with the RML Planning District in the area of the Norwood Expressway/Boones Ferry Road intersection.**
- (13) Provide truck routes for industrial traffic that provide for efficient movement of goods while protecting the quality of residential areas.**
- (14) Protect residential, commercial, and sensitive industrial uses from the adverse environmental impacts of adjacent industrial use.**
- (15) Protect adjacent land uses from noise impacts by adopting industrial noise standards.**
- (16) Protect the Tonquin Scablands from adverse impacts of adjacent development. This includes the main Scabland area in the vicinity of the Burlington Northern Railroad tracks which is preserved through the use of the Wetlands Protection District and the Greenway and Riverbank Protection District. This also includes other elements of the Scabland formations found farther to the east. These latter areas will be preserved on a case-by-case basis as development occurs through preservation in their natural state, allowing residential density transfer through the small lot subdivision, common wall housing, and condominium conditional use processes.**
- (17) Protect wooded areas identified on the Natural Features Map found in the Technical Memorandum by requiring their preservation in a natural state, by integrating the major trees into the design of the parking lots, buildings, or landscaping areas of multi-family complexes and non-residential uses, or in low density areas through the small lot, common wall, or condominium**

**conditional use. If it is necessary to remove a portion or all of the trees, the replacement landscape features shall be subject to approval through the Architectural Review process, except for conventional single family subdivisions.**

**Finding:**

The proposed map change would preserve the quantity of land area available for residential development, including the availability of land for the specific range of housing types allowed within the RML zone. The proposed changes do not present any conflicts with the residential planning objectives of TDC 5.030. These criteria are met.

[...]

**TDC 6.040. - Planning District Objectives.**

[....]

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

**Finding:**

The proposed map change preserves the same area of RML zoning as the existing configuration and does not change the development potential or permitted development in a manner that conflicts with the objectives for this zone. These criteria are met.

[...]

**TDC 6.030. - Objectives.**

**The following are general objectives used to guide the development of this Plan:**

- (1) Encourage commercial development.**
- (2) Provide increased employment opportunities.**
- (3) Provide shopping opportunities for surrounding communities.**
- (4) Locate and design commercial areas to minimize traffic congestion and maximize access.**
- (5) Continue to utilize specific and enforceable architectural and landscape design standards for commercial development.**
- (6) Encourage developers to consider solar access when designing commercial development projects.**
- (7) Provide for limited and carefully designed neighborhood commercial centers.**
- (8) Provide for the continued development of major medical services facilities in the City of Tualatin, especially at the Meridian Park Hospital site. The Medical Center Planning District shall be applied**



**only to a property, or a group of contiguous properties, of no less than 25 acres and shall have frontage on an arterial as designated in TDC Chapter 11, Tualatin Community Plan.**

**Finding:**

The proposed map changes are indicated to support potential development configurations that provide ease of access to and through the commercial area, supporting Objective (4) to maximize access and minimize congestion. The applicant asserts that the new configuration better supports their design goals for the neighborhood commercial center, consistent with Objective (7), granting visibility for community members travelling on Boones Ferry Road, and preserving opportunity for access for nearby residential development. The proposal does not conflict with the additional objectives of this section. These criteria are met.

**TDC 6.040. - Planning District Objectives.**

[...]

**(2) *Neighborhood Commercial Planning District (CN).* To provide locations for commercial uses within close proximity to residential areas. It is to provide for opportunities to serve the needs of residents for convenience shopping and services. Such uses will be limited to professional offices, services, and retail trade that are oriented to the day-to-day commercial needs of the residential neighborhood. Neighborhood commercial uses are intended to be pedestrian oriented and should serve to reduce automobile trips and energy consumption. The purpose is also to assure that such development is of a scale and design so that it is compatible with the residential environment and is an enhancement to neighborhood areas. It is not the purpose of this district to create large scale commercial facilities that will compete with similar uses, such as large grocery or department stores, located in the downtown area. [...]**

**Finding:**

The scope of proposed changes includes modifying the boundaries of the Neighborhood Commercial (CN) zone and modifying a section of Tualatin Development Code Chapter 51—Neighborhood Commercial Zone (CN). The existing CN node is located in close proximity to residential areas, being directly adjacent to Medium Low Density Residential (RML) zoning to the east, as well as unincorporated residential areas immediately across SW Boones Ferry Road, and approximately 380 feet to the nearest High Density Residential (RH) area, with yet additional residential areas comprising the majority of designated land uses within 1000 feet. Future commercial development would be positioned to potentially serve residents of new residential development, as well as nearby residential areas that are at a greater remove from commercial nodes in Tualatin and Wilsonville.

The objective further states that the mapping of the CN zone is not intended to diminish the draw of central commercial zones such as “large grocery or department stores.” As shown in the applicant’s conceptual development diagram (Attachment 2), the elongated version, while supporting parking and circulation, would remain a substantially smaller commercial node as compared to many central sites. The CN node comprises under 4 acres, as compared to the Fred Meyer and parking lot at approximately 15 acres, or the Nyberg Woods shopping complex which is sited over about 25 acres, with about 20 developed acres. The addition of basic utilities including stormwater facilities does not conflict with the stated objectives for this zone and support site design and effective development patterns.

The proposed change to remove language requiring that the zone be located 300 feet away from any school site does not conflict with the purpose statement of this section. The proposed changes are consistent with the purpose statement of this section.

#### **D. Tualatin Development Code**

##### **Chapter 33: Applications and Approval Criteria**

##### **Section 33.070 Plan Amendments**

[...]

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

**(3) Procedure Type.**

[...]

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

[...]

#### **Finding:**

The proposed text amendments are proposed for a limited number of properties and quasi-judicial in nature and will be processed consistent with the Type IV-A procedures in Chapter 32. A Post-Adoption Plan Amendment notice was filed with DLCD on January 28, 2021, 38 days before the scheduled hearing. Public notice has been mailed on February 10, 2020, 26 days before the scheduled hearing. This criterion is met.

**(5) Approval Criteria.**

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

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

#### **Finding:**

The proposed map changes are timely, falling between approval of the Basalt Creek Concept Plan and an anticipated proposed subdivision applicable to this area which would set the tone for development in this area of the community and be the first incarnation of the planned uses for the subject land area. Efficient development that allows for an effective layout of commercial and residential areas is in the broader public interest since it has the potential to provide for greater access between residential homes and commercial services with reduced reliance on automotive travel. The applicant shows that the proposed map configuration would support greater opportunity for shared access to the respective developments, consistent with the limitation of driveways and intersections on SW Boones Ferry Road, supporting safety for road users.

The proposed text amendment would also eliminate a codified buffer between the CN zone and school property. The applicant makes the case that it remains in the public interest to eliminate this buffer because it encourages more effective commercial development in a manner that can serve adjacent residential areas. The immediate greater impact of this change is limited to this location as it the only

area in the whole of Tualatin where the CN zone is mapped. Any future application of the CN zone would still be subject to review through Plan Map Amendment, so this provision is not needed even if it is desired that future individual Neighborhood Commercial nodes not be located in any given proximity to school sites. The addition of basic utilities as a permitted use category enables additional options in support of regional storm facilities, better addressing strong community concerns related to effective stormwater management.

To the extent that community members may find it desirable to create distance between school uses and commercial uses, it is noted that the proposed commercial zoning would still be over 300 feet from existing school buildings, but adjacent to a flag access of a multi-use campus, which includes school uses. Also of note, the definition of permitted use categories has been clarified since the applicable code standards including the buffer standard, were drafted. Permitted uses include a prescribed subset of retail sale and services, community services such as recreation opportunities, limited residential use, and infrastructure and utility uses (e.g, natural areas and transportation facilities). Additional state regulations prevent the location of certain commercial uses, such as cannabis businesses, from locating within defined buffers from schools. It remains within the public interest to remove the buffer.

These criteria are met.

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

**Finding:**

Section C considers the consistency of the proposal with applicable objectives of the Tualatin Community Plan and shows that the proposal conforms to these objectives. This criterion is met.

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

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

**Finding:**

The area immediately south of SW Norwood Road and extending toward SW Greenhill Road is a suburban edge area poised for change following the adoption of the Basalt Creek Concept Plan in 2018. The subject area is recently annexed territory of the City of Tualatin that has yet to develop under City zoning standards.

To the immediate north of the subject area is the site is a church and school campus, and north of SW Norwood Road is a developed residential neighborhood characterized by a mix of detached and attached housing, much of it developed in the 1990's. To the east is residential land that has recently been annexed into the City of Tualatin and I-5. To the south, and west of Boones Ferry, is additional large-lot residential development outside of city limits. There is additional zoning potential along SW Boones Ferry for multifamily housing, although the property within that zone is currently developed with a detached single-family residence. The capacity for near-term increased residential living, as well as trends in households seeking nearby neighborhood services, mean that the changes are well timed to consider how the blend of commercial and residential development can best be accommodated by the location of zoning boundaries. The proposal is made expressly to address the needs of economic enterprises and future development, allowing more arterial frontage for a commercial node, and creating a buffer away from an arterial for residential homes. The applicant's conceptual development diagram (Attachment 2) also shows that the configuration would align with plans for necessary infrastructure in support of community health and safety, including a stormwater management area and road infrastructure. The addition of Basic Utilities as a permitted use in the CN zone is consistent with other commercial zones and is additionally responsive to the need for healthful and safe planning and current trends in land improvement and development that encourage more robust stormwater management approaches. These criteria are met.

**(e) If the amendment involves residential uses, then the appropriate school district or districts must be able to reasonably accommodate additional residential capacity by means determined by any affected school district.**

**Finding:**

The proposed change does not affect the amount of land available for residential development or permitted density and as such, would not pose a predictable difference in projected school attendance from future families in this area as compared with the existing code language. The properties are within the Sherwood School District, which has been notified of the proposed Plan Text Amendment. This criterion is met.

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

**Finding:**

The proposed change does not affect the maximum residential density and as such, would not be predicted to impact the number of trips necessarily associated with future development as compared with existing code allowances. The applicant has provided a trip generation and Transportation Planning Rule evaluation prepared by Jennifer Danziger, PE, supporting the claim that the estimated trip generation with the newly configured map layout remains unchanged from the existing map allowances. According to this analysis map amendment would thereby not impact the functional classification of an existing or planned transportation facility, require a change in standards for implementation of the planned system, or change anticipated system performance. More specific transportation impacts of future development will be evaluated with a future land use application. This criterion is met.

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

**Finding:**

The proposed amendments will remain consistent with Titles 1-14 of the Metro Urban Growth Management Functional Plan as addressed below:

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

The proposed amendments would not change the amount of land available for residential development or permitted density, and as such, would not impact the City's housing capacity.

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

***Title 3 – Water Quality and Flood Management: protects Water Quality and Flood Management Areas***  
Water Quality and Flood Management are addressed in Tualatin Development Code Chapters 70, 71, and 74. No amendments are proposed to these chapters.

***Title 4 – Industrial and Other Employment Areas: promotes "clustering" of industries that operate more productively and efficiently when in proximity to each other***  
This Title is not applicable.

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

***Title 6 – Centers, Corridors, Station Communities and Main Streets: enhancements of these areas as principal centers of urban life via actions and investments***  
This Title is not applicable.

***Title 7 – Housing Choice: implements policies regarding establishment of voluntary affordable housing production goals to be adopted by local governments***  
This Title pertains to Tualatin's obligation to meet the affordable housing needs of households with incomes between 0 and 50 percent of the regional median income. The proposed amendments would not impact the City's housing capacity or provision for affordable housing specifically.

***Title 8 – Compliance Procedures: ensures all cities & counties are equitably held to the same standards***  
Tualatin continues to partner with state and regional authorities to comply with the Functional Plan.

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

***Title 10 – Definitions***

***Title 11 – Planning for New Urban Areas: guides planning of areas brought into the UGB***  
The proposed amendments would apply to land that is within the UGB and within the City of Tualatin, therefore the amendments do not pose a direct change to planning areas outside of the UGB.

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

The mapping of an effective Neighborhood Commercial zone is consistent with the charge under Title 12 to reduce air pollution and traffic congestion by designating commercial nodes in close proximity to residential neighborhoods as a convenient location of commercial services. No changes to the types of permitted businesses or scale of commercial development are included as part of the proposed amendments.

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

Natural resources are addressed in Chapter 72 of the Tualatin Development Code and supported by the City's partnership with Clean Water Services. No amendments to this chapter are proposed under this application.

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

No amendments are proposed to the UGB under this application.

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

**Finding:**

The proposed changes do not include a change to net land area available for commercial and residential development respectively, and as such, no transportation impact over and above what is allowed under the existing code is anticipated. This criterion is met.

**(i) Granting the amendment is consistent with the objectives and policies regarding potable water, sanitary sewer, and surface water management pursuant to TDC 12.020, water management issues are adequately addressed during development or redevelopment anticipated to follow the granting of a plan amendment.**

[...]

**Finding:**

Future structural development on the site will require approval of a land use application, at which time these issues will be addressed in greater detail. The applicant's conceptual development diagram (Exhibit 4) illustrates that the configuration will support stormwater facilities. This criterion is met.

**(j) The applicant has entered into a development agreement. This criterion applies only to an amendment specific to property within the Urban Planning Area (UPA), also known as the Planning Area Boundary (PAB), as defined in both the Urban Growth Management Agreement (UGMA) with Clackamas County and the Urban Planning Area Agreement (UPAA) with Washington County. TDC Map 9-1 illustrates this area.**

**Finding:**

The subject area is currently within the City of Tualatin. Criterion j is not applicable.



**Chapter 51: Neighborhood Commercial Zone (CN)  
Section 51.110 District Location Standards**

**(1) District Location.** The boundaries of a CN district must be separated from school property by not less than 300 feet. The boundaries of a CN District must be separated from all other CN, CC, and CG districts by at least 1,320 feet.

**(2) Street Frontage.** At least one-fourth of the total street frontage of the CN District area must be on an Arterial or Major Collector street.

**Finding:**

The applicant proposes PTA 20-0005 to strike the language of TDC 51.110 that limits the location of the CN zone within 300 feet of school property; all other applicable criteria would remain. The Plan Map Amendment cannot be approved without the removal of the language requiring a separation of 300 feet from school properties. With the concurrent removal of this requirement, the Plan Map Amendment would be able to conform with the criteria of this section.

The boundaries of the proposed CN map configuration are in excess of 1,320 feet from CC and CG zones, and this area is the sole instance where the CN zone has been applied citywide. The majority of the proposed street frontage of the designated CN area would front to SW Boones Ferry Road, which is classified as a major arterial. These standards are met.

**Signature:** 

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**Signature:** 

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**Signature:** 

**Email:** sbrady@tualatin.gov











# Ord 1454-21 - CN-RML Basalt Creek Map Amendment

Final Audit Report

2021-03-24

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✔ Agreement completed.

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