



Applicant's Consultant:  
 AKS Engineering & Forestry, LLC  
 Melissa Slotemaker, AICP  
 12965 SW Herman Road, Suite 100  
 Tualatin, OR 97062  
 slotemakerm@aks-eng.com  
 (503) 563-6151

## Land Use Application

### Project Information

Project Title: **Norwood Multi-Family Map and Text Amendment**

Brief Description: **Map Amendment from RML and IN to RH-HR Zone for ±9.2-acre site. Text Amendment to remove locational factors from RH-HR purpose statement.**

### Property Information

Address: 9300 SW Norwood Road and 23370 SW Boones Ferry Road

Assessor's Map Number and Tax Lot(s): 2S135D Tax Lots 108 and 106

### Applicant/Primary Contact

Name: **Lee Novak** Company Name: **Vista Residential Partners**

Address: **25 NW 23rd Place, Suite 6 #414**

City: **Portland** State: **OR** ZIP: **97210**

Phone: **Contact Applicant's Consultant** Email: **Contact Applicant's Consultant**

### Property Owner

Name: **Horizon Community Church**

Address: **23370 SW Boones Ferry Road (Tax Lot 106)**

City: **Tualatin** State: **OR** ZIP: **97062**

Phone: **Contact Applicant's Consultant** Email: **Contact Applicant's Consultant**

Property Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 (Note: Letter of authorization is required if not signed by owner)

**AS THE PERSON RESPONSIBLE FOR THIS APPLICATION, I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION AND STATE THAT THE INFORMATION IN AND INCLUDED WITH THIS APPLICATION IN ITS ENTIRETY IS CORRECT. I AGREE TO COMPLY WITH ALL APPLICABLE CITY AND COUNTY ORDINANCES AND STATE LAWS REGARDING BUILDING CONSTRUCTION AND LAND USE.**

Applicant's Signature: *Lee Novak* Date: **10/11/2022**

#### Land Use Application Type:

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Annexation (ANN)                          | <input type="checkbox"/> Historic Landmark (HIST)             | <input type="checkbox"/> Minor Architectural Review (MAR) |
| <input type="checkbox"/> Architectural Review (AR)                 | <input type="checkbox"/> Industrial Master Plan (IMP)         | <input type="checkbox"/> Minor Variance (MVAR)            |
| <input type="checkbox"/> Architectural Review—Single Family (ARSF) | <input checked="" type="checkbox"/> Plan Map Amendment (PMA)  | <input type="checkbox"/> Sign Variance (SVAR)             |
| <input type="checkbox"/> Architectural Review—ADU (ARADU)          | <input checked="" type="checkbox"/> Plan Text Amendment (PTA) | <input type="checkbox"/> Variance (VAR)                   |
| <input type="checkbox"/> Conditional Use (CUP)                     | <input type="checkbox"/> Tree Removal/Review (TCP)            | <input type="checkbox"/> Other _____                      |

### Office Use

Case No:	Date Received:	Received by:
Fee:	Receipt No:	



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Phone: <b>Contact Applicant's Consultant</b>		Email: <b>Contact Applicant's Consultant</b>
Property Owner's Signature: (Note: Letter of authorization is required if not signed by owner)	DocuSigned by:  <small>09C146C09995450...</small> <b>Ken Allen</b> Director of Development	Date: <b>10/12/2022</b>
<b>AS THE PERSON RESPONSIBLE FOR THIS APPLICATION, I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION AND STATE THAT THE INFORMATION IN AND INCLUDED WITH THIS APPLICATION IN ITS ENTIRETY IS CORRECT. I AGREE TO COMPLY WITH ALL APPLICABLE CITY AND COUNTY ORDINANCES AND STATE LAWS REGARDING BUILDING CONSTRUCTION AND LAND USE.</b>		
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|--|---|---|

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Case No:	Date Received:	Received by:
Fee:	Receipt No:	



horizoncommunity.church

## Memo

**Date:** October 12<sup>th</sup>, 2022

**To:** City of Tualatin, Planning Dept

**From:** Randy Cambell, Horizon Community Church

**CC:** Melissa Slotemaker, AKS Engineering

This letter is to serve the purpose of Horizon Community Church, authorizing Ken Allen, of Norwood Horizon Holdings, LLC as our official representative as pertaining to matters of land use and development of the proposed multifamily land approval process with the City of Tualatin.

Ken Allen has the authority to sign City of Tualatin, Washington County and Clean Water Services forms and applications on Horizon's behalf.

Sincerely, Randy Cambell

DocuSigned by:  
*Randy Campbell* 10/12/2022  
8A46A58E441B47D...

Executive Pastor  
Horizon Community Church



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Address: <b>25 NW 23rd Place, Suite 6 #414</b>		
City: <b>Portland</b>	State: <b>OR</b>	ZIP: <b>97210</b>
Phone: <b>Contact Applicant's Consultant</b>	Email: <b>Contact Applicant's Consultant</b>	
Property Owner		
Name: <b>9300 SW Norwood Road OR, LLC (Owner of Tax Lot 108)</b>		
Address: <b>2964 Peachtree Road, Suite 585</b>		
City: <b>Atlanta</b>	State: <b>GA</b>	ZIP: <b>30305</b>
Phone: <b>Contact Applicant's Consultant</b>	Email: <b>Contact Applicant's Consultant</b>	
Property Owner's Signature: <b>(Note: Letter of authorization is required if not signed by owner)</b>		Date:

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Applicant's Signature:	Date: <b>1-20-2023</b>

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- |  |   |   |
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|--|---|---|

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## PLAN AMENDMENTS

**Plan Map Amendments** provide for the review of proposed amendments to the standards of the Community Plan Map of the Tualatin Community Plan as described in TDC 33.070.

**Plan Text Amendments** provide for the review of proposed amendments to the standards of the Tualatin Development Code as described in TDC 33.070.

**PROCEDURE** Amendments to the Zone Standards of the Tualatin Development Code and to the Plan Text or the Plan Map of Tualatin Comprehensive Plan are a Type IV-A quasi-judicial decision made by Tualatin City Council after a public hearing and a recommendation from the Tualatin Planning Commission.

### PRIOR TO APPLICATION SUBMITTAL

- Attend a Pre-Application Meeting (TDC 32.110)
- Notice and host a Neighborhood/Developer Meeting (TDC 32.120)

Following submittal of the application, the applicant must post a sign on the subject property to provide notice of the pending land use application.

### SUBMITTAL REQUIREMENTS

Please submit all materials electronically through the following link: <https://permits.ci.tualatin.or.us/eTrakit/>  
Details regarding submittal requirements are listed in TDC 32.140(1) and 33.070.

#### GENERAL:

- ✓ Land Use Application
- ✓ Narrative addressing all criteria
- ✓ Title Report
- ✓ Fee

#### PUBLIC NOTICE:

- ✓ Documentation for Neighborhood Developer Meeting, including notice and mailing list, affidavit of mailing notice, certification of sign posting, participant sign in sheet and meeting notes
- Certification of Sign Posting for Pending Land Use Application **To be provided after submittal.**

#### ADDITIONAL DOCUMENTS AS APPLICABLE, SUCH AS:

- ✓ Transportation Impact Analysis
- ✓ Transportation Planning Rule (TPR) Analysis
- ✓ School District Approval

### APPROVAL CRITERIA

The applicant's plans and narrative must work together to demonstrate that all applicable criteria are met.

#### **Tualatin Development Code:**

- Chapter 33.070 Plan Amendments
- Applicable sections of the Tualatin Community Plan (Chapters 1-30)

# 9300 SW Norwood Road Plan Map and Text Amendment

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**Date:** January 2023

**Submitted to:** City of Tualatin  
18880 SW Martinazzi Avenue  
Tualatin, OR 97062

**Applicant:** Vista Residential Partners  
25 NW 23<sup>rd</sup> Place, Suite 6 #414  
Portland, OR 97210

**AKS Job Number:** 8723



**AKS**  
ENGINEERING & FORESTRY

12965 SW Herman Road, Suite 100  
Tualatin, OR 97062  
(503) 563-6151

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**Figure 3:** Existing RH-HR Zoning and Residential Land Constraints

**Figure 4:** Project Site Residential Land Constraints

## Exhibits

**Exhibit A:** Existing and Proposed Zoning Map

**Exhibit B:** Proposed Development Code

**Exhibit C:** Land Use Application & Checklists

**Exhibit D:** Property Ownership Information

**Exhibit E:** Neighborhood/Developer Meeting Noticing Information

**Exhibit F:** Map Amendment Legal Description

**Exhibit G:** Sherwood School District Communications

**Exhibit H:** Transportation Impact Analysis

**Exhibit I:** Utility Capacity Analysis

**Exhibit J:** Market Information

**Exhibit K:** Boones Ferry Road Access Analysis

**Exhibit L:** Sign Posting Information

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# 9300 SW Norwood Road

## Plan Map and Text Amendment Application

<b>Submitted to:</b>	City of Tualatin Planning Division 18880 SW Martinazzi Avenue Tualatin, OR 97062
<b>Applicant:</b>	Vista Residential Partners 25 NW 23 <sup>rd</sup> Place, Suite 6 #414 Portland, OR 97210
<b>Property Owner:</b>	Horizon Community Church (Tax Lot 106) PO Box 2690 Tualatin, OR 97062
	9300 SW Norwood Road OR, LLC (Tax Lot 108) 2964 Peachtree Road, Suite 585 Atlanta, GA 30305
<b>Applicant's Consultant:</b>	AKS Engineering & Forestry, LLC 12965 SW Herman Road, Suite 100 Tualatin, OR 97062
	Contact: Melissa Slotemaker, AICP Email: <a href="mailto:slotemakerm@aks-eng.com">slotemakerm@aks-eng.com</a> Phone: (503) 563-6151
<b>Site Location:</b>	9300 SW Norwood Road South of SW Norwood Road, east of SW Boones Ferry Road, and north of SW Greenhill Lane; Tualatin, OR
<b>Assessor's Map:</b>	Washington County Assessor's Map 2S135D; Tax Lots 106 and 108
<b>Site Size:</b>	±9.2 acres
<b>Existing Land Use Districts:</b>	Tax Lot 108: Washington County FD-20; After Annexation Medium-Low Density Residential (RML) Tax Lot 106: Institutional (IN)
<b>Proposed Land Use District:</b>	High-Density High-Rise Residential (RH-HR)





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## I. Executive Summary

Vista Residential Partners (Applicant) is pleased to submit this plan map and text amendment application to the City of Tualatin. Horizon Community Church is selling a portion of their property south of SW Norwood Road and east of SW Boones Ferry Road. This plan map and text amendment will change the zoning of this land (as well as an adjacent one acre of land) to allow an apartment use and limit the height of the future buildings to 4 stories. The site is currently zoned Institutional (IN) and Medium-Low Density Residential (RML). A portion of the subject site is within the Basalt Creek Planning Area which has been the focus of years of planning effort between the City of Tualatin, the City of Wilsonville, Washington County, and Metro and is currently under various stages of development.

### Housing Need

There is a well-known need for housing within the City of Tualatin, as well as within the region and state. As part of *Tualatin 2040* (a visioning process the City underwent in 2019 to identify updates needed to the City's Comprehensive Plan and Development Code), stakeholders identified housing affordability and the need for a wider variety of housing types (other than single-family homes) as two of the highest policy priorities. The City produced a *Housing Needs Analysis* (HNA), and *Housing Production Strategy* (HPS) to support the Tualatin 2040 project. The HNA evaluated and recommended various ways to meet the overall housing need within the City, recognizing the extent of the housing crisis and the need for a multi-faceted approach to find solutions. The HPS built on the HNA recommendations and established goals and strategic actions related to the identified housing needs in the City.

The City's Housing Needs Analysis states that Tualatin's housing market is strongly impacted by the regional housing market and nearly 93% of the 23,800 people who work in Tualatin commute from outside of the city. The US Census Bureau's 2021 American Community Survey estimates that ±43.1 percent of those employed in Tualatin spend greater than 30 minutes traveling to work. Allowing additional housing opportunities to be constructed near these centers of employment would allow more people to live near their work and reduce the number and length of time vehicles were on the road. The lack of vacant units and continued demand for housing drives the need to provide additional multifamily housing, which is expected to be 45% of Tualatin's future housing stock.

The analysis also determined that Tualatin is challenged to provide new multifamily housing over the next 20 years due to limited land supply of appropriately zoned property. In order to solve this problem, the HNA and HPS recommendations include:

- looking for opportunities to add residentially zoned land for multifamily development,
- adding density to existing residentially zoned land,
- accommodating a higher percentage of apartment units in the City than has historically been built, and
- locating housing near employment centers.

Approval of this map and text amendment application will implement the Tualatin 2040 policies and the specific HNA and HPS recommendations above. This application will allow apartments to be built on a site that currently only allows institutional uses (churches or recreational uses) and detached or attached homes and is located in an area of the City slated for future growth including a significant employment district.

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### **Multifamily Land Deficit**

The HNA outlines the numbers and types of housing units Tualatin should plan for within the 20-year planning period. This analysis found that Tualatin has a deficit of lands available for higher density multifamily housing and will need to provide a greater number of multifamily homes. As further discussed on page 28 of this narrative, the City of Tualatin currently has no buildable acres of High-Density High-Rise Residential (RH-HR) and a deficit of 4 acres was identified. Medium Low-Density (RML) zoning, by contrast, has a land surplus of 27 acres within the City. Lower density zoning with capacity does not have the potential to provide the same types of multifamily housing opportunities as higher density zoning districts where those uses are permitted.

Simply stated, rezoning lower density land as RH-HR is a solution to the City's housing deficit that the City has adopted as part of the HNA. One challenge with using the RH-HR zone to partially address the City's housing deficit is the current text of the RH-HR zoning district restricts the possibility of providing higher density housing within the City of Tualatin by confining the location of RH-HR zoning to a specific area of the City – one which has already been identified as having no significant buildable acreage. The text amendment portion of this application seeks to remove the locational restriction from the text of the RH-HR zoning district, allowing the City to meet the specific goals and recommendations of its adopted plans.

The HNA also states that over half of renter households in the City are cost burdened and that the City will be challenged over the next 20 years to provide housing of all types, including market-rate multifamily housing. Allowing for increased density can help alleviate households' cost burdens by providing opportunities to add dwelling units to the housing market. This application provides additional land for future apartments and fulfills a need identified in the HNA to help alleviate households' cost burden.

Current market information for the Sherwood/Tualatin area, included as Exhibit J to this application package, supports the conclusions found by the Housing Needs Analysis. The current multifamily market within Tualatin has experienced a 70 percent increase in rent in the past decade. Conversely, rents within the Metro area had a cumulative increase of only 48.7 percent in the past decade. Tualatin rents increased 6.2 percent over the past year. The number of units to be built in the foreseeable future are forecast to have little effect on these overall trends, with Commons on the Tualatin expected to deliver ±260 units in 2023 and those units expected to be absorbed within the year. Tualatin also sees ±8.75 percent higher average rents than the average rents within the Portland Metro area. The Plambeck Garden Apartment project, an affordable housing development approved in 2022 south of the site along SW Boones Ferry Road, will provide essential affordable housing to the neighborhood. Allowing market rate apartments at this SW Norwood Road site will further fill a need within the City to provide additional housing stock that fits between income restricted affordable housing and single family homes.

This site is appropriate for a multifamily use with easy access to higher classified streets (SW Norwood Road, a Major Collector, and SW Boones Ferry Road, a Major Arterial), bus service along SW Boones Ferry Road, accessibility to future jobs on the industrial lands to the south and west, and compatibility with the adjacent church and school uses. Infrastructure improvements in the surrounding area are in various stages of planning, funding and construction, with road, water, sewer, stormwater, and other improvements in progress and available to the site. Development of the site will contribute to infrastructure and solve an existing traffic capacity problem by providing a traffic signal at SW Norwood and Boones Ferry Road.

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## Transportation

The future apartment project will gain access onto SW Norwood Road. A Transportation Impact Analysis (TIA) including a Transportation Planning Rule analysis (Exhibit H) has been prepared to address the impacts of this plan map and text amendment with the future project in mind. The study, completed by Jennifer Danziger, PE, Senior Transportation Engineer at Lancaster Mobley, determined that the proposed zoning and project could be accommodated by the surrounding planned transportation network.

The TIA determined that when only background growth is considered (i.e., the project is not constructed) the intersection of SW Norwood Road and SW Boones Ferry Road is projected to need a signal, but a signal is not currently planned or funded. Further, under a reasonable worst case development scenario with the existing zoning (not the proposed zoning), the intersection is eventually projected to fail. However, if the project installs a signal at that intersection, then the existing near-term and long-term problem is solved. The project's traffic is mitigated so that the street network performance standards are met and the zone change will not require any additional mitigation or change in classification.

As directed by City and County transportation staff, the study used a more conservative approach to the traffic counts (using higher trip numbers than the Institute of Transportation Engineers Trip Generation Manual, 10<sup>th</sup> Edition, requires for a similar apartment project). Even with the assumed higher number of trips, the study found that a future apartment project will create a minor impact on the transportation system which will be mitigated by the recommended traffic signal at the SW Norwood Road and SW Boones Ferry Road intersection.

## Conditions of Approval

The Applicant is willing to agree to conditions of approval that would require the following:

- Off-site improvements as recommended in the TIA, including the signal at the SW Norwood Road and SW Boones Ferry Road prior to occupancy of future site development.
- A 60-foot buffer along SW Norwood Road to preserve trees that do not need to be removed for the future access or public roadway improvements.
- Limit the height allowed at this site. The RH-HR zone allows a 64-foot maximum height. The text amendment portion of this application, as further detailed in Exhibit B, includes a height limit of 4 stories or 50 feet, whichever is less, on property south of SW Norwood Road.

## Associated Land Use Applications

Several applications are needed in order to prepare the site for multifamily housing. The following is an outline of the various applications and their sequencing:

### **Partition (previously submitted, under review)**

The existing Horizon Community Church and Christian School campus is located on a ±38-acre lot (Tax Lot 106 of Washington County Assessor's Map 2S135D). The partition application was submitted to the City in November 2022 to divide the existing lot into two parcels, resulting in a ±30-acre parcel for the school and church campus (Parcel 1) and an ±8.2-acre parcel planned for future multifamily housing (Parcel 2).

### **Annexation (previously submitted, under review)**

Tax Lot 108 is an adjacent ±1.0-acre lot. An annexation application to the City of Tualatin for Tax Lot 108 was submitted concurrent with the partition application to the City in November. This annexed

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lot is planned to be combined with the ±8.2-acre parcel (Parcel 2) to create a ±9.2-acre site for future multifamily housing (see Lot Consolidation, below).

#### **Map and Text Amendment (current application)**

Associated with the partition and annexation applications, this plan map and text amendment application is submitted to the City to apply the High-Density High-Rise (RH-HR) zoning district to the new ±9.2-acre site on SW Norwood Road (this ±9.2-acre site combines Parcel 2 of the partition application and adjacent Tax Lot 108, as described above). Currently, the RH-HR zoning district is restricted to a specific area within the City's Central Urban Renewal Area (URA). A text amendment to the Tualatin Development Code (TDC) is included that modifies the TDC's RH-HR language to allow the zoning district to be applied elsewhere in the City.

The text amendment also limits the maximum height of buildings to four stories south of SW Norwood Road in order to provide appropriate building massing in the Basalt Creek Planning Area. The proposed four-story height limitation to the RH-HR is significant, and results in the "High-Density High-Rise" name of the zone to be a misnomer because a four-story building is not a high-rise. (The term "high-rise" is subjective and depends on the context of the community. For example, in a denser urban area, a building would need to be at least 9 stories tall to be considered a "high-rise".) It is also worth noting that the Institutional (IN) zone allows up to 50-foot tall buildings; therefore, the proposed height limit of 4 stories or 50 feet is consistent with the existing zoning on the majority of the site.

#### **Lot Consolidation (future application)**

After annexation and partition approval, a lot consolidation application will be submitted to combine the ±1.0-acre annexed site with the ±8.2-acre parcel (Parcel 2) from the partition. This ±9.2-acre site is the same area subject to the map and text amendment and will be the subject of a future architectural review (AR) application.

#### **Architectural Review (future application)**

The future use of the ±9.2-acre site is anticipated to be multifamily housing. Planned improvements will require review and approval through the architectural review process with the Architectural Review Board acting as the decision-making body.

As described above, this plan map and text amendment application follows the partition and annexation applications. The area applicable to this application is shown in Figure 1 below.

This application satisfies the applicable approval criteria for map and text amendments outlined within the Tualatin Development Code (TDC) and Tualatin Comprehensive Plan and includes the City application forms and written materials necessary for the City to review and determine compliance with the applicable approval criteria. The evidence is substantial and supports approval of the application.

## **II. Site Description/Setting**

The subject site is ±9.2 acres in size and is comprised of two tax lots on the south side of SW Norwood Road ±290 feet east of SW Boones Ferry Road. Tax Lot 108 is located within the Portland Metropolitan Urban Growth Boundary (UGB) and Basalt Creek Planning Area and will be designated RML upon its annexation. The larger portion of the site proposed for a plan map amendment is currently annexed, is not included within the Basalt Creek Planning Area, and is zoned Institutional (Tax Lot 106). This portion

of the site is currently part of the Horizon Christian Church and School campus. There are two existing detached single-family homes and parking areas on the subject site.

**Figure 1:** Existing Zoning of Site



**Figure 2:** Proposed Plan Map Changes



Adjacent uses include the following:

North: SW Norwood Road and Norwood Heights residential subdivision, zoned Medium-Low Density Residential (RML).

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East: Horizon Community Church and Horizon Christian School campus (Tax Lot 106) with church and school buildings, sports fields, parking areas, and stormwater facilities zoned Institutional (IN). City-owned water tanks zoned IN. Autumn Sunrise residential subdivision zoned RML.

South: Horizon Community Church and Horizon Christian School campus (Tax Lot 106) with church and school buildings, sports fields, parking areas, and stormwater facilities. Zoned Institutional (IN). Autumn Sunrise residential subdivision zoned RML and Neighborhood Commercial (CN).

West: The Tualatin Hills Christian Church site is located west at the southeast corner of SW Boones Ferry Road and SW Norwood Road (zoned RML). Unincorporated low-density residential properties are located on the east and west sides of SW Boones Ferry Road (with County Zoning of FD-20).

Additionally, the site is close to a number of services and amenities such as:

- TriMet bus route 96-Tualatin/I-5 providing service between Commerce Circle and the Portland City Center with connections to Wilsonville’s SMART transit system and TriMet Westside Express Service (WES) commuter rail
- Pedestrian and bicycle facilities, including existing and future facilities along SW Norwood Road
- Future park lands along Basalt Creek on the west side of SW Boones Ferry Road
- Ibach Park
- Employment areas within the Basalt Creek Planning Area
- Wilsonville and the SW Elligsen Road/I-5 interchange
- Tualatin High School
- Edward Byrom Elementary School

### III. **Applicable Review Criteria**

#### TUALATIN COMPREHENSIVE PLAN 2040

#### CHAPTER 1 – COMMUNITY INVOLVEMENT

##### GOAL 1.1

Implement community involvement practices in line with Statewide Planning Goal 1.

##### Policy 1.1.3

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

**Response:** An in-person Neighborhood/Developer Meeting was held on October 25, 2022 at the Tualatin Public Library where feedback was received from citizens in the affected neighborhood. The meeting was held and noticed in accordance with the City’s neighborhood meeting requirements outlined in the Tualatin Development Code.

As a land use application requiring a Type IV-A procedure, a Planning Commission meeting and City Council public hearing will be required. These meetings will provide an opportunity for the public to comment on the application.

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## CHAPTER 3 – HOUSING

### GOAL 3.1 HOUSING SUPPLY.

Ensure that a 20-year land supply is designated and has urban services planned to support the housing types and densities identified in the Housing Needs Analysis.

**Response:** The City’s HNA found that approximately 4 acres of RH-HR zoning are needed to provide additional multifamily housing in the City. Where RH-HR areas are currently designated within the City, they are considered unbuildable by the HNA – meaning that they are not considered available for additional housing. The current RH-HR area is generally located south of SW Tualatin Road around the Tualatin Police Department and is largely owned by the City of Tualatin. It is unlikely that these lands, because of their public ownership and environmental constraints, would be available for residential development. Additionally, only a small portion of the currently designated area is unbuilt or unencumbered by wetlands, floodplains, and historic buildings.

The proposed map amendment provides a ±9.2-acre site to support the housing types and densities identified within the HNA. The HNA forecasts that multifamily units will provide 45 percent (456 dwelling units) of the 1,014 dwellings that are needed in Tualatin between 2020 and 2040.

The one-acre residential property (Tax Lot 106) is within the Basalt Creek Concept Plan area and, upon annexation to the City of Tualatin, will be zoned Residential Medium Low (RML). An additional 8.2-acre portion, following finalization of the proposed partition of Tax Lot 108 (Horizon Site), is currently zoned Institutional (IN). IN areas are generally designated where existing public or semi-public facilities already exist and were not considered as part of any land supply analysis. Meaning, the 8.2 acres of IN-zoned land have not been included in residential or employment land inventories.

The *Tualatin Housing Strategy Memorandum*, cited by the *City of Tualatin Housing Needs Analysis* (December 2019), presents a list of recommendations, and calls for the City to look for opportunities to re-zone lands to higher density residential. While Actions 1.2, 5.1, and 5.2 (excerpted and annotated below) don’t specifically list IN zoned lands, the recommendations clearly call for the City to identify opportunities for redevelopment and rezoning that would accommodate the City’s housing needs. During the process of creating the HNA, ECONorthwest and the City’s Community Advisory Committee (CAC) identified Actions 1.2 and 5.1 as high priorities to provide needed housing for the City.

Strategies, Actions, and Recommendations	Priority
<b>Strategy 1: Ensure an adequate supply of land that is available and serviceable.</b>	
<b>Action 1.1. Evaluate opportunities to increase development densities within Tualatin's existing zones by modifying the Development Code.</b> <ul style="list-style-type: none"> <li>▪ <b>Recommendation 1.1a:</b> Evaluate increasing densities in the Residential High and Residential High Density / High Rise residential designations by allowing buildings that are five to eight stories tall.</li> <li>▪ <b>Recommendation 1.1b:</b> Conduct an audit of the City's Development Code to identify barriers to residential development (e.g., lot size, setbacks, and lot coverage ratio) and identify alternatives for lowering or eliminating the barriers.</li> <li>▪ <b>Recommendation 1.1c:</b> Evaluate off-street parking requirements for multifamily housing to identify opportunities for reduction in parking requirements, especially for housing developed for groups who have fewer cars.</li> <li>▪ <b>Recommendation 1.1d:</b> Adopt a Planned Unit Development (PUD) ordinance to allow flexibility in both development standards and housing types.</li> </ul>	High
<b>Action 1.2. Evaluate opportunities to rezone land to provide additional opportunities for multifamily housing development.</b> <ul style="list-style-type: none"> <li>▪ <b>Recommendation 1.2a:</b> Identify opportunities to rezone industrial or commercial land for mixed-use that includes employment and residential uses.</li> <li>▪ <b>Recommendation 1.2b:</b> Evaluate opportunities to re-zone Residential Low Density and Residential Medium Low Density residential land for higher-density housing.</li> <li>▪ <b>Recommendation 1.2c:</b> Evaluate merging High Density zone and the High Density / High Rise zone into one zone and evaluate increasing the maximum density and maximum height limit allowed.</li> </ul>	High
<b>Action 1.3. Plan for infrastructure development to support residential development, consistent with Strategy 3.</b> <ul style="list-style-type: none"> <li>▪ <b>Recommendation 1.3a:</b> Identify opportunities to increase coordination between transportation planning and residential growth to manage congestion from growth.</li> <li>▪ <b>Recommendation 1.3b:</b> Identify opportunities to increase transit service.</li> </ul>	Medium
<b>Action 1.4. Plan for long-term development in Tualatin through 2040 and beyond.</b> <ul style="list-style-type: none"> <li>▪ <b>Recommendation 1.4a:</b> Actively work with Metro staff on upcoming Regional Growth Management reports. Coordinate Tualatin's planning with regional plans.</li> <li>▪ <b>Recommendation 1.4b:</b> Develop and implement a system to monitor the supply of residential land every two years.</li> <li>▪ <b>Recommendation 1.4c:</b> Reevaluate Tualatin's housing needs and land sufficiency on a schedule tied to the Metro Growth Management cycle.</li> <li>▪ <b>Recommendation 1.4d:</b> When needed in the future, work with Metro on potential expansion of the Metro UGB to include the Stafford area.</li> </ul>	High

Strategies, Actions, and Recommendations	Priority
<b>Action 3.8. Ensure that Tualatin has sufficient staff capacity to implement the housing program priorities set by the City Council.</b> <ul style="list-style-type: none"> <li>▪ <b>Recommendation 3.8a:</b> Determine whether the City will need to add staff to implement the policies in the housing strategy.</li> </ul>	Low
<b>Strategy 4: Identify funding tools to support residential development.</b>	
<b>Action 4.1. Evaluate opportunities to use leveraged funds from the Metro Housing Bond to support development of affordable housing.</b> <ul style="list-style-type: none"> <li>▪ <b>Recommendation 4.1a:</b> Evaluate opportunities, such as housing development incentives (in Strategy 3), to use leveraged funding from the Metro Housing Bond to support the development of affordable housing.</li> </ul>	High
<b>Action 4.2. Evaluate establishing an urban renewal district.</b> <ul style="list-style-type: none"> <li>▪ <b>Recommendation 4.2a:</b> Continue the evaluation of establishing a new urban renewal district and consider including urban renewal projects that support development of multifamily housing affordable for households earning less than 60% of MFI.</li> </ul>	High
<b>Action 4.3. Evaluate implementation of a construction excise tax.</b> <ul style="list-style-type: none"> <li>▪ <b>Recommendation 4.3a:</b> Evaluate implementation of a CET, starting with an analysis of the financial capacity of a CET.</li> </ul>	Medium
<b>Strategy 5: Identify redevelopment opportunities.</b>	
<b>Action 5.1. Identify districts within Tualatin with opportunities for redevelopment for housing and employment uses.</b> <ul style="list-style-type: none"> <li>▪ <b>Recommendation 5.1a:</b> Identify opportunities for redevelopment of mixed-use districts and initiate an area planning process to guide redevelopment.</li> </ul>	High
<b>Action 5.2. Support redevelopment of underutilized commercial buildings for housing.</b> <ul style="list-style-type: none"> <li>▪ <b>Recommendation 5.2a:</b> Identify underutilized commercial areas that are ripe for redevelopment and work with landowners and developers to support redevelopment.</li> </ul>	Medium
<b>Strategy 6: Ensure there are connections between planning for housing and other community planning.</b>	
<b>Action 6.1. Ensure that updates to the Transportation System Plan are coordinated with planning for residential growth.</b> <ul style="list-style-type: none"> <li>▪ <b>Recommendation 6.1a:</b> Evaluate opportunities to decrease dependence on automotive transportation in areas planned for housing.</li> <li>▪ <b>Recommendation 6.1b:</b> Evaluate opportunities to expand transit and improve transportation connectivity in Tualatin, particularly from the future Southwest Corridor station in Bridgeport to the Tualatin's Town Center.</li> <li>▪ <b>Recommendation 6.1c:</b> Evaluate opportunities for planning transit-oriented development.</li> <li>▪ <b>Recommendation 6.1d:</b> Develop a bicycle and pedestrian plan for Tualatin to increase connectivity within Tualatin.</li> </ul>	High
<b>Action 6.2. Coordinate planning for economic development planning with housing planning.</b> <ul style="list-style-type: none"> <li>▪ <b>Recommendation 6.2a:</b> Ensure the City includes housing planning for housing that is affordable to people who work at businesses in Tualatin.</li> </ul>	Medium
<b>Action 6.3. Develop a design and planning framework for "ten-minute neighborhoods" that include a mixture of uses.</b> <ul style="list-style-type: none"> <li>▪ <b>Recommendation 6.3a:</b> Develop a framework for mixed-use neighborhoods that includes the elements that residents need for day-to-day life.</li> </ul>	Low
<b>Action 6.4. Support sustainable development practices.</b> <ul style="list-style-type: none"> <li>▪ <b>Recommendation 6.4a:</b> Evaluate sustainable building practices, including certifications, to determine whether the City should offer incentives for certification or require certification of new buildings as sustainable.</li> </ul>	Low



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Amendment of the City’s RH-HR zoning district locational language will allow the City to apply RH-HR zoning beyond the limited area to where it is currently restricted, accomplishing the housing supply goal of the City’s HNA. The provision of additional lands for this purpose helps the City meet its 20-year land supply needs. The proposal satisfies this goal.

**POLICY 3.1.1 DENSITY.**

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

**Response:** High-Density High-Rise Residential (RH-HR) zoning is a critical part of the provision of appropriate residential densities within the City of Tualatin. The district requires density between 26 and 30 dwelling units per acre, and per the City’s HNA, accounts for only one percent of the total residential acreage within the City. The residential densities of the City’s various zoning districts are combined to provide the City’s overall target density of 8.0 dwelling units per acre, on average. According to the HNA, the City is below the target density of 8.0 dwelling units per acre. This map amendment will contribute to the City’s overall residential land supply and will help the City to better meet the minimum target density provisions. The proposal complies with this policy.

**POLICY 3.1.2 ZONING FOR MULTIFAMILY.**

Provide zoning for multifamily development, which may be located in areas adjacent to transit.

**Response:** According to the City’s Housing Needs Analysis, no areas of RH-HR zoning are vacant or partially vacant, meaning that they are not considered available for additional housing. This creates a two-fold problem – an identified need of 110 housing units will remain unmet because of the 4-acre land supply deficit, but the current plan text includes locational restrictions that limit the ability to apply this zoning within other areas of the City. The proposed amendments will remove the locational requirements within the TDC and allow for this site to be redesignated as RH-HR, allowing the City to meet its multifamily development housing needs. The subject site is also in close proximity to TriMet bus route 96 along SW Boones Ferry Road. Therefore, this policy to provide zoning for multifamily housing adjacent to transit is met.

**GOAL 3.2 HOUSING FOR ALL.**

Encourage development and preservation of housing that is affordable for all households in Tualatin.

**Response:** The proposed zoning changes will allow for the development of needed housing within Tualatin. The HNA identified the need for a higher percentage of multifamily dwelling units (45% of new housing) in order to meet the changing demographics and increasing housing affordability (*Housing Needs Analysis*, Page XI). In the current real estate market, it is difficult for many families, and especially first-time homeowners, to buy a home. For rent apartment homes are an affordable alternative to buying and provide housing options for households that might not be able to or want to buy a home in today’s market. Without additional supply of residential units, demand will continue to drive rents up significantly making renting less affordable. This application helps meets the goal of providing housing for all.

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### **POLICY 3.2.1 HOUSING TYPE DIVERSITY.**

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

**Response:** The City implemented Development Code updates in 2021 to comply with statewide “middle housing” mandates and to allow for more housing diversity within single-family residential districts. However, changes to allow additional multifamily residential development were not included in the Development Code updates. The proposed map amendment will allow for the construction of apartment housing that will increase the supply of renter occupied housing and the diversity of housing types within the City.

### **GOAL 3.5 HOUSING AND TRANSPORTATION.**

Encourage development and redevelopment in Tualatin that supports all modes of transportation, including walking, biking, and mass transit.

### **GOAL 3.7 RESIDENTIAL GROWTH AND THE ENVIRONMENT.**

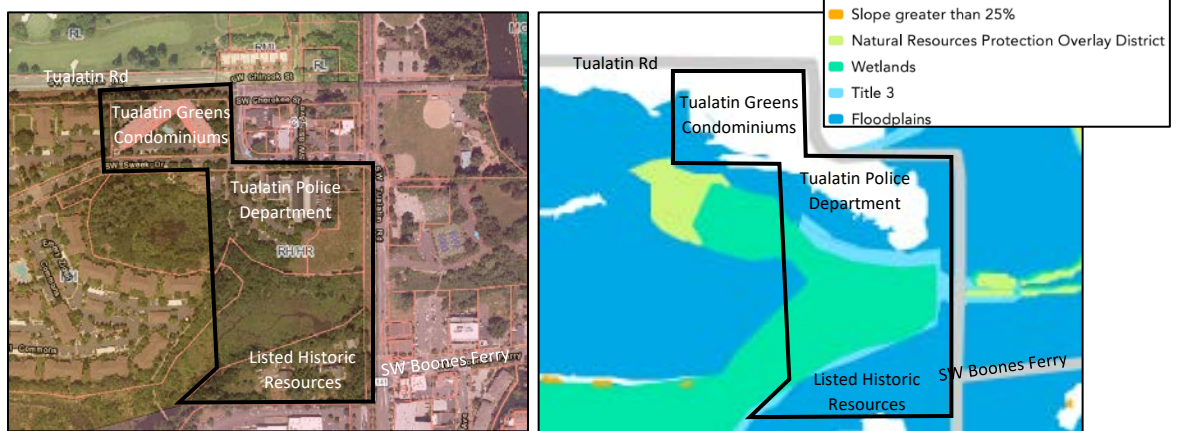
Plan for housing and residential growth to minimize and mitigate for environmental impacts.

**Response:** Compact growth within a city is more transit-supportive, has a smaller environmental impact, and allows for more efficient use of infrastructure. As most of Tualatin’s available residential buildable lands (88 acres) are within the Basalt Creek Planning Area, and there are no acres of available RH-HR lands within the rest of the City, rezoning is the only option to make RH-HR lands available to meet the City’s future housing needs.

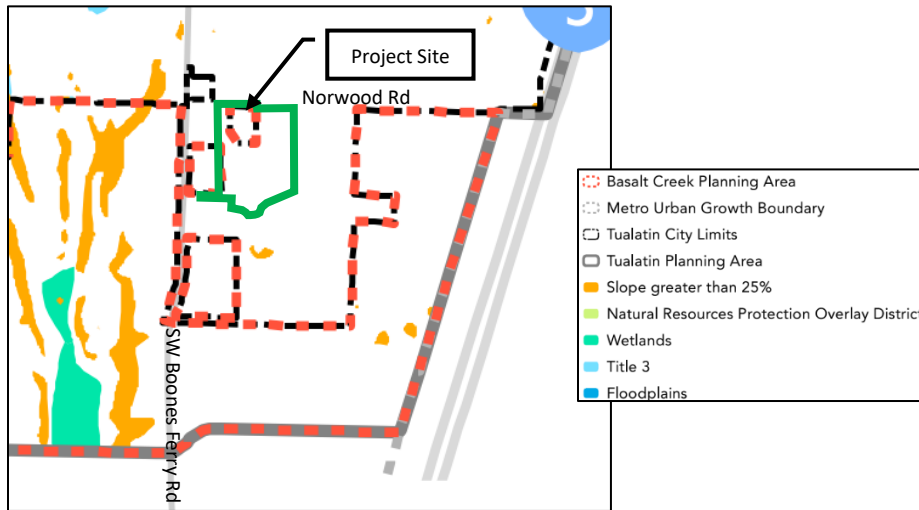
The location of proposed new RH-HR lands is near the intersection of SW Boones Ferry Road, SW Norwood Road, and the future extension of Basalt Creek Parkway allowing for greater pedestrian and bicycle connections to Tualatin and beyond. Transit options are currently available near the project site and increased residential, commercial, and industrial growth nearby may lead to increased levels of service along this route in the future.

The location of the project site accomplishes the goal of minimizing environmental impacts. The site does not feature any identified upland or riparian habitat, in contrast with existing RH-HR lands within the City (pictured below as Figure 3) which have been classified as largely unbuildable due to wetland habitats and floodplain. Other nearby residential lands, such as those west of SW Boones Ferry Road, are also significantly impacted by historic buildings, wetland, riparian, and upland habitats (Figure 4 below). Figure 4 demonstrates the location of the proposed map amendment. These goals are met.

**Figure 3: Existing RH-HR Zoning and Residential Land Constraints**



**Figure 4: Project Site Residential Land Constraints**



**CHAPTER 7 – PARKS, OPEN SPACE & ENVIRONMENT**

**GOAL 7.1**

Identify and protect significant natural resources that promote a healthy environment and natural landscape that improves livability, and to provide recreational and educational opportunities.

**POLICY 7.1.1**

Protect significant natural resources that provide fish and wildlife habitat, scenic values, water quality improvements, storm-water management benefits, and flood control.

**GOAL 7.2**

Balance natural resource protection with growth and development needs.

**Response:**

The project area is located where it will not infringe on natural resource areas. Removing the locational requirement of the RH-HR zoning and rezoning this area will allow for needed growth and development while still protecting natural resources within the City. While not considered a natural resource area, there are existing trees on the subject site along SW Norwood Road. As detailed in the Executive Summary, the applicant is willing

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to commit to a 60-foot tree preservation area. Due to access needs to the site and the widening requirements of SW Norwood Road, not all of the trees will be preserved, but a substantial number can be. These provisions are met.

## CHAPTER 10 – LAND USE DESIGNATIONS & ZONING

### PLAN MAP BACKGROUND

#### PLANNING DISTRICT BOUNDARIES.

The boundaries between planning districts, as portrayed on the Plan Map, are intended to follow property lines (or extensions thereof), roadways, or natural features such as creeks. Where such definition was not possible, the Map is drawn to scale and district boundaries can be determined by using this scale. It should be noted that property lines shown on the Plan Map were derived from County Assessor's Maps and are therefore relatively accurate. Consequently, the planning districts shown on the Plan shall be considered zoning districts, as normally termed. This eliminates the need for two sets of maps and simplifies the understanding of what land uses may be allowed on an individual property.

**Response:** The proposed map amendment follows the property lines created by a proposed partition of one of the subject lots. A future application will consolidate the recently annexed property and the parcel created through the partition of the Horizon Community Church campus (Parcel 2). The intent of the plan map district boundaries has been met.

#### PLANNING DISTRICT OBJECTIVES

##### RESIDENTIAL PLANNING DISTRICTS:

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

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

###### High-Density Residential/High-Rise Planning District (RH-HR)

This district supports a wide range of housing types at the greatest density of household living in areas with the greatest access to amenities.

##### OTHER PLANNING DISTRICTS:

###### Institutional Planning District (IN)

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

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

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

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promotes and protects the health, safety, and general welfare of all adjacent and nearby planning districts and uses.

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

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

**Response:** The project site is proposed to be rezoned to High-Density High-Rise Residential (RH-HR) from its current zoning of Institutional (IN) and Medium-Low Residential (RML). The removal of ±8.2-acres of IN land will not compromise the ability of the Horizon Church and School to optimize the use of their land and services they provide. And as previously discussed in this narrative, the HNA identified a surplus of RML zoning within the City and rezoning to RH-HR will meet numerous City goals and policies.

Prior to annexation to the City of Tualatin, Washington County approved a Master Plan in 2006 for the church and school property. The church has determined that their needs and the realization of the Master Plan can be met on a more compact portion of their property. This provides the opportunity to rezone and develop the remainder of the property with needed multifamily housing, making the current IN designation unnecessary. The proposed changes do not bring the remaining Institutional-zoned property out of compliance with the Tualatin Comprehensive Plan or previous land use approvals nor prevent its use in a manner that satisfies the purpose of the Institutional district.

Therefore, this application for a plan map and text amendment complies with the intent of the applicable planning districts.

## TUALATIN DEVELOPMENT CODE

### CHAPTER 32 – PROCEDURES

#### TDC 32.010. – Purpose and Applicability

- (1) *Purpose.* The purpose of this Chapter is to establish standard procedures for the review and processing of land use applications and legislative land use proposals, as well as ministerial actions. This Chapter is intended to enable the City, the applicant, and the public, where applicable, to reasonably review applications and participate in the local decision-making process in a timely and effective way. Table 32-1 provides a key for determining the review procedure and the decision-making body for particular applications.
- (2) *Applicability of Review Procedures.* All land use and development permit applications and decisions, will be made by using the procedures contained in this Chapter. The procedure "type" assigned to each application governs the decision-making process for that permit or application. There are five types of permit/application procedures as described in subsections (a) through (e) below. Table 32-1 lists the City's land use and development applications and corresponding review procedure(s).
  - (d) *Type IV-A Procedure (Quasi-Judicial Review—City Council Public Hearing).* Type IV-A procedure is used when the standards and criteria require discretion, interpretation, or policy or legal judgment and is the

procedure used for site-specific land use actions initiated by an applicant. Type IV-A decisions are made by the City Council and require public notice and a public hearing. Appeals of Type IV-A decisions are heard by the Land Use Board of Appeals (LUBA).

Table 32-1 – Application Types and Review Procedures

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

**Response:** This application is for plan map and text amendments that affect two parcels to be owned by the applicant. The requested action affects a limited number of properties and will require public notice and a public hearing before the City Council.

TDC 32.110. – Pre-Application Conference.

- (1) *Purpose of Pre-Application Conferences.* Pre-application conferences are intended to familiarize applicants with the requirements of the TDC; to provide applicants with an opportunity discuss proposed projects in detail with City staff; and to identify approval criteria, standards, and procedures prior to filing a land use application. The pre-application conference is intended to be a tool to assist applicants in navigating the land use process, but is not intended to be an exhaustive review that identifies or resolves all potential issues, and does not bind or preclude the City from enforcing any applicable regulations or from applying regulations in a manner differently than may have been indicated at the time of the pre-application conference.
- (2) *When Mandatory.* Pre-application conferences are mandatory for all land use actions identified as requiring a pre-application conference in Table 32-1. An applicant may voluntarily request a pre-application conference for any land use action even if it is not required.
- (3) *Timing of Pre-Application Conference.* A pre-application conference must be held with City staff before an applicant submits an application and before an applicant conducts a Neighborhood/Developer meeting.

**Response:** A pre-application conference was held with City of Tualatin staff to discuss the overall project and this specific redesignation of residential lands and required text amendment. The required pre-application conference was held with City of Tualatin Staff on July 13, 2022, prior to the application submittal date.

- (4) *Application Requirements for Pre-Application Conference.*
  - (a) *Application Form.* Pre-application conference requests must be made on forms provided by the City Manager.
  - (b) *Submittal Requirements.* Pre-application conference requests must include:
    - (i) A completed application form;
    - (ii) Payment of the application fee;
    - (iii) The information required, if any, for the specific pre-application conference sought; and

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- (iv) Any additional information the applicant deems necessary to demonstrate the nature and scope of the proposal in sufficient detail to allow City staff to review and comment.
  - (5) *Scheduling of Pre-Application Conference.* Upon receipt of a complete application, the City Manager will schedule the pre-application conference. The City Manager will coordinate the involvement of city departments, as appropriate, in the pre-application conference. Pre-application conferences are not open to the general public.
  - (6) *Validity Period for Mandatory Pre-Application Conferences; Follow-Up Conferences.* A follow-up conference is required for those mandatory pre-application conferences that have previously been held when:
    - (a) An application relating to the proposed development that was the subject of the pre-application conference has not been submitted within six months of the pre-application conference;
    - (b) The proposed use, layout, and/or design of the proposal have significantly changed; or
    - (c) The owner and/or developer of a project changes after the pre-application conference and prior to application submittal.

**Response:** A pre-application conference to discuss the application was held on July 13, 2022. The conference followed the above procedures and is valid for six months (until January 13, 2023). These criteria are met.

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

- (1) *Purpose.* The purpose of this meeting is to provide a means for the applicant and surrounding property owners to meet to review a development proposal and identify issues regarding the proposal so they can be considered prior to the application submittal. The meeting is intended to allow the developer and neighbors to share information and concerns regarding the project. The applicant may consider whether to incorporate solutions to these issues prior to application submittal.
- (2) *When Mandatory.* Neighborhood/developer meetings are mandatory for all land use actions identified in Table 32-1 as requiring a neighborhood/developer meeting. An applicant may voluntarily conduct a neighborhood/developer meeting even if it is not required and may conduct more than one neighborhood/developer meeting at their election.
- (3) *Timing.* A neighborhood/developer meeting must be held after a pre-application meeting with City staff, but before submittal of an application.
- (4) *Time and Location.* Required neighborhood/developer meetings must be held within the city limits of the City of Tualatin at the following times:
  - (a) If scheduled on a weekday, the meeting must begin no earlier than 6:00 p.m.
  - (b) If scheduled on a weekend, the meeting must begin between 10:00 a.m. and 6:00 p.m.
- (5) *Notice Requirements.*
  - (a) The applicant must provide notice of the meeting at least 14 calendar days and no more than 28 calendar days before the meeting. The notice must be by first class mail providing the date, time, and location of the meeting, as well as a brief description of the proposal and its location. The applicant must keep a copy of the notice to be submitted with their land use application.
  - (b) The applicant must mail notice of a neighborhood/developer meeting to the following persons:

- (i) All property owners within 1,000 feet measured from the boundaries of the subject property;
  - (ii) All property owners within a platted residential subdivision that is located within 1,000 feet of the boundaries of the subject property. The notice area includes the entire subdivision and not just those lots within 1,000 feet. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name, the notice area need not include the additional phases; and
  - (iii) All designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9.
- (c) The City will provide the applicant with labels for mailing for a fee.
  - (d) Failure of a property owner to receive notice does not invalidate the neighborhood/developer meeting proceedings.
- (6) *Neighborhood/Developer Sign Posting Requirements.* The applicant must provide and post on the subject property, at least 14 calendar days before the meeting. The sign must conform to the design and placement standards established by the City for signs notifying the public of land use actions in TDC 32.150.
  - (7) *Neighborhood/Developer Meeting Requirements.* The applicant must have a sign-in sheet for all attendees to provide their name, address, telephone number, and email address and keep a copy of the sign-in sheet to provide with their land use application. The applicant must prepare meeting notes identifying the persons attending, those commenting and the substance of the comments expressed, and the major points that were discussed. The applicant must keep a copy of the meeting notes for submittal with their land use application.

**Response:** A Neighborhood/Developer Meeting is required for this type of application, and one was held in-person on October 25, 2022 at the Tualatin Public Library. The required information is provided in Exhibit E. These requirements are met.

**TDC 32.130. - Initiation of Applications.**

- (1) *Type I, Type II, Type III, and Type IV-A Applications.* Type I, Type II, Type III, and Type IV-A applications may be submitted by one or more of the following persons:
  - (a) The owner of the subject property;
  - (b) The contract purchaser of the subject property, when the application is accompanied by proof of the purchaser's status as such and by the seller's written consent;
  - (c) A lessee in possession of the property, when the application is accompanied by the owners' written consent; or
  - (d) The agent of any of the foregoing, when the application is duly authorized in writing by a person authorized to submit an application by paragraphs (a), (b) or (c) of this subsection, and accompanied by proof of the agent's authority.
- (2) *Type IV-A or B Applications.* Type IV-A or B applications may be initiated by the City.

**Response:** This application has been submitted by the property owners and contract purchaser of all properties affected by the proposed map and text amendment. The applicable criteria are met.



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TDC 32.140. - Application Submittal.

- (1) **Submittal Requirements.** Land use applications must be submitted on forms provided by the City. A land use application may not be accepted in partial submittals. All information supplied on the application form and accompanying the application must be complete and correct as to the applicable facts. Unless otherwise specified, all of the following must be submitted to initiate completeness review under TDC 32.160:
  - (a) A completed application form. The application form must contain, at a minimum, the following information:
    - (i) The names and addresses of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
    - (ii) The address or location of the subject property and its assessor's map and tax lot number;
    - (iii) The size of the subject property;
    - (iv) The comprehensive plan designation and zoning of the subject property;
    - (v) The type of application(s);
    - (vi) A brief description of the proposal; and
    - (vii) Signatures of the applicant(s), owner(s) of the subject property, and/or the duly authorized representative(s) thereof authorizing the filing of the application(s).
  - (b) A written statement addressing each applicable approval criterion and standard;
  - (c) Any additional information required under the TDC for the specific land use action sought;
  - (d) Payment of the applicable application fee(s) pursuant to the most recently adopted fee schedule;
  - (e) Recorded deed/land sales contract with legal description.
  - (f) A preliminary title report or other proof of ownership.
  - (g) For those applications requiring a neighborhood/developer meeting:
    - (i) The mailing list for the notice;
    - (ii) A copy of the notice;
    - (iii) An affidavit of the mailing and posting;
    - (iv) The original sign-in sheet of participants; and
    - (v) The meeting notes described in TDC 32.120(7).
  - (h) A statement as to whether any City-recognized Citizen Involvement Organizations (CIOs) whose boundaries include, or are adjacent to, the subject property were contacted in advance of filing the application and, if so, a summary of the contact. The summary must include the date when contact was made, the form of the contact and who it was with (e.g. phone conversation with neighborhood association chairperson, meeting with land use committee, presentation at neighborhood association meeting), and the result;
  - (i) Any additional information, as determined by the City Manager, that may be required by another provision, or for any other permit elsewhere, in the TDC, and any other information that may be required to adequately review and analyze the proposed development plan as to its conformance to the applicable criteria;

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- (2) **Application Intake.** Each application, when received, must be date-stamped with the date the application was received by the City, and designated with a receipt number and a notation of the staff person who received the application.
  - (3) **Administrative Standards for Applications.** The City Manager is authorized to establish administrative standards for application forms and submittals, including but not limited to plan details, information detail and specificity, number of copies, scale, and the form of submittal.

**Response:** Required information, city forms, and this narrative have been submitted to the City of Tualatin for approval. These criteria are met.

**TDC 32.150. - Sign Posting.**

- (1) **When Signs Posted.** Signs in conformance with these standards must be posted as follows:
  - (a) Signs providing notice of an upcoming neighborhood/developer meeting must be posted prior to a required neighborhood/developer meeting in accordance with Section 32.120(6); and
  - (b) Signs providing notice of a pending land use application must be posted after land use application has been submitted for Type II, III and IV-A applications.
- (2) **Sign Design Requirements.** The applicant must provide and post a sign(s) that conforms to the following standards:
  - (a) Waterproof sign materials;
  - (b) Sign face must be no less than 18 inches by 24 inches (18" x 24"); and
  - (c) Sign text must be at least two inch font.
- (3) **On-site Placement.** The applicant must place one sign on their property along each public street frontage of the subject property. (Example: If a property adjoins four public streets, the applicant must place a sign at each of those public street frontages for a total of four signs.) The applicant cannot place the sign within public right-of-way.
- (4) **Removal.** If a sign providing notice of a pending land use application disappears prior to the final decision date of the subject land use application, the applicant must replace the sign within 40-eight (48) hours of discovery of the disappearance or of receipt of notice from the City of its disappearance, whichever occurs first. The applicant must remove the sign no later than 14 days after:
  - (a) The meeting date, in the case of signs providing notice of an upcoming neighborhood/developer meeting; or
  - (b) The City makes a final decision on the subject land use application, in the case of signs providing notice of a pending land use application.

**Response:** Signs duly notifying the public of the pending land use application will be posted in accordance with the above provisions. Signs for the Neighborhood/Developer Meeting were posted in accordance with TDC 32.120(6). Signage providing notice of the pending land use application hearing will be posted when applicable. The applicable criteria have been or will be met.

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TDC 32.230. - Type III Procedure (Quasi-Judicial Review—Public Hearing).

Type III decisions involve the use of discretion and judgment and are made by the Planning Commission or Architectural Review Board after a public hearing with an opportunity for appeal to the City Council. The decision body for each application type is specified in Table 32-1. A hearing under these procedures provides a forum to apply standards to a specific set of facts to determine whether the facts conform to the applicable criteria and the resulting determination will directly affect only a small number of identifiable persons.

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

[...]

**Response:** The application includes the applicable information listed within TDC 32.140(1). This criterion is met.

### CHAPTER 33 – APPLICATIONS AND APPROVAL CRITERIA

TDC 33.070. – Plan Amendments.

- (1) **Purpose.** To provide processes for the review of proposed amendments to the Zone Standards of the Tualatin Development Code and to the Text or the Plan Map of the Tualatin Comprehensive Plan.

**Response:** The applicant is applying for a plan map amendment in order to provide opportunities for multifamily housing.

The applicant has also applied for plan text amendments in order to remove location restrictions related to the placement of RH-HR zoning and limit the height to four stories south of SW Norwood Road. Current TDC language restricts this zoning to a ±17.8-acre area on SW Tualatin Road largely encumbered with wetlands, floodplain, other obstacles to development and allows building to be up to 64 feet in height.

The required materials have been attached to this narrative as exhibits, providing justification for these plan map and text amendment requests.

- (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.

**Response:** A pre-application conference with City of Tualatin staff has identified this application for plan map and text amendments, with a limited scope affecting a small number of properties, as requiring a quasi-judicial process. The application is subject to a Type IV-A review in accordance with TDC 32.010. This application has been submitted by the property owner and their authorized representatives. This criterion is met.

- (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.
  - (b) Map or text amendment applications which are legislative in nature are subject to Type IV-B Review in accordance with TDC Chapter 32.

**Response:** This application affects a limited number of properties and is therefore quasi-judicial in nature and subject to a Type IV-A Review in accordance with the procedures outlined within TDC Chapter 32.

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

**Response:** The applicant has submitted the required materials in accordance with TDC 32.140. These specific materials were outlined previously within this application. This criterion is met.

- (5) *Approval Criteria.*  
(a) *Granting the amendment is in the public interest.*

**Response:** Providing housing, especially those types identified by the City as specifically needed in Tualatin, are important to reaching the City's goals of offering residents various densities and levels of affordability. Additionally, Metro requires at least 50% of new residential units within the City of Tualatin to be either multifamily or attached single family units. The proposed map amendment could allow for the construction of up to 276 housing units on the ±9.2-acre site. The public interest is served through providing an opportunity for housing and helping the City meet both identified goals of the Tualatin Comprehensive Plan and regional Metro housing requirements.

The City's Housing Needs Analysis states that Tualatin's housing market is strongly impacted by the regional housing market and nearly 93% of the 23,800 people who work in Tualatin commute from outside of the city. The US Census Bureau's 2021 American Community Survey estimates that ±43.1 percent of those employed in Tualatin spend greater than 30 minutes traveling to work. Allowing additional housing opportunities to be constructed near these centers of employment would have an impact in the number and length of time vehicles were on the road. The lack of vacant units and continued demand for housing will drive the need to provide additional multifamily housing, which is expected to be 45% of Tualatin's future housing stock. The analysis also determined that Tualatin would be challenged to provide multifamily housing over the next 20 years.

A key recommendation of the Housing Needs Analysis is providing housing closer to workplaces and thereby reducing transportation issues associated with long commutes. The Basalt Creek Planning Area is expected to provide up to 2,300 jobs over the next 16 years. Because the lands proposed for map amendment are surplus Institutional and residential lands, the industrial and employment capacity within the Basalt Creek Planning Area is preserved. Amending other districts within the Basalt Creek Planning Area would either reduce employment capacity or require locating higher density housing further away from transportation facilities and amenities.

Another key component of this application is the provision of utility and transportation infrastructure, as outlined in the TIA (Exhibit H) and the Utility Capacity Analysis (Exhibit I). The addition of the traffic signal at the SW Norwood Road and SW Boones Ferry Road intersection will mitigate for existing traffic impacts as well as the minor impact of the future apartment project on the site.

The proposed map and text amendments serve the public interest by accommodating the housing, employment, utility, and transportation needs of the community. Therefore, the amendments benefit the public and the applications satisfy this criterion.

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

**Response:** Since the City has few vacant lands and no ability to provide housing at the needed density established by the HNA on existing buildable lands, approval of these amendments at this time is needed and is in the best interest of the public. Additionally, the City’s Housing Needs Analysis states that over half of renter households in the City are cost burdened. Allowing for increased density can help alleviate households’ cost burdens by providing opportunities to add dwelling units to the housing market. The City’s HNA also states that the City will be challenged over the next 20 years to provide housing of all types, including market-rate multifamily housing. The public interest is served and protected through meeting public needs for housing.

The provision of the traffic signal protects the public interest by solving an existing problem and mitigating future impacts of additional traffic from future improvements to the site. The text amendment to limit the height of buildings at the site to 4-stories also protects the public interest by ensuring compatibility with surrounding neighborhoods.

The conversion of IN zoned land to residential zoning also protects the public interest by preserving employment lands in commercial and industrial zoned areas. According to the *Tualatin Economic Opportunities Analysis* completed in 2019, there is little demand for institutionally zoned land in the City when compared to industrial, commercial, or residential designations.

This criterion is met.

(c) The proposed amendment is in conformity with the applicable goals and policies of the Tualatin Comprehensive Plan.

**Response:** Conformance with the applicable goals and policies of the Tualatin Comprehensive Plan have been reviewed and responses provided previously within this application. This criterion is satisfied.

(d) The following factors were consciously considered:

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

**Response:** The characteristics of the proposed location were considered. The subject site is located near transportation options, goods and services, and employment areas. As previously stated, the City lacks the buildable lands necessary to provide housing to meet its projected residential growth. Other available areas do not have the necessary level of services, access to employment centers and transportation, or amenities that are or will be available in this location. The site is in an area of future growth and in close proximity to the Basalt Creek employment area which is expected to provide up to 2,300 jobs in the next 16 years.

Many other lands, 86 percent of the total acres with residential comprehensive plan designations, are also considered “developed” per Metro Regional Services (Metro) definitions and must be redeveloped to accommodate any changes to housing or additional housing in the future. Redevelopment requires consideration of the project site and surroundings and can be costly in comparison to development of a vacant site. This application allows for the provision of housing in a relatively undeveloped greenfield area

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without the possible reduction in housing stock or displacement of current residents that may occur with the redevelopment of a developed site.

Neighbors attending the Neighborhood/Developer Meeting expressed concerns related mainly with traffic and building height. As part of this application, the Applicant has provided a Transportation Impact Analysis including a Transportation Planning Rule analysis (Exhibit H). The report, completed by Jennifer Danziger, PE, Senior Transportation Engineer at Lancaster Mobley, studied the existing and background conditions of the transportation network. The report concluded that the traffic signal at the intersection of SW Norwood Road and SW Boones Ferry Road is required even without the apartment project being built. However, with the addition of the signal, the proposed zoning and project could be accommodated by the surrounding planned transportation network, frontage improvements, and traffic signal. The recommended improvements will allow the street network performance standards to be met without any additional mitigation or change in classification.

Concern about the height of the buildings has been addressed by the proposed text amendment which would limit the height of the RH-HR zone to four stories within areas south of SW Norwood Road (Exhibit B). (See discussion in the Executive Summary about the text amendment for height.) The proposed code height limitation would reduce the visual impacts of the future site improvements on the surrounding area. Along with the required transportation improvements, the proposed plan map and text amendments consciously consider the characteristics of this and other areas of the City, and this criterion is met.

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

**Response:**

The site proposed for the map amendment is a future growth area of the City, near transportation options, a neighborhood commercial area, parks, schools, and employment centers, and is a suitable location for multifamily development. Planned improvements and infrastructure that is anticipated to be the responsibility of the project will accommodate development in the area. Nearby service and planned improvements include:

**Water:** Water service for the subject site will tie into existing public water mains within SW Norwood Road. Per the *9300 SW Norwood – Water System Capacity Analysis*, dated September 11, 2022, from Brian Ginter, PE of Murraysmith, Inc. included as part of Exhibit I, “adequate water service for domestic use and fire suppression is available” for the proposed development.

**Sanitary Sewer:** An 8-inch gravity sanitary sewer line will be constructed north of the proposed site within the SW Norwood Road and SW Boones Ferry Road rights-of-way. This line is planned to lead to an existing sanitary sewer line within SW Boones Ferry Road north of its intersection with SW Norwood Road. Adequate capacity is available to serve the proposed increase in residential density.

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**Stormwater:** A new connection to an existing stormwater main within SW Boones Ferry Road is planned. Using a combination of an existing on-site stormwater pond and new underground detention facilities, CWS water quality and hydromodification requirements can be met that ensure release rates for the site will be less than or equal to those currently observed.

**Transportation:** As previously discussed and detailed within the TIA (Exhibit H), a signal at the intersection of SW Norwood Road and SW Boones Ferry Road is warranted without any changes to the subject site. With the addition of a signal and other improvements to the transportation network surrounding the site, there is adequate capacity for the proposed development. Additionally, as described in the Executive Summary above, a bus stop for TriMet route 96 is within 350 feet of the site providing service to Portland City Center and connections to Wilsonville’s SMART transit system and TriMet Westside Express Service (WES) commuter rail. Capacity of the surrounding network is adequate, and the proposed project does not require additional measures of mitigation.

**Emergency and School Services:** The project site is served by the Tualatin Police Department and is within the Sherwood School and Tualatin Valley Fire and Rescue (TVF&R) Districts. Correspondence with the Sherwood School District is included as Exhibit G which states that capacity for additional students is available within Sherwood schools. Compliance with TVF&R standards and service requirements can be provided and will be reviewed with future applications for architectural review related to site design and layout.

Further analysis of current and proposed utilities is available within Exhibit I. The proposal is consistent with the City’s Master Plans and the area is suitable for this type of development. This criterion is satisfied.

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

**Response:**

As outlined in the Executive Summary, the state, region, and City are in the midst of a housing emergency. State and regional policies are addressing the shortages of all types of housing. The City’s HNA identified a need for diverse housing choices and additional multifamily dwelling units. Future development of this and surrounding sites was considered when creating this plan map and text amendment proposal. A portion of the area of the map change is part of the Basalt Creek Planning Area which has been the focus of years of planning effort between the City of Tualatin, City of Wilsonville, Washington County, and Metro and is currently under various stages of development.

To the east, Phase 1 of the Autumn Sunrise Subdivision is under development. To the southwest, Plambeck Garden Apartments has received land use approval and is likely to begin construction soon. The City has purchased lands west of SW Boones Ferry Road for the purpose of providing public parklands. Areas of industrial employment to the south and west are readying for development and existing facilities are growing. Infrastructure improvements are in various stages of progress, with road, water, sewer, stormwater, and other improvements completed or scheduled in conjunction with this growth.

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This application provides a significant opportunity for the City to provide needed housing within an area of future growth of the City. The proposed zoning would allow an appropriate use and one the City and region are in dire need of at a suitable site. This criterion is met.

(iv) **Property values;**

**Response:** The proposed amendments include a height limitation for future projects on the site. The future site plan will also propose a buffer of existing vegetation along SW Norwood Road, creating a visual barrier to the site. These measures will make the future development of the site compatible with the nearby homes. We are unaware of data that supports a conclusion that mitigated multifamily development negatively impacts property values of the surrounding area. The proposed rezone of the site increases the value of the church's excess land. The effects of the proposed amendments on property values were consciously considered and this criterion is met.

(v) **The needs of economic enterprises and the future development of the area; needed right-of-way and access for and to particular sites in the area;**

**Response:** The plan map and text amendment are necessary to provide additional needed housing within the City of Tualatin. Providing multifamily residential zoning in the proposed area relieves pressure to rezone other non-residential lands for the purpose of housing. Supplying this area relatively close to future employment centers provides the opportunity for employees to live nearer to their work. An employment center with nearby residences creates an attractive environment for companies relocating to the Basalt Creek Planning Area.

A future right-of-way dedication along SW Norwood Road will be provided to meet the short term and long-term transportation improvement needs identified by the City and County. A future architectural review application will address the specific right-of-way and access needs for the site development and ensure a thoughtfully designed project. This criterion is met.

(vi) **Natural resources of the City and the protection and conservation of said resources;**

**Response:** There are no mapped natural resources on the site affected by the plan map and text amendment. The site is largely vacant and underdeveloped with single-family residences and a parking lot. Vegetation is largely concentrated in the area adjacent to SW Norwood Road and surrounding Tax Lot 108. A wetland is located on the Horizon church and school site southwest of the plan map amendment area. This wetland was delineated and reviewed with the partition application submitted in November 2022. No physical development is proposed with this application for plan map and text amendment. The site will be further examined for natural resources, with any resources delineated, appropriately protected, and any impacts to resources mitigated with future development of the site. Future development of the site will need to comply with local, regional, state, and federal requirements for the protection of air, water, and land resources. This criterion is met.



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(vii) **Prospective requirements for the development of natural resources in the City;**

**Response:** There are no mapped natural resources on the site affected by the plan map and text amendment. The site is largely vacant and underdeveloped with single-family residences and a parking lot. Vegetation is largely concentrated in the area adjacent to SW Norwood Road and surrounding Tax Lot 108.

No physical development is proposed with this application for plan map and text amendment, and future development of the site will need to comply with local, regional, state, and federal requirements for the protection of air, water, and land resources. The site will be examined for natural resources, with any resources delineated, appropriately protected, and any impacts to resources mitigated with future development of the site. This criterion is met.

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

**Response:** This application helps satisfy the public need for housing in an appropriate location that considers the specific site conditions. The 2019 *Housing Needs Analysis* forecasted demand for 101 dwelling units of new housing between 2020 and 2040 within the RH-HR zoning district. Per the analysis and as explained previously, new housing opportunities for RH-HR do not exist within Tualatin, leaving a deficiency of at least 101 dwelling units.

The Basalt Creek Planning Area is projected to provide around 2,300 new jobs per the *Basalt Creek Concept Plan* adopted by the City in 2018. This job growth is expected to drive the need for additional housing units in Tualatin, especially in areas close to the centers of future employment, such as the proposed amendment area. The subject site is one of the closest residential areas in proximity to the burgeoning employment areas and would be highly desirable to employees of businesses in the area.

Key findings of the 2019 HNA are that Tualatin must “plan for more single-family attached and multifamily dwelling units in the future to meet the City’s housing needs” and that multifamily housing will account for 45 percent of future housing in the City. Another finding of the HNA states that the City could not “accommodate all of its housing needs” without employing strategies such as “by re-zoning land, increasing densities allowed in Plan Designations with deficits, or by accommodating housing in Plan Designations with surpluses.” Approving this request will serve the purposes of the plans outlined within this narrative as well as meet the public need for efficient and safe future development of the area.

The provisions of the TDC address safety, health, and aesthetic factors that will be adequately considered as part of future applications for architectural design review.

The application complies with this criterion.

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

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**Response:** The Basalt Creek Planning Area south of SW Norwood Road is an area planned for future growth within the Cities of Tualatin and Wilsonville. The concept plan for this area includes lands planned for residential, neighborhood commercial, and industrial uses. The first stages of development in this area are currently underway with the approvals of the Autumn Sunrise Subdivision and Plambeck Gardens Apartments. The City has recently purchased ±14 acres of land in the vicinity of the project, at 23465 and 23515 SW Boones Ferry Road, for the purpose of providing public parks. These parks are planned to provide amenities for existing and future residents in this area of the City. This map and text amendment to allow for future residential uses is compatible and appropriate for the neighborhood as the planned growth occurs.

While there was no mistake in the plan text or map for the property under consideration, the HNA has identified that the City has a deficit of RH-HR lands and this narrative demonstrates that no buildable acres are available due to constraints. This application complies with this criterion.

- (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.](#)

**Response:** The proposed plan map and text amendment will modify zoning code text, re-zone a portion of the Basalt Creek Planning Area, and increase residential densities in the area. The proposed site is located within the Sherwood School District; therefore, the school district's input was sought as part of this application. Those comments are included as part of Exhibit G. Sherwood School District's Chief Operations Officer, Jim Rose, provided confirmation that the district could accommodate any additional students from future multifamily development on the site. 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 \(OAR 660-012-0060\).](#)

**Response:** The proposed amendments are consistent with Oregon Statewide Planning Goal 1 – Citizen Involvement and Goal 2 – Land Use Planning and the applicable Oregon Administrative Rules. This proposal complies by satisfying the citizen involvement criteria of the TDC. The plan and map amendments are compliant with Goal 2 because the amendments satisfy the City's established land use planning processes and procedures.

By rezoning IN land to allow for housing, both Statewide Planning Goals 9 and 10 are met. The purpose of Goal 9 – Economic Development, is to make sure cities have enough land available to realize economic growth and development opportunities. There are no impacts to the inventory of commercial and industrial zoned lands with this application and major employment areas of the City are protected.

The amendments are compliant with Oregon Statewide Goal 10 (OAR 660-015-0000(10)) as they consider the City's *Housing Needs Analysis*, help address the City's deficit of housing by providing appropriate types and amounts of land for housing, provide an appropriate location currently undergoing development, and consider the carrying capacity of the City's natural resources.

The text amendment, as proposed, is consistent with OAR 660-007 (the Metropolitan Housing Rule), as it does not propose to change aspects of the type or density of housing within the RH-HR zoning district.

The proposal will allow the construction of needed housing and the efficient use of lands within the City of Tualatin. A review of Oregon’s Transportation Planning Rule (OAR 660-012-0060) and trip generation analysis have been provided by a traffic engineer (Exhibit H). Based on this analysis, the proposed map amendment was found to meet the TPR criteria, and the transportation system was found to have the capacity to accommodate the proposed changes. This criterion has been met.

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

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

**Title 1: Housing Capacity:** Title 1 requires that a City maintain or increase its housing capacity. The City’s HNA established the need for housing. Specifically, it identified a deficit of lands available for high-density multifamily housing and medium high-density residential. ( See below.)

**Exhibit 4. Comparison of capacity of existing residential land with demand for new dwelling units and land surplus or deficit, Tualatin City Limits and Basalt Creek, 2020 to 2040**

Source: Buildable Lands Inventory; Calculations by ECNorthwest. Note: DU is dwelling unit.

Residential Plan Designations	Capacity (Dwelling Units)	Demand for New Housing	Remaining Capacity (Supply minus Demand)	Land Surplus or (Deficit) Gross Acres
Low Density	523	466	57	10
Medium Low Density	386	71	315	27
Medium High Density	13	122	(109)	(7)
High Density	285	254	31	2
High Density High-Rise	-	101	(101)	(4)

As shown above, the Medium High-Density (RMH) and High-Density High-Rise (RH-HR) designations are deficient in future housing capacity, while there is a surplus in Low Density (RL), Medium Low Density (RML), and High-Density (RH) designations. A surplus of 315 dwelling units was calculated for the City’s RML districts. As there are currently no buildable acres of RH-HR lands, a deficit of 101 dwelling units is shown. After the proposed plan map amendments, there will still be a surplus of RML land and there will no longer be a deficit of RH-HR land.

The proposed amendment does not seek to adjust minimum or maximum densities or uses required by the RH-HR zone. The proposed map and plan text amendment changes also do not decrease housing supply, density, or capacity within the City of Tualatin.

**Title 4: Industrial and Other Employment Areas:** This portion of the Functional Plan protects the supply of industrial and employment lands within cities. The site is currently

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zoned to allow Medium-Low Residential and Institutional uses. While the area was previously designated by Metro as an Industrial Area (Title 4, Industrial and Other Employment Areas map), the proposed map amendment does not diminish the industrial or commercial capacities of the City because the area was not zoned for industrial or commercial uses by the City of Tualatin.

**Title 7: Housing Choice:** Title 7 establishes voluntary affordable housing production goals for local governments. The amendments do not prohibit regulated affordable housing on the project site, but the project plan does not plan to utilize or provide affordable housing. The amendments, however, will allow for the development of multifamily dwelling units, which provides additional housing choices; choices that are more affordable than detached single family housing. The City’s HNA recommends that the City provide all types of housing, including market rate multifamily housing.

The increased density and change in established zoning will allow for the construction of needed multifamily dwelling units while not diminishing the City’s ability to provide other deficient housing types or commercial and industrial lands.

This criterion is met and the application is consistent with the applicable sections of Metro Code Chapter 3.07.

- (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 (Comprehensive Plan Map 10-4), and E/E for the rest of the 2040 Design Types in the City's planning area.

**Response:** A Transportation Planning Rule review and trip generation analysis has been provided by a traffic engineer (Exhibit H). The Level of Service following the proposed changes is expected to meet the City’s standards. The proposed plan map amendment and plan text amendment will not alter the transportation needs of the affected parcels in the City’s Transportation System Plan. This criterion is met.

- (i) Granting the amendment is consistent with the objectives and policies regarding potable water, sanitary sewer, and surface water management pursuant to applicable goals and policies in the Tualatin Comprehensive Plan, water management issues are adequately addressed during development or redevelopment anticipated to follow the granting of a plan amendment.

**Response:** The proposed plan map and text amendments are consistent with the City’s objectives and policies regarding potable water, sanitary sewer, and stormwater management. This analysis is further detailed within Exhibit I – Utility Capacity Analysis and above in the response to TDC 33.070.(5)(d)(ii). 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.

**Response:** The Applicant has not entered into a development agreement nor is the site within the Urban Planning Area. This standard does not apply.

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## CHAPTER 41 – MEDIUM LOW DENSITY RESIDENTIAL ZONE (RML)

### TDC 41.100 - Purpose

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

**Response:** As detailed in the HNA, there is currently a surplus of approximately 27 acres of RML designated land. The proposed changes to the plan map will reduce the quantity of RML lands by approximately one acre or up to 25 dwelling units. The proposed text changes do not affect the RML district. After the approval of this application, sufficient RML land will continue to be available and the purpose of this district is not impacted.

## CHAPTER 44 – HIGH DENSITY HIGH RISE ZONE (RH-HR)

### TDC 44.100. - Purpose.

The purpose of the High Density High Rise (RH-HR) zone is to provide areas of the City within the City's Central Urban Renewal area, an area west of the Central Urban Renewal area, north of the wetlands, and south of the Tualatin Country Club that are suitable for high density apartment or condominium towers.

**Response:** As previously mentioned, the purpose statement of the High-Density High-Rise (RH-HR) zoning district restricts the zone to the City's Central Urban Renewal area. The proposed text amendment would remove this restriction as well as the suggestion that the zone would only provide residences in "towers." The proposed amendments would also impose a 4-story height limitation south of SW Norwood Road to allow for increased compatibility between future multifamily structures and existing neighborhoods. Please see Exhibit B for the planned text changes.

The proposed changes would allow the City to meet its expected future needs for higher density housing.

### TDC 44.200. - Use Categories.

- (1) *Use Categories.* Table 44-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the RH-HR zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 44-1 and restrictions identified in TDC 44.210. 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.

[...]

**Response:** The applicant has proposed the removal of the locational restriction contained within the Purpose section of the code (Exhibit B). The uses allowed within the zoning district by Table 44-1 have not been proposed to change as part of this application.

[...]

TDC 44.220. - Housing Types.

Table 44-2 lists Housing Types permitted in the RH-HR zone. Housing types may be Permitted Outright (P), Conditionally Permitted (C), or Not Permitted (N) in the RH-HR zone.

[...]

**Response:** The contents of Table 44-2 have not been proposed to change as part of this application.

TDC 44.300. - Development Standards.

Development standards in the RH-HR zone are listed in Table 44-3. Additional standards may apply to some uses and situations, see TDC 44.310.

Table 44-3  
Development Standards in the RH-HR Zone

STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
<b>MAXIMUM DENSITY</b>		
Household Living Uses	Maximum: 30 units per acre Minimum: 26 units per acre	
Retirement Housing or Congregate Care Facility	45 units per acre	
Nursing Facility	45 units per acre	
Group Living Uses	30 units per acre	Does not apply to Nursing Facility or Congregate Care Facility.
<b>MINIMUM LOT SIZE</b>		
Multi-Family Structure		
• Development on Less than One Acre	10,000 square feet	For up to two units, plus an additional 1,198 square feet for each unit exceeding two.
• Development on More than One Acre	1,452 square feet per unit	
Multi-Family Structure under Condominium Ownership	20,000 square feet	Limited to the primary condominium lot.
All Other Permitted Uses	10,000 square feet	
Conditional Uses	20,000 square feet	
Infrastructure and Utilities Uses	—	As determined through the Subdivision, Partition, or Lot Line Adjustment process.
<b>MINIMUM AVERAGE LOT WIDTH</b>		
Townhouses (Rowhouses)	14 feet	
Multi-Family Structure	75 feet	May be 40 feet on a cul-de-sac street.
Multi-Family Structure under Condominium Ownership	75 feet	Limited to the primary condominium lot. Minimum lot width at street is 40 feet.
All Other Permitted Uses	75 feet	
Conditional Uses	100 feet	Minimum lot width at street is 40 feet.
Flag Lots	—	Must be sufficient to comply with minimum access requirements of TDC 73C.
<b>MINIMUM SETBACKS</b>		
Front Setback		Minimum setback to a garage door must be 20 feet.
• 1 story structure	20 feet	
• 1.5 story structure	25 feet	
• 2 story structure	30 feet	
• 2.5 story structure	35 feet	

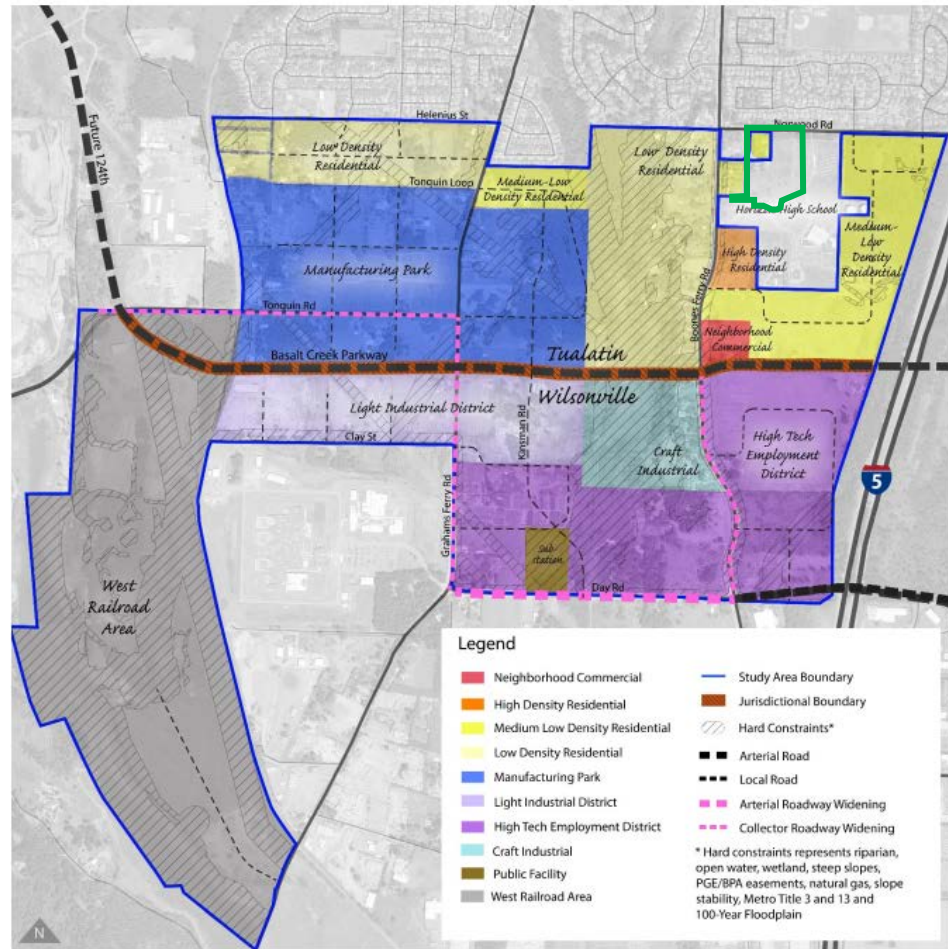
• Over 2.5 story structure	—	As determined through Architectural Review process. No setback must be required which is greater than the height of the structure.
<b>Side and Rear Setback</b>		Where living spaces face a side yard, the minimum setback must be 10 feet.
• 1 story structure	5 feet	
• 1.5 story structure	7 feet	
• 2 story structure	10 feet	
• 2.5 story structure	12 feet	
• Over 2.5 story structure	—	As determined through Architectural Review process. No setback must be required which is greater than the height of the structure.
Corner Lots	—	On corner lots, the setback is the same as the front yard setback on any side facing a street other than an alley.
Minimum Distance Between Buildings within One Development	10 feet	
Parking and Vehicle Circulation Areas	10 feet	
Conditional Uses	—	As determined through Architectural Review process. No minimum setback must be greater than 50 feet.
Any Yard Adjacent to a Wetland Protected Area	100 feet	As defined in TDC Chapter 71.
Any Yard Area Adjacent to Basalt Creek Parkway	50 feet	
<b>STRUCTURE HEIGHT</b>		
Minimum Height, Multi-Family and Condominium Developments	4 stories	
Maximum Height	64 feet	If structure does not include underground parking, maximum height is 5 stories. If the first story includes underground parking, maximum height is 6 stories. Regardless of the number of stories, structure height must not exceed 64 feet.
<b>MAXIMUM LOT COVERAGE</b>		
All Uses	45%	

**Response:** The proposed text amendment would modify the development standards of TDC 44.300 to place a 4-story height limitation on structures in the RH-HR zoning district in areas south of SW Norwood Road. Because there are no buildable RH-HR-zoned properties available within the City’s core areas, properties which may be designated for this zoning may be proximate to lower density zoning. This site is generally surrounded by medium-density residential and institutional uses. The proposed code provision limits the height of buildings to 4-stories to remain compatible with the adjacent residential and institutional uses.

[...]

## BASALT CREEK CONCEPT PLAN

Figure 8 Basalt Creek Land Use Concept Map



**Response:** The Basalt Creek Concept Plan was included in the Comprehensive Plan Update in 2019. The Basalt Creek Planning Area, shown above outlined in blue, includes a one-acre portion of the ±9.2-acre site. (The site is outlined in green.) The one-acre area is designated Medium Low Residential (RML) and is currently used for a single-family detached home. This area conforms with the applicable sections of the Basalt Creek Concept Plan, reviewed herein.



Concept Plan for Basalt Creek

Development Types

Table 3 Summary of Development Types Identified for Basalt Creek Planning Area by Jurisdiction

Jurisdiction	Land Use Designation	Buildable Acreage	Households		Employment	
			Count	Density per Gross Acre	Count (jobs)	Jobs per Gross Acre
Tualatin	High Density Residential	3.36	67	19.9	-	-
	Medium-Low Density Residential	59.83	374	6.3	-	-
	Low Density Residential	24.83	134	5.4	-	-
	Neighborhood Commercial	2.89	-	-	33	11.3
	Manufacturing Park	92.95	-	-	1,897	20.4
	Functionally Unbuildable	10.37	-	-	-	-
	<b>Tualatin Subtotal</b>	<b>194.23</b>	<b>575</b>			<b>1,929</b>

Tualatin

Housing. Most of the remaining land north of the proposed Basalt Creek Parkway (beyond employment land) is allocated to a mix of residential uses at varying densities. The Concept Plan organizes residential land uses into two general areas that are intended to have easy access to services and be connected to parks, schools, and natural areas.

1. The plan focuses the lowest density housing (a mixture of low-density and medium-low density) along the northern portion of the Planning Area and low density along the west side of Boone’s Ferry Road, adjacent to existing neighborhoods of Tualatin. This land is expected to accommodate 134 new households.
2. The eastern portion of the Tualatin future annexation area is anticipated to be a mixture of high and medium-low density residential; the land immediately east of Boones Ferry Rd is intended for high density housing; The remainder of the land east and south of Horizon School is planned for medium-low density residential. This eastern subarea is expected to accommodate 407 new housing units in Tualatin. This land is near the intersection between Boones Ferry Road and the new Basalt Creek Parkway.

**Response:** As the site represents a small portion of the area accounted for within the Basalt Creek Concept Plan, the proposed map and text amendment does not signify a substantial change in the number of dwelling units which will be provided within the Basalt Creek Planning Area. With its current RML designation, Table 3 above assumed the site would

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accommodate 6.3 dwelling units per gross acre. (It is worth noting that since the adoption of the Basalt Creek Concept Plan in 2019, middle housing code was adopted by the City in 2021 which now allows up to 25 townhome units per net acre in the RML zone.)

The City's *Housing Needs Analysis* determined that the City has a 27-acre surplus of RML lands and a deficit of High Density High Rise Residential lands. The conversion of RML lands to RH-HR lands can help remedy these projected deficits in housing types and densities. The area of the proposed RH-HR lands is east of SW Boones Ferry Road as described under (2) above and is consistent and compatible with the planned uses within the Basalt Creek Concept Plan.

The proposal does not contradict the identified policies of the Basalt Creek Concept Plan.

#### **IV. Conclusion**

The required findings have been made and this written narrative and accompanying documentation demonstrate that the application is consistent with the applicable provisions of the Tualatin Development Code and the Tualatin Comprehensive Plan. The evidence in the record is substantial and supports approval of the application. Therefore, the Applicant respectfully requests that the City approve this application.