



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

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NOTICE OF ADOPTED AMENDMENT

04/28/2014

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Tualatin Plan Amendment
DLCD File Number 002-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, May 13, 2014

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Clare Fuchs, City of Tualatin
Gordon Howard, DLCD Urban Planning Specialist
Jennifer Donnelly, DLCD Regional Representative

<paa> YA



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
File No.: 002-14 (20227)
[17857]
Received: 04/22/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Tualatin

Local file no.: **PMA-14-01**

Date of adoption: 4/14/2014

Date sent: 4/21/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes Date (use the date of last revision if a revised Form 1 was submitted): 2/14/2014
 No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No
If yes, describe how the adoption differs from the proposal:

N/A

Local contact (name and title): Clare Fuchs, Senior Planner

Phone: 503-691-3027

E-mail: cfuchs@ci.tualatin.or.us

Street address: 18880 SW Martinzazzi Ave

City: Tualatin

Zip: 97062-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

N/A

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from Commercial Recreational to High Density Residential 8.11 acres. A goal exception was required for this change. N/A

Change from General Commercial to High Density Residential 1.00 acres. A goal exception was required for this change. N/A

Change from _____ to _____ acres. A goal exception was required for this change.

Change from _____ to _____ acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): 2S1 15C 2191 and 2202, 17865 SW Pacific Highway

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary. N/A

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary. N/A

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

Chapter 9, Map 9-1

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from Commercial Recreational 8.01	to High Density Residential	Acres:
Change from General Commercial	to High Density Residential	Acres: 1.00
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected: N/A

Overlay zone designation: N/A Acres added: Acres removed:

Location of affected property (T, R, Sec., TL and address): 2S1 15C 2191 and 2202, 17865 SW Pacific Highway

List affected state or federal agencies, local governments and special districts: Clean Water Services, Tigard Tualatin School District, Oregon Department of Transportation, Washington County, Tualatin Valley Fire and Rescue, TriMet; Metro.

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

The City of Tualatin uses a "one map" plan designation map. Therefore, our Comprehensive Map amendment and Zoning map amendment are the same.

ORDINANCE NO. 1369-14

AN ORDINANCE AMENDING COMMUNITY PLAN MAP 9-1 TO CHANGE THE PLANNING DISTRICT DESIGNATIONS OF TWO TAX LOTS LOCATED AT 17865 SW PACIFIC HIGHWAY FROM GENERAL COMMERCIAL (GC) AND RECREATIONAL COMMERCIAL (CR) TO HIGH DENSITY RESIDENTIAL (RH) (PMA-14-01)

WHEREAS upon the application of Mountain West Investment Corporation, a public hearing was held before the City Council of the City of Tualatin on March 24, 2014, related to a Plan Map Amendment to amend Tualatin Plan Map 9-1 to change the planning district designations of two tax lots located at 17865 SW Pacific Highway from General Commercial (GC) and Recreational Commercial (CR) to High Density Residential (RH); and

WHEREAS the City provided notice of PMA-14-01 to the Oregon Department of Land Conservation and Development as provided under ORS 197.610; and

WHEREAS notice of public hearing was given as required by Tualatin Development Code 1.031; and

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

WHEREAS after the conclusion of the public hearing, the Council voted unanimously to approve the Plan Map Amendment.

NOW THEREFORE, THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. Tualatin Community Plan Map 9-1 is amended as set forth in Exhibit A, which is attached and incorporated by reference, to change the planning district designations of two tax lots located at 17865 SW Pacific Hwy from General Commercial (GC) and Recreational Commercial (CR) to High Density Residential (RH)

Section 2. Each section of this ordinance, and any part thereof is severable. If any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

Adopted by the City Council this 14 Day of April, 2014.

CITY OF TUALATIN, OREGON

BY 
Mayor

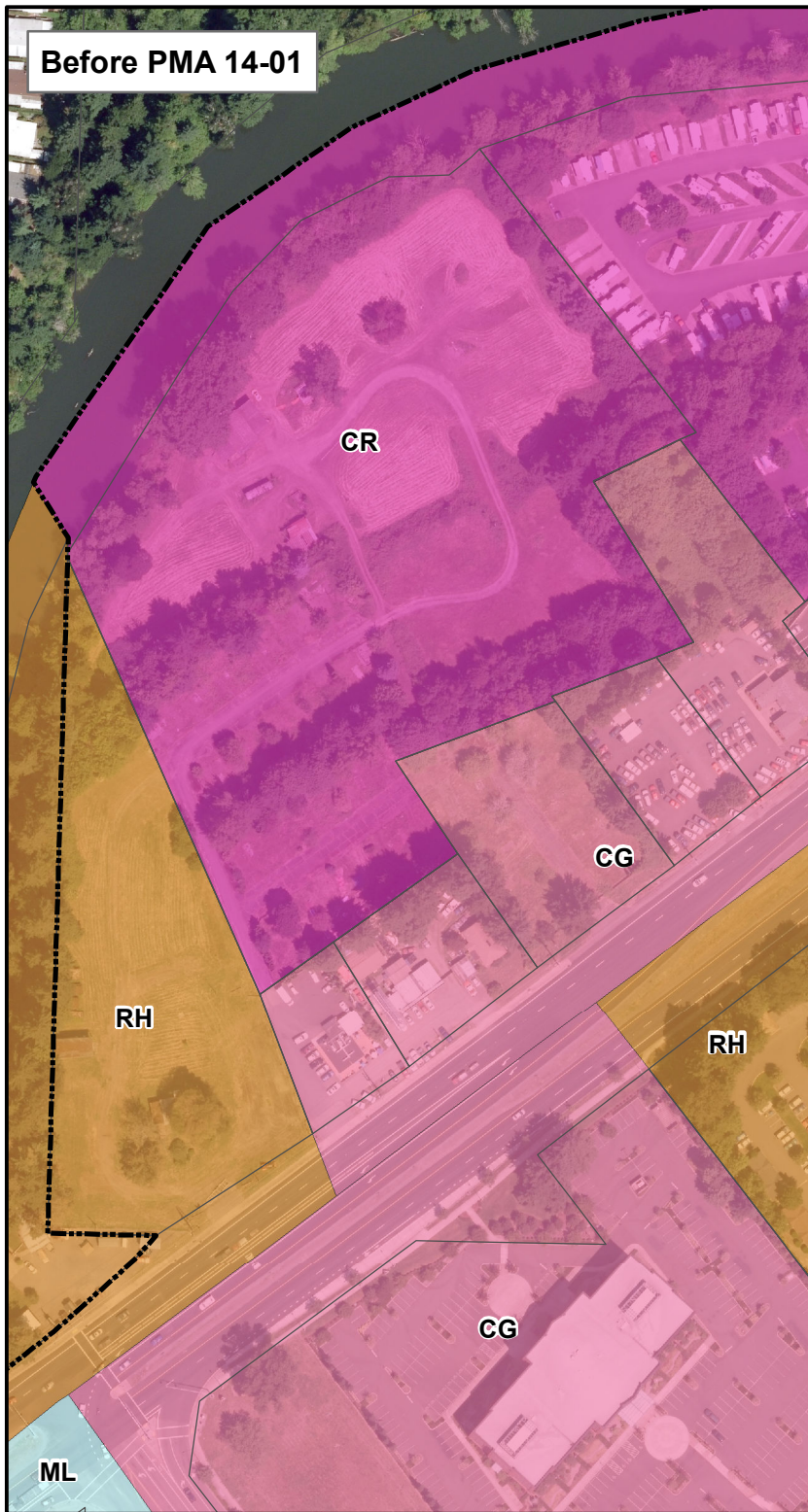
APPROVED AS TO FORM

BY 
City Attorney

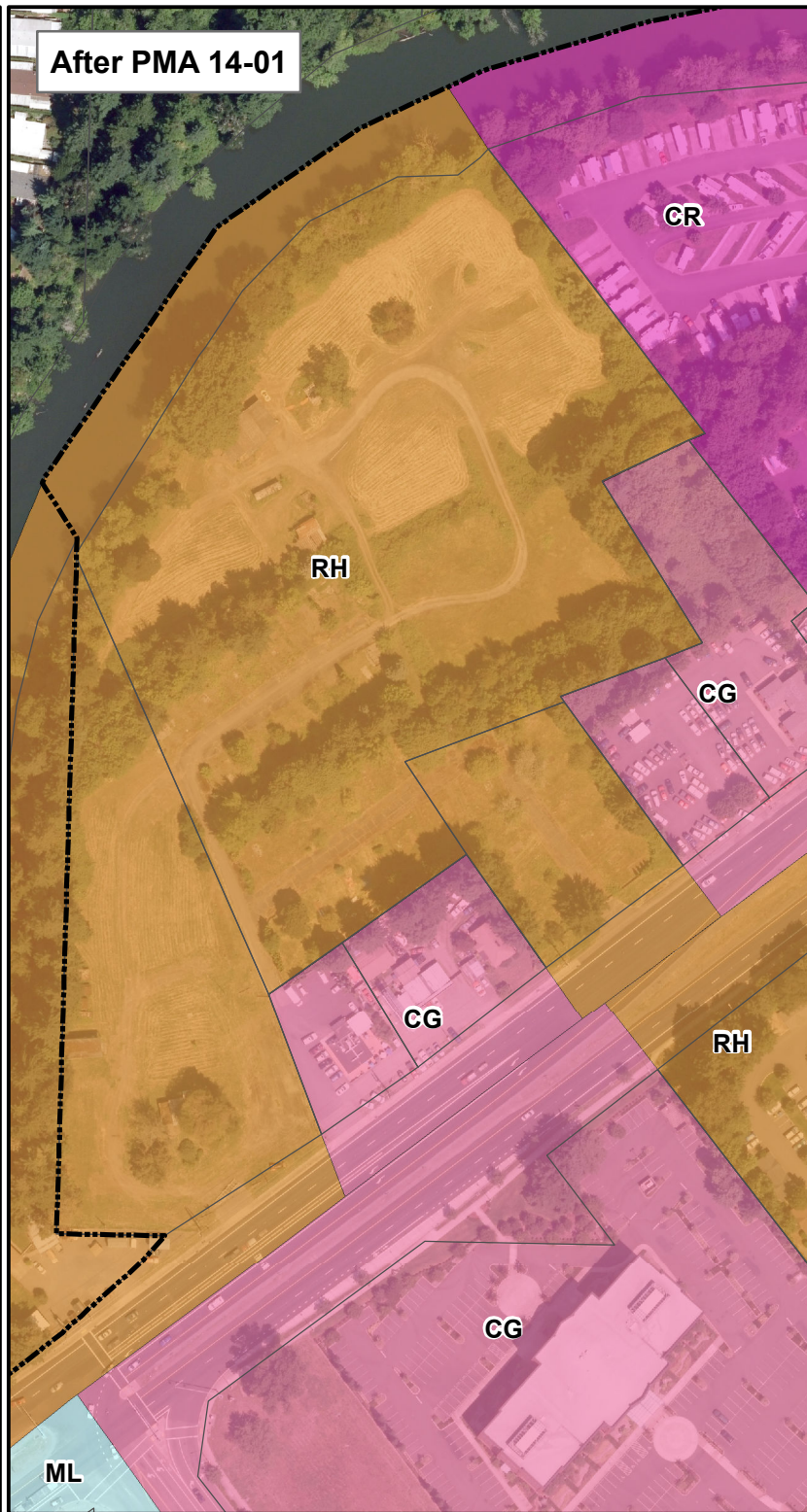
ATTEST:

BY 
City Recorder

Before PMA 14-01









After PMA 14-01



PMA 14-01

Adopted 4/14/2014

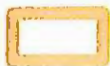
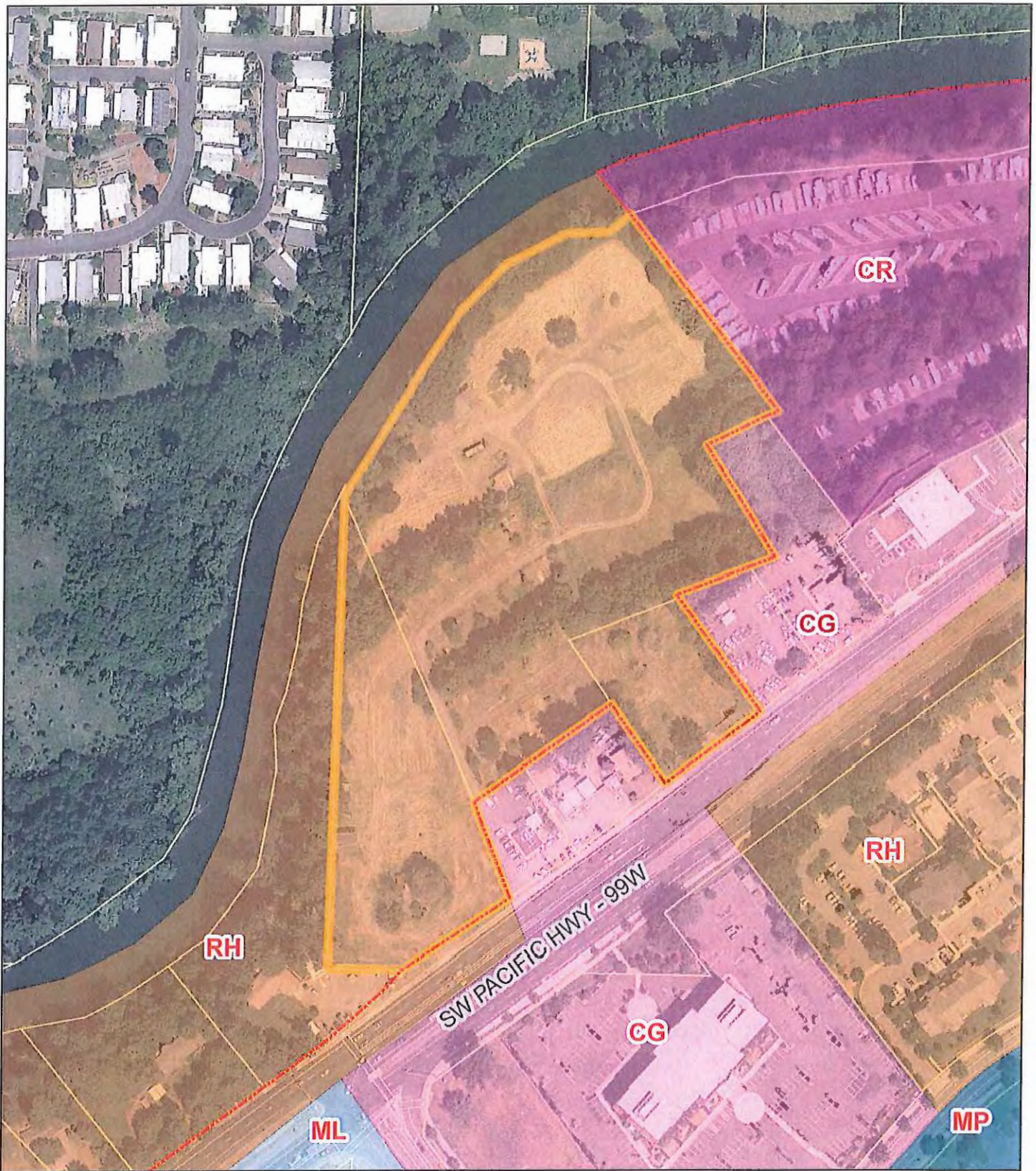
-  City Boundary
-  Taxlots
-  CG
-  CR
-  ML
-  RH



City of Tualatin

This map is derived from various digital database sources. While an attempt has been made to provide an accurate map, the City of Tualatin, OR assumes no responsibility or liability for any errors or omissions in the information. This map is provided "as is". -TualGIS 4-18-2014

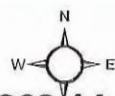
Future Espedal Property Plan Designation



Espedal Property



City Boundary



RF 1:2,400

Ordinance No. 1369-14

Exhibit A - Map

This map is derived from various digital database sources. While an attempt has been made to provide an accurate map, the City of Tualatin, OR assumes no responsibility or liability for any errors or omissions in the information. This map is provided "as is". -Engineering and Building Dept. Printed 2/14/2014



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Aquilla Hurd-Ravich, Planning Manager
Clare Fuchs, Senior Planner

DATE: 03/24/2014

SUBJECT: Consideration of Plan Map Amendment 14-01, amending Community Plan Map 9-1, to change the designation of two tax lots totaling 9.39 acres from General Commercial and Recreational Commercial to High Density Residential located at 17865 SW Pacific Highway (PMA-14-01)

ISSUE BEFORE THE COUNCIL:

Consideration of Plan Map Amendment 14-01, amending Community Plan Map 9-1, to change the designation of two tax lots from General Commercial and Recreational Commercial to High Density Residential located at 17865 SW Pacific Highway.

RECOMMENDATION:

Staff recommends that the Council consider the staff report, analysis and findings, application materials and proposed maps and provide direction to staff.

EXECUTIVE SUMMARY:

Project Description

This matter is a quasi-judicial plan amendment that was reviewed by the Planning Commission on March 6, 2014.

The City has received an application requesting a Plan Map Amendment changing the planning designations of two tax lots, one is designated General Commercial (2S1 15C 2191) and another is designated Recreational Commercial (tax lot 2202), to High Density Residential (RH). The applicant proposes to annex to the City the two tax lots located at 17865 SW Pacific Hwy plus a third tax lot (2300) which is already designated High Density Residential located at 17985 SW Pacific Hwy. The applicant, Mountain West Investment Corporation, submitted application materials included as Attachment 101 Application Materials.

The subject site of this amendment is comprised of two tax lots which total 9.39 acres. The General Commercial tax lot (2191) is approximately 1.02 acres and the Recreational Commercial tax lot (2202) is approximately 8.37 acres. The proposed amendment will also change the Planning Designation of approximately 0.28 acres of right-of-way on 99W adjacent

to the General Commercial tax lot (2191). Attachment 102 Background provides a general overview of the project.

Changing these two tax lots to the High Density Residential Planning District will allow for up to 25 units per acre. These two tax lots are under the same ownership, as well as a tax lot to the south of the subject property which is currently designated High Density Residential. The three lots combined can support multifamily residential. If the two properties are rezoned, the City's housing capacity will increase by approximately 234 units. The City's total dwelling unit per acre will increase from 8.1 du/acre to 8.2 du/acre. Additionally, the percentage of multifamily dwelling units in the City will increase from 52% to 53% of all total dwelling units in the City. Per OAR 660-007-0035(2) the City of Tualatin is required to provide a net density of eight dwelling units per acre (8 du/ac). Per OAR 660-007-0030 the City is required to provide at least 50 percent of new residential units as attached single family housing or multiple family housing.

Subject Site Description

The site is located on the northwest side of 99W Pacific Highway. It is about 329 feet north of the intersection at 99W and SW 124th Avenue. Land to the north is designated Recreational Commercial and is currently occupied by the Roamers Rest RV Park. The tax lot immediately to the south is designated High Density Residential and is under the same ownership as the subject site. Land south of this tax lot is also designated High Density Residential and is currently occupied by single family homes. The largest of the two tax lots under review, 2202, is separated from 99W by General Commercial land that is currently occupied by a restaurant and a commercial use. Across from the subject site on the south side of 99W Pacific Highway is a multifamily residential development on land designated High Density Residential and to the south of this development is an office building and vacant land on land designated General Commercial. The Tualatin River borders the subject site on the north side of the property. Additionally, the City has identified land on this site for the Tualatin River Greenway Trail. Both tax lots were previously occupied by a manufactured home park, but has been vacant for several years. See Attachments 103 and 104 Existing Plan Designation and Future Plan Designation for reference.

The applicant states that "[t]he site is not well situated for the commercial development, particularly retail development, in light of its one-way access into and out of the site." The present planning designation of General Commercial and Recreational Commercial allow for retail uses. The applicant continues, "[a]ccordingly, the property will likely long-remain vacant under the current commercial planning designations." Planning staff have often received requests for information about this site and the ability to develop all three acres, but the inquiries have not resulted in pursuit of development until this application. The site is constrained by the Tualatin River and associated setbacks imposed by Clean Water Services that include a 125-foot vegetative corridor. A third of the area adjacent to the Tualatin River is covered by the 100-year floodplain and floodway which is not buildable land. Because the site is located on an ODOT facility, access is limited. Additionally, the City has identified land on this site as part of the Tualatin Greenway Trail which can be located in Clean Water Services vegetative corridor. The combination of these site constraints present very limited opportunities for developing this site. The limited access off of 99W Pacific Highway reduces the market viability of retail uses. However, this site is suitable for multifamily development and areas adjacent to the site are identified as suitable for higher residential density. In order to make this site viable for development a Plan Map Amendment is necessary to allow the development of multifamily high density residential.

The Engineering Division reviewed this application and determined that the proposed amendment will reduce the AM and PM Peak traffic from the currently allowed uses, which would not increase the Level-of-Service at nearby intersections. All infrastructure services needed to support high density residential development are available adjacent to the site. Additionally, Engineering staff determined that with any future proposed development all public utilities will need to be evaluated by the developer for any upsizing requirements. A memorandum from Engineering staff is included as Exhibit B to the Analysis and Findings (Attachment 106).

Public Involvement

The applicant conducted a Neighborhood/ Developer Meeting on January 9, 2013 at 6:00pm at the Juanita Pohl Center located at 8513 SW Tualatin Road. Seven people signed in for the meeting, not including the applicant's team, and the topics discussed included the following:

- Discussion of applicant's company
- Property description, location, surrounding land uses
- Current zones and surrounding zones of the subject site and those around it
- A summary of the annexation and map amendment process
- Anticipated construction schedule of the project
- Entering and exiting the property- ODOT access
- ADT of commercial land uses versus residential land uses
- Traffic flow, traffic density, and sight distance (u-turns and signals)
- Possibility of natural gas being brought to the vicinity
- Mixed use zoning
- Parking
- Number of proposed units, size of units, and number of buildings and number of stories
- Rental rates, comparative properties, area demand for multi-family projects
- Affected schools
- Schedule of upcoming notifications and meeting dates

Planning Commission Recommendation

On March 6, 2014 the Planning Commission reviewed the proposed amendment. Staff presented the application with analysis and findings and the applicant gave a presentation. After hearing public comment on the proposed amendment the Planning Commission discussed the proposal and made a recommendation to Council to approve Plan Map Amendment 14-01. A draft of the TPC minutes are included as Attachment 107.

Plan Amendment Criteria

The Analysis and Findings in Attachment 106 contain findings of fact to demonstrate that the proposed amendment to Community Plan Map 9-1 are consistent with approval criteria per Tualatin Development Code Section 1.032 Burden of Proof. These criteria must be met if the proposed amendment is to be granted. As demonstrated in the Analysis and Findings all ten criteria are applicable and met. The Analysis and Findings goes through a comprehensive analysis of applicable Tualatin Community Plan chapters, State Goals and the Metro Urban Growth Functional Plan.

OUTCOMES OF DECISION:

PMA-14-01 ATTACHMENT 102

BACKGROUND

The subject land use application is Plan Map Amendment PMA 14-01 requesting an amendment to Plan Map 9-1 for two properties located at 17985 SW Pacific Highway (Tax Lot 2S 1 15C 2191 and 2202) including the portion of right-of-way of 99W Pacific Highway to the centerline. Tax lot 2191 is currently designated General Commercial and is approximately 1.03 acres in size. Approximately 0.28 acres of right-of-way are proposed to change from General Commercial to High Density Residential (RH), and the right-of-way directly abuts tax lot 2191. Tax lot 2202 is currently designated Recreational Commercial and is approximately 8.38 acres with 2.72 acres in the Natural Resource Protection Overlay (NRPO) or in non-buildable Flood way. The subject site is located on north and west of the 99W and SW 124th intersection. See vicinity maps included as Attachments 103 and 104.

This Plan Amendment is being initiated by a private applicant who ultimately seeks to develop the property for multi-family residential use. The applicant provided a description and history of the subject site.

“The subject properties are in an area known as Roamer’s Rest which is bordered to the south by Highway 99W and to the north by the Tualatin River. This area has a mix of plan designations including RH, CG, and CR. Adjacent to the property to the east and south is land designated CR and CG and to the west of the property are properties designated RH.

The area is a mix of old highway oriented commercial, vacant land and residential uses. This area has been largely undeveloped including a series of older buildings and vacant parcel. This includes the subject property which is a former manufactured home park but has been vacant for several years. The largest property adjacent to the subject property is the Roamer’s Rest RV Park which covers the CR land to the east of the subject property. Other nearby uses includes a restaurant, a small used car dealership, a new auto repair and restoration facility, and a vacant property designated RH.

Across Highway 99W directly to the south of the site is land designated RH that is fully developed as an apartment complex. Across Highway 99W to the southwest is land designated CG that is fully developed as an office building. To the north of the property, across the Tualatin River, the property is outside the City of Tualatin’s urban growth boundary [Urban Planning Area] and has the County designations of R-9 and R-15. This land is developed with residential uses.”

While the Plan Amendment criteria of 1.032 are a conceptual land use level, site redevelopment constraints are relevant. The largest tax lot 2202 proposed to change

PMA 14-01 Background
Attachment 102

from Recreation Commercial to High Density Residential (RH) is limited by the allowed and conditional uses. Multi-family uses are a conditional use but at a reduced density of 10 dwelling units per acre. Approximately 2.72 acres of this tax lot are unbuildable due to NRPO and Flood way and there is no direct access to 99W which limits possible development. Tax lot 2191 directly abuts 99W and is currently designated General Commercial but due to severely limited access from 99W the size there are limited development possibilities. Changing these two tax lots to the RH Planning District designation will allow for up to 25 units per acre. These two tax lots are under the same ownership as well as a tax lot to the south of the subject property which is currently designated High Density Residential. The three lots combined can support multi-family residential. The City's housing capacity will increase from this amendment by approximately 160 units. The City's total dwelling unit per acre will increase from 8.1 du/acre to 8.2 du/acre. Additionally, the percentage of multifamily dwelling units in the City will increase from 52% to 53%.

Attachment 106 contains the analysis and findings demonstrating how the PMA meets the approval criteria of Tualatin Development Code (TDC) Section 1.032. Exhibit B is a memorandum from the Engineering Division dated February 19, 2013 which examines the affect of the PMA on public facilities, including roads and streets.

PMA 14-01 Attachment 106:

ANALYSIS AND FINDINGS

The City has received an application requesting a Plan Map Amendment changing the planning designations of two tax lots, 2S1 15C 2191 (General Commercial) and 2202 (Recreational Commercial), to High Density Residential (RH). Tax lot 2191 is approximately 1.03 acres and Tax Lot 2202 is approximately 8.38 acres. This proposed amendment will also change the Planning Designation of approximately 0.28 acres of right-of-way on 99W adjacent to Tax Lot 2191. The applicant proposes to annex to the City the two tax lots located at 17865 SW Pacific Hwy plus a third tax lot, 2300 (designated RH), which is located at 17985 SW Pacific Hwy.

The approval criteria of the Tualatin Development Code (TDC), Section 1.032, must be met if the proposed PMA is to be granted. The plan amendment criteria are addressed below:

1. Granting the amendment is in the public interest.

As identified by staff it is in the public interest to respond to an applicant's proposal for a Plan Map Amendment that will lead to subsequent land use actions to permit new development and redevelopment of property that is currently vacant and underutilized.

The public interest is served by responding to this application for a Plan Amendment. The two tax lots which total 9.41 acres that are the subject of this amendment plus a third tax lot that is 2.56 acres are currently vacant and underutilized. The combined total of the three tax lots is approximately 11.97 acres. The applicants ultimately seek to develop this property for a multifamily residential use. The application cites Tualatin Development Code section 9.042 which identified Roamer's Rest "as an ideal and critical location for higher density housing." The TDC also notes that "flat land, relationship to the river, proximity to major employment centers, and excellent transportation access all lend themselves to a higher density development pattern."

The applicant states that "[t]he site is not well situated for the commercial development, particularly retail development, in light of its one-way access into and out of the site." The present planning designation of General Commercial and Recreational Commercial allow for retail uses. The applicant continues, "[a]ccordingly, the property will likely long-remain vacant under the current commercial planning designations." Planning staff have often received requests for information about this site and the ability to develop all three acres but the inquiries

have not resulted in pursuit of development until this application. The site is constrained by the Tualatin River and associated setbacks imposed by Clean Water Services that include a 125-foot vegetative corridor. A third of the area adjacent to the Tualatin River is covered by the 100-year floodplain and floodway which is not buildable land. Because the site is located on an ODOT facility, access is limited. Additionally, the City has identified land on this site as part of the Tualatin Greenway Trail which can be located in Clean Water Services vegetative corridor. The combination of these site constraints present very limited opportunities for developing this site. The limited access off of 99W Pacific Highway reduces the market viability of retail uses. However, this site is suitable for multifamily development and areas adjacent to the site are identified as suitable for higher residential density. In order to make this site viable for development a Plan Map Amendment is necessary to allow the development of multifamily high density residential.

The applicant addresses benefits to the surrounding community as a result of granting this amendment.

“Along with transforming an underutilized piece of property, the plan map amendment will also benefit the remaining commercial portion of Roamer’s Rest area. This includes a restaurant, a used car dealership, and some older retail buildings that will benefit from a significant number of new customers. Additionally, the office and manufacturing businesses being developed across Highway 99W will benefit from having high-quality housing for employees in close proximity.”

Granting the amendment is in the public interest. Criterion “1” is met.

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

As stated above, this site is severely constrained and not suitable to commercial development. The applicant cites the “one-way access into and out of the site” as a primary deterrent to commercial, particularly retail, development. This amendment is timely because a future proposal to develop this site is unlikely. Additionally, development of this property as residential units will generate property taxes rather than vacant undevelopable land, when an annexation is approved. Multifamily development requires the payment of Parks System Development Charges as opposed to commercial development which does not trigger the charge.

The public interest is best protected by granting the amendment at this time. Criterion “2” is met.

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

The applicant provided a comprehensive response to this criterion.

Chapter 4 Community Growth Section 4.050 Objectives:

(4) Provide a plan that will create an environment for the orderly and efficient transition from rural to urban land uses.

The proposal matched the “density gradient” approach outlined for the area in Section 9.042 of the Tualatin Community Plan. As described in the plan, RML planning designation is used on the west adjacent to the agricultural lands, RMH planning designation is in the center portion of the Roamer’s Rest, and the RH planning designation in the east adjacent to the commercial area. By expanding the RH designation to the east the proposed plan change will maintain the gradient approach and the transition between farmland and higher density housing will be maintained.

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

As noted above the proposed RH zoning is compatible with surrounding land uses. These include land with various residential zoning designations and commercial land that includes retail establishments that will benefit from additional nearby residential customers. Additionally, directly adjacent to the subject property is an RV Park which has a very residential feel and vacant land already designated RH which planned to be incorporated into the proposed residential development on the subject property. The eventual development on the subject property will also be compatible with the adjacent Tualatin River to the north and west by virtue of the vegetated corridor that be required by the Tualatin Development Code and Clean Water Services, which preserves open space along the river and a buffer between development and the river.

(9) Prepare a plan providing a variety of living and working environments.

(15) Arrange the various land uses in a manner that is energy efficient.

The proposal will allow for an appealing living environment that is close to employment, transportation, and retail. The development of multi-family in areas so close to potential destinations is an energy efficient arrangement of development. The proximity of the property to transit services also encourages transportation alternatives to the automobile. The proposed residential environment will also be unique to its location along the Tualatin River. Multi-family residential development along the river will increase the number of people who can enjoy this community asset while buffer areas required by the Tualatin Development Code and Clean Water Services will ensure that any development of the site does not affect the ecological health of the river.

Chapter 5 Residential Planning Growth Section 5.030 General Objectives:

(1) Provide for the housing needs of existing and future City residents.

(2) Provide housing opportunities for residents with varied income levels and tastes that are esthetically and functionally compatible with the existing community housing stock.

The proposal will create additional residential land in an appealing area ideal for multi-family residential development. This addition will serve existing and future City residents. The multi-family residential development of this property will provide opportunities for individuals and families to live in a high quality area with the river as a positive amenity all while being in close proximity to the employment, services, and transportation. Such residential development will provide housing opportunity for a broad spectrum of income levels, particularly as an alternative to home ownership in a traditional, single-family residential setting (e.g. a residential subdivision).

(4) Locate higher density development where it is convenient to the City's commercial core, near schools, adjacent to arterial and collector streets and, as much as possible, in areas with existing multi-family housing and provide residential opportunities in selected commercial areas through the Mixed Use Commercial Overlay District.

The proposed additional RH land is adjacent to an arterial street with transit service, is adjacent to land already designated RH, is near to existing multifamily housing, has immediate access to commercial areas, and is served by Deer Creek Elementary School, Twality Middle School, and Tualatin High School. All of these factors make the property ideal for higher density residential development. This conclusion is consistent with the conclusion in Section 9.042 of the Tualatin Community Plan that states that the Roomer's Rest area is "an ideal and critical location for higher density housing." It notes that the "flat land, relationship to the river, proximity to major employment centers, and excellent transportation access all lend themselves to a higher density development pattern."

Chapter 10 Community Design Section 10.020 Design Objectives:

(1) Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of said development.

(3) Promote the City's natural beauty and visual character and charm by insuring that structures and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the esthetic qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearances of structures and other improvements.

Any development of the property will be required to go through the City's design review process (Architectural Review) to ensure appealing and functional development of the site. Additionally, buffer areas required by the Tualatin Development Code will ensure that any development of the site does not affect the ecological health of the river and will ensure that the design of the site will leverage and enhance this unique community asset.

Chapter 11 Transportation Section 11.610 Goals and Objectives

(2)(b) Provide efficient and quick travel between points A and B.

(2)(c) Provide connectivity within the City between popular destinations and residential areas.

(2)(e) Reduce trip length and potential travel times for motor vehicles, freight, transit, bicycles, and pedestrians.

(2)(f) Improve comfort and convenience of travel for all modes including bicycles, pedestrians, and transit users.

(2)(g) Increase access to key destinations for all modes.

The property has excellent access to transportation resources and is in close proximity to employment and services. This makes the subject property ideal for multi-family residential development by making short travel times and trip lengths between destinations. Such proximity also creates more favorable conditions for the use of nearby transit service and other alternative modes of transportation. Development of the subject property will also facilitate construction of an important link in the City's pedestrian path along the Tualatin River.

Additional the City would like to point out that an existing Tri-Met bus stop is directly adjacent to the proposed site heading south bound on 99W Pacific Highway and there is bus stop on the other side of 99W Pacific highway heading northbound. The site is located approximately 329 feet from the 124th and 99W intersection with a crosswalk that will allow residents to walk across the street. This site is ideally located for future residents to access to transit.

Chapter 15 Parks and Recreation Section 15.020 Objectives

(5) Preserve the scenic value of the Tualatin River by creating a greenway along the entire bank of the River within the City.

The change in the plan designation will not affect the preservation of the greenway along the Tualatin River. Buffer areas required by the Tualatin Development Code and Clean Water Services will ensure that a greenway is maintained.

The proposed amendment conforms with the objectives of the Tualatin Community Plan. Criterion “3” is met.

4. The following factors were consciously considered:

The applicant provided a comprehensive response to this criterion.

The various characteristics of the areas in the City:

The area is a mix of old highway oriented commercial, vacant land, and residential uses. This area has been largely underdeveloped including a series of older buildings and vacant parcels. This includes that subject property which is a former manufactured home park but has been vacant for several years. The largest adjacent development to the subject property is the Roamer’s Rest RV Park which covers the CR land to the east of the subject property. Although designated CR this development is residential in nature and very compatible with an RH [high density] neighbor.

Across Highway 99W directly to the south of the site is land designated RH that is fully developed as an apartment complex. Across Highway 99W to the southwest is land designated CG [General Commercial] that is fully developed as an office building. To the north of the property, across the Tualatin River, the property is outside the urban growth boundary and has the County designations of R-9 and R-15. This land is developed with residential uses.

Overall the proposed RH plan designation will match well with the adjacent residential uses in the area and will offer the benefit of new customers and employees to the businesses in the area.

The suitability of the areas for particular land uses and improvements in the areas:

The Tualatin Community Plan identifies the subject property as being in the Roamers Rest area. Section 9.042 of the Tualatin Community Plan states that the Roamer’s Rest area is “an ideal and critical location for higher density housing.” It notes that the “flat land, relationship to the river, proximity to major employment

centers, and excellent transportation access all lend themselves to a higher density development pattern.” The subject property is adjacent to existing RH land and will be a logical extension to that existing development pattern.

Trends in land improvement and development:

The subject property and several adjacent properties have largely remained vacant or underdeveloped while nearby properties such as those across Highway 99W have experienced recent new development and investment. The requested change will enable significant investment north of Highway 99W which will mirror the investment to the south of the Highway.

Property Values:

Granting this request will allow investment in the area which will increase the property values of the subject property as well as its neighbors. As previously described, the RH designation is compatible with the zoning and development pattern in the area. Additionally, the development will provide customers for nearby retail and a more significant employee base for area office and manufacturing businesses. This will increase the value of these nearby commercial uses.

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

Granting the requested plan change is in the public interest and will bring significant investment and improvement to the Roamer’s Rest Area. As noted above, property values will increase with the addition of high-quality, multi-family residential development in the area. Concentrations of residents are a pre-requisite to successful economic development in most areas of a city. The vitality and spending from residents on the subject property will have a greater, positive impact on local economy than the subject property’s continued vacancy under its current commercial planning designations.

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

There is sufficient right- of- way and access rights from the Oregon Department of Transportation to provide access to the subject property. Additionally, as noted in the attached letter from DKS Engineering [see Exhibit A], the requested plan change will decrease the overall potential trip generation for the site. The design for access to and from the property is subject to review and approval by the Oregon Department of Transportation. This will help assure minimization of any safety and congestion issues stemming from the property’s development.

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

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

The subject property is adjacent to the Tualatin River which is an important community resource. The change in the plan designation will not affect the preservation of the Tualatin River. Buffer areas are required by the Tualatin Development Code and by Clean Water Services, which will ensure that any development of the property will not affect the ecological value of the River. In addition, allowing multi-family residential development of the subject property will facilitate enhancement of the river corridor, including providing a location and SDC funds for the City's pedestrian path along the river.

The public need for healthful, safe, aesthetic surroundings and conditions.

The proposed plan change will allow the development of the currently vacant site into a vibrant residential development. A significant portion of the site will remain undeveloped and enhanced due to the Tualatin River buffering requirements. This will create a pleasant experience for residents and the public who will have the benefit of the natural area along the river as well as excellent access to nearby employment, retail, and services.

Proof of change in a neighborhood or area; and Mistake in the Plan Text or Plan Map:

The area has changed over the planning period from an isolated stop along the highway to being surrounded by densely developed residential uses. This change is consistent with the highest and best use for the properties and was anticipated in Section 9.042 of the Tualatin Community Plan which identifies the Roamer's Rest area "as an ideal and critical location for higher density housing." Matching the plan designation of the subject [site] to the neighboring properties is a logical change.

The applicant sufficiently addressed the factors in this Criterion. Criterion "4" is met.

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

The applicant responded to this criterion:

The Tigard-Tualatin School District has been notified about the proposal and we have requested their comments. On the school district map which is included in the application it is unclear whether or not the property is in the Tigard-Tualatin School

District but staff at the district has confirmed the property's inclusion. The development of the site will produce additional funds to increase school capacity in the form of system development charges/property taxes/and construction excise taxes.

The City also notified the Tigard Tualatin School District as part of the agency notification process. The applicant reported to staff that the site is within the Deer Creek Elementary School Boundary, Twality Middle School Boundary and the Tualatin High School Boundary. The applicant reports there is overall capacity in the district and that capacity exists at Deer Creek Elementary School and Tualatin High School. Capacity constraints are indicated for Twality Middle School but the site is actually closer to Hazelbrook Middle School where capacity exists.

Criterion "5" is met.

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

The applicant has provided a response to Goals 1-14 and determined that Goals 15-19 are not applicable. The City concurs with the identified applicable goals and concurs that Goals 15-19 are not applicable.

Goal 1 Citizen Involvement

This request is following all citizen involvement requirements of the plan amendment process. This includes the holding of a neighborhood meeting and sending notices to neighbors.

The Tualatin Planning Commission reviews all Plan Amendments and makes recommendations to the City Council regarding adoption. Tualatin Municipal Code 11-1-060 (4) states that the Tualatin Planning Commission "[s]erves as the City of Tualatin Commission for Citizen Involvement" in accordance with Goal 1 Citizen involvement.

Goal 2 Land Use Planning

The City of Tualatin has an acknowledged comprehensive plan and the procedure for amending that plan is being followed in making this request.

Goal 3 Agricultural Lands

The subject property is in the City of Tualatin's established urban growth boundary Urban Planning Area Agreement with Washington County and is not classified as

agricultural land. The proposal is in conformance with the “density gradient” approach outlined for the area in Section 9.042 of the Tualatin Community Plan which is meant to transition from the agricultural land several miles to the west of the subject property.

Goal 4 Forest Lands

Goal 4 is not applicable inside an Urban Growth Boundary. However, the project protects forest resources. The City has identified the greenway adjacent to the Tualatin River as a significant forest resource. The change in the plan designation will not affect the preservation of the forest resource adjacent to the river. Buffer areas are required by the Tualatin Development Code which will ensure that any development of the property will not affect the forest.

Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces

The subject property is adjacent to the Tualatin River which is an important natural, scenic, and open space resource. The City has identified the greenway adjacent to the river as a significant forest resource. The change in the plan designation will not affect the preservation of the River or the forest resource adjacent to the river. Buffer areas are required by the Tualatin Development Code which will ensure that any development of the property will not affect the ecological or aesthetic value of the River or the forest. There are no historic areas on the subject property.

Goal 6 Air, Water and Land Resources Quality

The change in the plan designation will have no effect on air, water, and land resources quality. The change in plan designation does not affect federal, state and, city regulations dealing with air, water, and land resources quality.

Goal 7 Areas Subject to Natural Hazards

A portion of the subject property is in the floodplain and floodway of the Tualatin River. Development of these areas is subject to existing rules and regulations that will not be modified by the proposed plan designation change.

Goal 8 Recreational Needs

The existing designation is identified as a commercial recreational district but the site has not developed any recreational resources under this designation. The change in plan designation will enable the development of the site and will provide a greater connection with and utilization of Tualatin River. Buffer areas are required by the Tualatin Development Code which will ensure that the greenway along the river and the river itself will be maintained as a recreational resource.

Goal 9 Economic Development

The subject property and several adjacent properties have largely remained vacant or underdeveloped while nearby properties such as those across Highway 99W have experienced recent new development and investment. The requested change will enable significant investment north of Highway 99W which will mirror the investment to the south of the Highway. Additionally, the development will provide customers for nearby retail and a more significant employee base for area office and manufacturing businesses which are developing nearby.

Goal 10 Housing

The change in plan designation will increase the density of housing permitted on the property. The current designation generally permits up to 10 units per acre while the proposed designation generally permits up to 25 units per acre. The plan change also allows a greater variety of housing types. Section 9.042 of the acknowledged Tualatin Community Plan already identifies that the area is “an ideal and critical location for higher density housing.” It notes that the “flat land, relationship to the river, proximity to major employment centers, and excellent transportation access all lend themselves to a higher density development pattern.

The Metropolitan Housing rule, OAR 660-007, applies to the cities and counties within the metropolitan Portland urban growth boundary. Per OAR 660-007-0035(2) the City of Tualatin is required to provide a net density of eight dwelling units per acre (8 du/ac). Per OAR 660-007-0030 the City is required to provide at least 50 percent of new residential units as attached single family housing or multiple family housing.

Staff has prepared information on the effect of changing the designation of the subject properties and the adjacent public ROW from General Commercial and Recreational Commercial to High Density Residential and the City’s ability to comply with the applicable sections of the Metropolitan Housing Rule. Tables 2A and 2B below reflect updated analysis of planned housing density and housing mix when 9.41 new acres are added to residential land.

The amendment increases the planned residential density by 0.071 DUs/acre from 8.167 to 8.238. This proposed amendment will further the City’s compliance with OAR 660-007-0035 and may allow for lower density development in other areas of the City.

Table 2A

	RL	RML	RMH	RH	RH/HR	Total
Total acres in each residential district (current) ²	2206.41	271.34	188.156	166.02	18.19	2850.116
Acres proposed for removal from or added to residential				9.39		9.39

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district						
Total acres of ROW in each residential district	-441.88	-59.45	-32.39	-23.59	-3.4	-560.71
PMA 14-01 Acres of ROW changing to RH				-0.28		-0.28
Total Gross Buildable Acres	1764.53	211.89	155.766	151.54	14.79	2298.516
Environmental restrictions (100 flood, NRPO, slopes > 25%)	-293.66	-44.41	-54.77	-76.4	-12.57	-481.81
PMA 14-01 NRPO acres				-2.72		-2.72
Total Acres Minus Environmental Restrictions	1470.87	167.48	100.996	72.42	2.22	1813.986
Non-buildable land (publicly owned, golf course, school, cemetery)	-297.09	-11.84	-6.26	-0.19	-0.06	-315.44
PMA 14-01 Non-buildable land				0		0
Total net Buildable Acres	1173.78	155.64	94.736	72.23	2.16	1498.546
Maximum Density Allowed by Residential District (dwelling units per acre)	6.4	10	15	25	30	86.4
Total Dwelling Units Allowed	7512.192	1556.4	1421.04	1805.75	64.8	12360.18
Dwelling units per acre						8.248117

Goal 11 Public Facilities and Services

The subject property is inside the City of Tualatin Urban Growth Boundary and has access to nearby public facilities and services. The applicant has met with City and Clean Water Services staff, and as reviewed below all relevant service providers have indicated that sufficient capacity exists to serve the site with the proposed plan designation.

Sanitary Sewer – The site is located within the Clean Water Services (CWS) Service Boundary. There is an existing 18-inch sanitary sewer main located onsite along the property line separating tax lots 2202 and 2300 connecting to a 27-inch sanitary sewer main crossing tax lot 2202 parallel to the Tualatin River. The site topography slopes downhill from Highway 99W toward the Tualatin River along the northern boundary of the site. Gravity service is available to the site by connecting to the existing 27-inch main. Conversations with CWS staff confirm that the existing sanitary sewer system has sufficient capacity to serve the site.

Storm Drainage (surface water management) – The site is located within the CWS Service Boundary. Storm drainage improvements required for development of the subject property will include the installation of a new outfall to the Tualatin River. Storm water quality treatment will be provided in accordance with CWS standards and potentially consist of water quality swales, low impact development approaches (LIDA), mechanical treatment, or a combination thereof. Storm water detention is not required due to the site proximity to the Tualatin River.

Potable Water – There is an existing City of Tualatin 12-inch potable water main in Highway 99W along the site frontage. Potable water service is available to the site by connecting to the existing main. Conversations with City of Tualatin Engineering staff confirm that sufficient capacity for the existing site and proposed zoning is available without improving or modifying the existing City water system.

A Memorandum from the Engineering Division dated February 19, 2014 provides an analysis of Sanitary Sewer, Stormwater, and Water. The analysis is also included below.

Downstream sizing for all public utilities will need to be evaluated by the developer for the change from current zoning compared to the RH zoning with any associated future proposed redevelopment within an Architectural Review. Any upsizing will be a requirement in the Architectural Review decision.

Public sanitary sewer lines exist within the development area and are under Clean Water Services ownership. Stormwater would need to be treated and released to the Tualatin River or to an ODOT facility within SW Pacific Highway. Water lines exist in the SW Pacific Highway adjacent to the development. The applicant will need to determine the location of water treatment and connections to the public lines prior to

obtaining a Water Quality and Public Works Permit associated with the development of the future Architectural Review.

Goal 12 Transportation

The property has excellent access to transportation resources and is in close proximity to employment and services. This makes the subject property ideal for multi-family residential development by making short travel times and trip lengths between destinations. Such proximity also creates more favorable conditions for the use of alternative modes of transportation. Development of the subject property in the manner described is consistent with the City's Transportation System Plan and other plans, which are in compliance with the requirements of the Transportation Planning Rule TPR (OAR 660-012-0060). Traffic impacts on the City's transportation system are less under the proposed zoning than the traffic impacts from the subject property under the existing zoning. See enclosed Memorandum from Scott Mansur, DKS Associates [Exhibit A].

A Memorandum from the Engineering Division dated February 19, 2014 provides an analysis of Transportation and addresses OAR 660-012-0060 the State's Transportation Planning Rule. The analysis is also included below.

As demonstrated by the analyses and findings presented in the study, the proposed land use action is not expected to "significantly affect" any existing or planned transportation facility and is, therefore, expected to be in compliance with the State's Transportation Planning Rule.

SW Pacific Highway

SW Pacific Highway is an ODOT facility which the City of Tualatin designates as a Major Arterial which has a preferred right-of-way width of 98 feet that includes one 14-foot center turn lane, two 12-foot travel lanes, two 6-foot bike lanes, 6-foot planter strips, and 6-foot sidewalks. As this is an ODOT facility, bike lanes need to be 8-feet wide resulting in a overall width of 102 feet. Existing right-of way width varies between approximately 160 to 174 feet.

The Plan Map Amendment as reviewed consists of 10.83 developable acres including zones CG (General Commercial), RC (Recreational Commercial), and RH (High Density Residential). The proposal is to change all lots to zone RH (High Density Residential).

The 100-year floodplain and floodway covers approximately a third of the area adjacent to the Tualatin River. If a developer proposed to serve the areas using a public street, it would require a 50-foot width right-of-way that ended in a 45-foot radius cul-de-sac that was elevated 1-foot above the floodplain along with the requirement for a public water quality facility in a tract. The required right-of-way along with balanced cut and fill due to a public street could reduce or eliminate the possible developable area for residential homes. If a private tract was used instead

of a public street a maximum of 6 lots could be served, provided balanced cut and fill proved possible for the homes to be constructed 1-foot above the floodplain.

The scenarios generate the following traffic:

<u># of Lots</u>	<u>AM Peak</u>	<u>PM Peak</u>	<u>Total</u>
Existing	194	147	340
PMA 14-01	109	59	168
Change	-85	-88	-172

This plan map amendment will reduce the AM and PM Peak traffic from the currently allowed uses, which would not increase the Level-of-Service at nearby intersections.

ODOT responded on February 13, 2014 that they have no issues with the zone change.

Goal 13 Energy Conservation

The site is located close to employment, transportation, and retail resources. This makes the subject property ideal for multi-family residential development by making short travel times and trip lengths between destinations. Such proximity, as well as nearby transit service, create more favorable conditions for the use of alternative modes of transportation. As such, the proposed plan change should result in more efficient energy usage.

Goal 14 Urbanization

The site is within the acknowledged urban growth boundary of the City of Tualatin and is governed by such applicable regulations.

Goal 15 Willamette River Greenway

Goal 16 Estuarine Resources

Goal 17 Coastal Shorelands

Goal 18 Beaches and Dunes

Goal 19 Ocean Resources

None of these goals apply because the site is not in any of these planning areas.

Criterion "6" is met

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

The applicant provided a comprehensive response to this criterion.

Title 1 (Metro Code Sections 3.07.110 – 3.07.120) – Housing Capacity
The Regional Framework Plan calls for a compact urban form and a "fair share" approach to meeting regional housing needs. It is the purpose of Title 1 to accomplish these policies by requiring the city or county to maintain or increase its housing capacity except as provided in section 3.07.120. (UGB).

The proposed change in plan designation will increase the density of housing permitted on the property. The current designation permits up to 10 units per acre while the proposed designation permits up to 25 units per acre. This change will increase the City of Tualatin's housing capacity thus meeting the requirements of Title 1.

Title 3 (Metro Code Sections 3.07.310 – 3.07.360) – Water Quality and Flood Management
The intent of Title 3 is to protect the beneficial water uses and functions and values of resources within the Water Quality and Flood Management Areas by limiting or mitigating the impact on these areas from development activities and protecting life and property from dangers associated with flooding.

Title 3 is the Metro response to Statewide Planning Goal 5, which calls for careful work to protect important natural resources, especially water and riparian resources. Title 3 requires setbacks and other strategies to protect water quality. The proposed project conforms to all these requirements especially by setting aside a significant portion of the site as a buffer from the Tualatin River.

Title 6 (Metro Code Sections 3.07.610 – 3.07.650) – Centers, Corridors, Station Communities and Main Streets
The Regional Framework Plan identifies Centers, Corridors Main Streets and Station Communities throughout the region and recognizes them as the principal centers of urban life in the region. Title 6 calls for actions and investments by cities and counties, complemented by regional investments, to enhance this role. A regional investment is an investment in a new high-capacity transit line or designated a regional investment in a grant or funding program administered by Metro or subject to Metro's approval.

Map 9-4 in the Tualatin Community Plan shows the location of the Metropolitan Service District's Growth Concept Design Types and the subject [site] has a corridor designation. This designation does not limit the conversion of the property to the proposed RH designation.

Title 7 (Metro Code Sections 3.07.710 – 3.07.750) – Housing Choice
The Regional Framework Plan calls for establishment of voluntary affordable housing production goals to be adopted by local governments and assistance from local governments on reports on progress toward increasing the supply of affordable housing. It is the intent of Title 7 to implement these policies of the Regional Framework Plan.

The housing developed in this project will be available at market rates for higher density housing helping to increase the supply of this needed housing type.

Title 12 (Metro Code Sections 3.07.1210 – 3.07.1240) – Protection of Residential Neighborhoods
The purpose of this title is to protect the region's existing residential neighborhoods from air and water pollution, noise and crime, and to provide adequate levels of public services.

Title 12 is not directly applicable. However, development of the subject property, which has been vacant and underdeveloped for several years, helps protect the surrounding uses from potential crime.

Title 13 (Metro Code Sections 3.07.1310 – 3.07.1370) – Nature in Neighborhoods
The purpose of this title is to conserve, protect and restore a continuous ecologically viable streamside corridor system that is integrated with upland wildlife habitat and the surrounding urban landscape.

Title 13 establishes a regional ethic of preservation of important wildlife habitat and natural areas. A significant portion of the subject property will be set aside as permanent open space in order to provide a natural corridor along the river which will be important for the preservation of riparian habitat.

Criterion “7” is met.

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

The applicant provided a response to this criterion.

The applicant provided a memorandum from their traffic engineer which is included as Exhibit A. As discussed in the memo the proposed plan designation change would reduce the potential number of trips that could be produced by a development on the property. As such, the change would be consistent with the level of service standards set by the City.

Refer to the earlier analysis relating to Statewide Planning Goal 12 and the Engineering Division Memorandum dated February 19, 2014.

Criterion "8" is met.

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

The applicant responded to this criterion.

The proposed development is consistent with the objectives and policies regarding potable water, sanitary sewer, and surface water management pursuant to TDC 12.020. The applicant has met with City and CWS staff, and as reviewed below all relevant service providers have indicated that sufficient capacity exists to serve the site with the proposed plan designation. Criterion 9 has been satisfied. There is no conflict with the proposed plan changes and with the objectives and policies regarding potable water, sanitary sewer and surface water management pursuant to TDC 12.020.

Sanitary Sewer – The site is located within the Clean Water Services (CWS) Service Boundary. There is an existing 18-inch sanitary sewer main located onsite along the property line separating tax lots 2202 and 2300 connecting to a 27-inch sanitary sewer main crossing tax lot 2202 parallel to the Tualatin River. The site topography slopes downhill from Highway 99W toward the Tualatin River along the northern boundary of the site. Gravity service is available to the site by connecting to the existing 27-inch main. Conversations with CWS staff confirm that the existing sanitary sewer system has sufficient capacity to serve the site.

Storm Drainage (surface water management) – The site is located within the CWS Service Boundary. Storm drainage improvements required for development of the subject property will include the installation of a new outfall to the Tualatin River. Storm water quality treatment will be provided in accordance with CWS standards and potentially consist of water quality swales, low impact development approaches (LIDA), mechanical treatment, or a combination thereof. Storm water detention is not required due to the site proximity to the Tualatin River.

Potable Water – There is an existing City of Tualatin 12-inch potable water main in Highway 99W along the site frontage. Potable water service is available to the site by connecting to the existing main. Conversations with City of Tualatin Engineering staff confirm that sufficient capacity for the existing site and proposed

zoning is available without improving or modifying the existing City water system.

Refer to the earlier analysis related to Statewide Planning Goal 11 Public Facilities and Services and the Engineering Division Memorandum dated February 19, 2014.

Criterion "9" is met.

10. The applicant has entered into a development agreement.

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

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

The development agreement requirement will be satisfied as part of the annexation application which was submitted to the City concurrently with the plan map amendment application.

The applicant is presently working with the City to create a mutually agreed upon Annexation Agreement that will be reviewed by the City Council when the Annexation application is reviewed.

Criterion "10" is met.

Exhibits:

A- DKS Traffic Memo January 8, 2014



restaurants. Based on information provided by the project sponsor,¹ it is estimated that this parcel could accommodate up to 32,000 square feet of restaurant space. Parcel 2300 is currently zoned for High-Density Residential (RH) development, which would allow up to 64 apartment units.

Table 1 summarizes the trip generation assumptions for the three parcels and the resulting number of p.m. peak hour trips. The trip generation estimates are based on rates provided by the Institute of Transportation Engineers (ITE)² for similar land uses. As shown, it is estimated that the project site would generate 340 (194 in, 147 out) primary new p.m. peak hour trips based on existing zoning and reasonable worst-case land use assumptions. Several of the proposed land uses are expected to attract pass-by trips, and a 5% internal trip rate as assumed to account for trips between multiple uses on the project site.

Table 1: Existing Zoning Trip Generation

Parcel (Zoning)	Land Use (ITE Code)	Size	Units	Rate	PM Peak Hour		
					In	Out	Total
Parcel 2191 (Zone CG)	Convenience Market with Gasoline Pumps (853)	12	Pumps	19.07	115	114	229
Parcel 2202 (Zone RC)	High-Turnover (Sit-Down) Restaurant (932)	32	KSF	11.15	211	146	357
Parcel 2300 (Zone RH)	Apartments (220)	64	Units	0.62	26	14	40
Total Trips:					352	274	626
<i>Pass-by^a:</i>					<i>-148</i>	<i>-120</i>	<i>-268</i>
<i>Internal (5%):</i>					<i>-10</i>	<i>-8</i>	<i>-18</i>
Primary New Trips:					194	147	340

^a A 50% pass-by rate was assumed for the Convenience Market with Gas Pumps land use and a 43% pass-by rate was assumed for the High-Turnover Sit-Down Restaurant land use.

Proposed Zoning Trip Generation

The proposed zoning that is desired for the project site would change the zoning for all three parcels to High Density Residential (RH), which allows up to 25 residential apartment units per acre. Assuming a total developable area of 10.83 acres,³ this zoning designation would allow no more than 271 units. Table 2 shows the project site's estimated p.m. peak hour trips based on the maximum number of units allowed by the RH zoning designation. As shown, the reasonable worst-case scenario for the desired zoning would generate 168 (109 in, 59 out) new p.m. peak hour trips.

¹ Phone conversation with Lloyd Hill, November 12, 2013

² *Trip Generation, 8th Edition*, Institute of Transportation Engineers, 2008

³ Email from Lloyd Hill, November 19, 2013



Table 2: Proposed Zoning Trip Generation

Parcel (Zoning)	Land Use (ITE Code)	Size	Units	Rate	PM Peak Hour		
					In	Out	Total
All Parcels (Zone RH)	Apartments (220)	271	Units	0.62	109	59	168

Trip Generation Comparison/Summary

Based on the land use assumptions documented in this memorandum, the proposed RH zoning would generate fewer trips than the existing zone designations. The RH zoning would generate 172 (85 in, 88 out) fewer p.m. peak hour trips. Based on the fact that the desired zoning being considered would reduce overall trip generation as was assumed in the City's Transportation System Plan (TSP), there would be no level of service impacts to adjacent intersections, and therefore, the Transportation Planning Rule requirements (OAR 660-012-0060) would not be triggered as part of the desired land use changes.

Furthermore, the intersection of Highway 99W/124th Avenue, which is adjacent to the project site, was shown to operate at Level of Service "D" and a volume to capacity of 0.99 during the future 2035 horizon year in the City's TSP⁴ based on the current zoning. The Level of Service standards as set forth in the Town Center 2040 Design Type (Level of Service F for p.m. peak hour) would be met.

The City of Tualatin and ODOT will still require a transportation impact study to evaluate the transportation impacts of the proposed development as part of the Architectural Review process.

Please let us know if you have any questions.

⁴ Transportation System Plan Update, City of Tualatin, February 2013, Appendix C.



City of Tualatin

www.tualatinoregon.gov

April 21, 2014

Plan Amendment Specialist
Department of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, OR 97301
Via email: plan.amendments@state.or.us

RE: Notice of a Adopted Change to a Comprehensive Plan

Dear Plan Amendment Specialist:

This notice is intended to inform the Department of Land Conservation and Development of an adopted change to Tualatin's Community Plan Map (Map 9-1).

The City approved on April 14, 2014 an application requesting a Plan Map Amendment changing the planning designations of two tax lots, 2S1 15C 2191 (General Commercial) and 2202 (Recreational Commercial), to High Density Residential (RH). The City Council has also approved the annexation of these two tax lot plus a third RH designation tax lot (tax lot 2300). Tax lot 2202 and 2191 are located at 17865 SW Pacific Hwy and tax lot 2300 located at 17985 SW Pacific Hwy.

The City of Tualatin has a one map system; therefore the proposed change will only amend the Community Plan Map (Map 9-1). Maps showing the previous and existing plan designations are attached.

If you have any questions regarding this notice, please call me at (503) 691-3027.

Sincerely,



Clare L. Fuchs, AICP
Senior Planner

file: PMA-14-01, ANN-14-01

Enclosures:

1. Completed DLCD Form 2
2. Maps: Previous Planning District and Existing Planning District
3. Copy of the Final Decision including Background, Findings & Analysis, and Signed Ordinance
4. Electronic files including geospatial data for the map changes