The City of Tualatin submitted an exemption request to the Housing Accountability and Production Office (HAPO) on December 18, 2024 (and resubmitted on February 12, 2025), and during review of the city’s application, the mandatory adjustment provisions of [Senate Bill 1537 (2024 Session)](https://url.us.m.mimecastprotect.com/s/0o9ICzpyx3IMRRPKuXh9T9lkEz?domain=olis.oregonlegislature.gov) do not apply until the HAPO issues a final decision, which must be issued within 120 days or by June 12, 2025. Interested parties may sign up to receive public notice for the city’s application on [DLCD’s Housing GovDelivery](https://url.us.m.mimecastprotect.com/s/EnNQCADg9VhN99mjT9ijTGXwAj?domain=public.govdelivery.com), including a 45-day opportunity to submit public comments during the 120-day review period.

**The city will apply a local process to review adjustment requests in lieu of the mandatory adjustment provision of SB 1537:**

The City of Tualatin utilizes Variances and Minor Variances to review requests to adjust development and design standards for housing applications.

Variances to the requirements of the Tualatin Development Code (TDC) can be requested where, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of the TDC would cause an undue or unnecessary hardship. Variances are not allowed to permit a use of land that is not permitted or conditionally permitted in a zone. Variances may be requested to the standards in Tualatin Development Code Chapters 40-69 and 71-73A through 73F. Variances may be requested to adjust development and design standards for all other housing types and residential planning districts, or increased adjustment requests not described in the Minor Variance process.

The Variance application is reviewed under Type III land use procedures outlined in [TDC 32.230](https://library.municode.com/or/tualatin/codes/development_code?nodeId=THDECOTUOR_CH32PR_TDC_32.230TYIIPRQUDIREUBHE). This land use procedure requires a discretionary decision by the Tualatin Planning Commission. Type III decisions require public notice and are decided at a public hearing, with an opportunity for appeal to the City Council.

The approval criteria for Variances are located in [TDC 33.120(6)](https://library.municode.com/or/tualatin/codes/development_code?nodeId=THDECOTUOR_CH33APAPCR_TDC_33.120VAMIVA) and state that a variance must not be granted unless it can be shown that criterion (a) is met and three of the four approval criteria (b)-(e) are met for non-sign requests:

(a) A hardship is created by exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same zone or vicinity and the conditions are a result of lot size or shape, topography, or other physical circumstances applying to the property over which the applicant or owner has no control.

(b) The hardship does not result from actions of the applicant, owner or previous owner, or from personal circumstances or financial situation of the applicant or owner, or from regional economic conditions.

(c) The variance is necessary for the preservation of a property right of the applicant or owner substantially the same as is possessed by owners of other property in the same zone or vicinity.

(d) The variance must not be detrimental to the applicable goals and policies of the Tualatin Comprehensive Plan and must not be injurious to property in the zone or vicinity in which the property is located.

(e) The variance is the minimum remedy necessary to alleviate the hardship.

Minor Variances may be requested in Residential Low Density Zone (RL) and Residential Medium to Low Density Zone (RML) for detached single family dwellings, accessory structures, duplexes, townhomes, triplexes, quadplexes, cottage clusters, or accessory dwelling units:

1. Up to a ten percent variation from the required lot area, and/or
2. Up to a 20 percent variation from the required lot width, building coverage, setbacks, projections into required yards and structure height development standards for permitted uses.

The Minor Variance application is reviewed under Type II land use procedures outline in [TDC 32.220](https://library.municode.com/or/tualatin/codes/development_code?nodeId=THDECOTUOR_CH32PR_TDC_32.220TYIIPRADRENO). This land use procedure is a staff-level decision and require public notice, with an opportunity for appeal to City Council. Minor Variances only apply to residences in the Residential Low Density Zone (RL) and Residential Medium to Low Density Zone (RML) with small adjustments to standards as described in [TDC 33.120(2)(b)](https://library.municode.com/or/tualatin/codes/development_code?nodeId=THDECOTUOR_CH32PR_TDC_32.220TYIIPRADRENO). Variances may be requested to adjust development and design standards for all other housing types and residential planning districts not outlined in the Minor Variance process.

The approval criteria for Minor Variances are located in [TDC 33.120(5)](https://library.municode.com/or/tualatin/codes/development_code?nodeId=THDECOTUOR_CH33APAPCR_TDC_33.120VAMIVA) and state that a minor variance must not be granted unless the application shows the following approval criteria are met:

(a) A hardship is created by an unusual situation that is the result of lot size, lot shape, topography, development circumstances or being able to use the land or public infrastructure more efficiently;

(b) The hardship does not result from regional economic conditions;

(c) The minor variance will not be injurious to property abutting the subject property; and

(d) The minor variance is the minimum remedy necessary to alleviate the hardship.