

# Plan Map Amendment Narrative

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## I. Executive Summary

Life Front Communities and Lu Pacific are submitting this Plan Map Amendment application affecting the following properties:

- (1) Tax Lot ID: 2S123BA03200 (9700 SW Tualatin RD, Tualatin, OR 97062);
- (2) Tax Lot ID: 2S123BA02900 (9975 SW Herman Rd, Tualatin, 97062); and
- (3) Tax Lot ID: 2S123BA03100 (9905 SW Herman Rd, Tualatin, 97062).

The Plan Map Amendment is the second of two required applications to adjust a property line that also adjusts zoning district boundaries in the City of Tualatin (the “City”). The following is an outline of the anticipated applications:

Property Line Adjustment: The current property owners of the tax lots described above have mutually agreed to legally adjust their common property line(s) to match the existing common property lines established by use for several decades. A property line shared by all three properties, which runs approximately 405 feet north and south and is currently marked off by an existing fence, will shift approximately 9 feet west.

Plan Map Amendment: In conjunction with the Property Line Adjustment application, this Plan Map Amendment application is being submitted to adjust the zoning districts affected by the Property Line Adjustment. The Property Line Adjustment will proportionally extend Medium Low Density Residential (RML) and reduce Light Manufacturing (ML) zoning districts. The approximately 9-foot wide by 405-foot long strip of land, currently within the ML Zoning District will need to be recategorized as RML, to be consistent with its intended use, and the City’s Plan Map must be amended accordingly.

Included in this Plan Map Amendment narrative are the following exhibits (each an “Exhibit”), attached to fulfill the application requirements under TDC 33.070, 32.140:

**Exhibit A:** Site Plan

**Exhibit B:** Record of Survey

**Exhibit C:** Title Report (Proof of Ownership)

**Exhibit D:** Service Provider Letters

**Exhibit E:** Neighborhood/Developer Meeting Documentation

**Exhibit F:** Pre-Application Meeting Summary

**Exhibit G:** Citizen Involvement Organization Contact Information

## II. Site Description and Setting

Tax lot 3200, which is developed as a Manufactured Home Park, is within Zone RML (Medium Low Density Residential), whereas the westerly adjacent Tax lots 2900 and 3100 have been developed for commercial uses and are currently within Zone ML (Light Manufacturing).

Several decades ago, a fence was built to mark the boundary between tax lot 3200 and tax lots 2900 and 3100. However, this fence was placed roughly 9 feet west of the actual boundary. The properties have been used as if the fence line separated the RML and ML properties, and the owners of such properties now seek to formally adjust the shared property line between them to match the current position of the fence line, and to amend the City's plan map accordingly.

Upon approval of the above-described Property Line Adjustment, an approximately 9-foot wide by 405-foot long strip of land will become part of tax lot 3200 and will need to be recategorized as RML to be consistent with its intended use.

For a simple overview of the relationship and use of the affected properties, please see **Exhibits A and B**.

**III. Applicable Review Criteria**

**A. Chapter 32: Procedures**

**TDC 32.010 Purpose and Applicability**

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**(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).

**(a) *Type I Procedure (Ministerial Staff Review).*** A Type I procedure is used in applying City standards and criteria that do not require the use of discretion, interpretation, or the exercise of policy or legal judgment (i.e., clear and objective standards). Type I decisions are made by the City Manager without public notice and without a public hearing. Appeals of Type I decisions are to Circuit Court under writ of review.

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**(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).

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**(3) *Determination of Review Type.*** Unless specified in Table 32-1, the City Manager will determine whether a permit or application is processed as Type I, II, III, IV-A or IV-B based on the descriptions above. Questions regarding the appropriate procedure will be resolved in favor of the review type providing the widest notice and opportunity to participate. An applicant may choose to elevate a Type I or II application to a higher numbered review type, provided the applicant pays the appropriate fee for the selected review type.

Excerpt of Table 32-1—Applicable Types and Review Procedures						
Application	Procedure Type	Decision Body	Appeal Body	Pre-Application Conference Required	Neighborhood & Developer Meeting Required	Applicable Code
Property Line Adjustment	I	CM	Circuit Court	NO	NO	TDC 36
Plan Map Amendment	IV-A	CC	LUBA	YES	YES	TDC 33.070

**CC:** City Council; **CM:** City Manager; **LUBA:** Land Use Board of Appeals.

**RESPONSE:** As described in Table 32-1, a Plan Map Amendment application is subject to Type IV-A procedure and the City Council is the decision-making body. As discussed above in the Executive Summary, the Property Line Adjustment is being submitted concurrent with this Plan Map Amendment application and will be processed separately.

**TDC 32.020 Procedures for Review of Multiple Applications.**

**Multiple applications processed individually require the filing of separate applications for each land use action. Each application will be separately reviewed according to the applicable procedure type and processed sequentially as follows:**

- (1) Applications with the highest numbered procedure type must be processed first;**
- (2) Applications specifically referenced elsewhere in the TDC as to the particular order must be processed in that order; and**
- (3) Where one land use application is dependent on the approval of another land use application, the land use application upon which the other is dependent must be processed first (e.g., a conditional use permit is subject to prior approval before architectural review).**

**RESPONSE:** The review procedure is understood.

**TDC 32.110 Pre-Application Conference.**

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- (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.

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- (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;

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**RESPONSE:** A pre-application conference was held with City of Tualatin Planning Division on March 8, 2023, to discuss the proposed Property Line Adjustment and Plan Map Amendment. The follow-up conference requirement was fulfilled on February 28, 2024 via email by the City Planning Division. The pre-application conference and follow-up conference followed applicable procedures and is valid for six months, until August 28, 2024. See **Exhibit F** for details. The standards are met.

**TDC 32.120 Neighborhood/Developer Meetings.**

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- (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 a Plan Map Amendment and it was held on July 12, 2023, from 6:30 pm to 7:30 pm at the Tualatin Library Community Room (18878 SW Martinazazzi Avenue, Tualatin, OR 97062). The neighborhood/developer meeting was arranged and held in accordance with TDC 32.120((3)-(7)). All relevant documents pertaining to this meeting are attached in **Exhibit D**. The above standard is met.

**TDC 32.130 Initiation of Application.**

- (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;**

**RESPONSE:** This application has been submitted by the owners of the subject properties. The above standard is met.

**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. ...**

(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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**RESPONSE:** This application submittal includes the applicable information required above, including the application form, fee, narrative, and property ownership information (see **Exhibit C**). An email was sent on May 9, 2023 to the River Park Community Involvement Organization’s general email address ([riverparkcio@gmail.com](mailto:riverparkcio@gmail.com)) describing the Property Line Adjustment and Plan Map Amendment projects (see **Exhibit G**). Additionally, a notice of public meeting was sent on June 15, 2023 to the River Park CIO and the general

Tualatin CIO ([Tualatincio@gmail.com](mailto:Tualatincio@gmail.com)) describing the same projects and information related to the public meeting held to discuss them (see **Exhibit D**). Neither CIO has responded to these messages, nor did a representative of either CIO appear at the public meeting. The Above submittal requirements are met.

**B. Chapter 33.070 Amendment to the Plan Map of the Tualatin Comprehensive Plan**

**TDC 33.070 Plan Amendments.**

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**(5) *Approval Criteria.***

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

**RESPONSE:** Amending the plan map as proposed will provide the public with an accurate depiction of property lines as they currently exist between the above-stated tax lots. Additionally, it will provide any prospective purchasers of any of the properties adjacent to the property line in question with an accurate understanding of the true extent of the property or properties in question. Amending the map as proposed will provide accurate information about the affected properties and protect the public interest. The criteria are met.

**TDC 33.070 Plan Amendments.**

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**(5) *Approval Criteria.***

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

**RESPONSE:** The impact of this proposed map amendment is extremely limited in scope and matches existing use of the affected properties. None of the policies in the Tualatin Comprehensive Plan are implicated by this project. The criterion is met.

**TDC 33.070 Plan Amendments.**

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**(5) *Approval Criteria.***

- (d) The following factors were consciously considered:**
  - (i) The various characteristics of the areas in the City;**

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

**RESPONSE:** The proposed Plan Map Amendment is intended to correct the current plan map to account for the actual property lines between the affected properties. As such, none of the above criteria will be affected by amending the map. The criteria are met.

**TDC 33.070 Plan Amendments.**

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**(5) Approval Criteria.**

- (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.**

**RESPONSE:** The current Plan Map is inaccurate, as the property line between the affected properties is currently drawn roughly 9 feet to the east of the actual line, which impacts the proper representation of the affected properties' zoning districts as shown on the City's Plan Map. The inaccuracy of the current Plan Map is a relevant factor to consider in amending the Plan Map as proposed. The criterion is met.

**TDC 33.070 Plan Amendments.**

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**(5) Approval Criteria.**

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

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**RESPONSE:** The proposed Plan Map Amendment does involve residential use, but is only a correction of the Plan Map as currently drawn. Such Amendment will not impact school district capacities, Oregon Planning Goals, any Transportation Planning Rules, the Metropolitan Service District's Urban Growth Management Functional Plan, any of the City's Comprehensive Plan map requirements, or water, sanitary sewer, and surface water management goals in policies in the Tualatin Comprehensive Plan. As such, the above criteria are met.

**C. Chapter 34.500: Manufactured Dwelling Park Development**

**TDC 34.500 Manufactured Dwelling Park Development Standards**

- (2) Manufactured dwelling park developments and modifications to existing manufactured dwelling parks to which this section applies are reviewed through the Architectural Review Process for compliance with the Tualatin Development Code and any other applicable regulations and ordinances of the City. No person may establish, operate, rent, lease, or occupy a manufactured dwelling park or manufactured dwelling park space without first applying for and obtaining approval through the Architectural Review Process.**
- (3) Only those manufactured homes and mobile homes, which have a Department of Housing and Urban Development (HUD) label certifying that the structure is constructed in accordance with federal law are permitted. Recreational vehicles and camping vehicles must not be used for residential purposes in manufactured dwelling parks and must not be rented a space or hooked up to sewer, water, or electrical facilities within a manufactured dwelling park.**
- (4) The minimum gross acreage for a manufactured dwelling park is one acre.**
- (5) The manufactured dwelling park street system must include at least one direct access to a public street, containing a right-of-way width of not less than 50 feet.**
- (6) Each manufactured dwelling space must be designed to include at least two standard size automobile parking spaces, and may be designed either end-to-end or side-to-side. Such parking spaces must be paved in accordance with City standards for residential driveways.**
- (7) Each manufactured dwelling must have its wheels, axles, tongue, and traveling lights removed.**
- (8) Each manufactured dwelling must have a continuous and permanently affixed skirt installed. Such skirting must be composed of the same material and finish as the exterior of the manufactured dwelling or material with a brick-like finish or as otherwise approved through the Architectural Review Process.**
- (9) No extension, accessory structure, or other out building may be attached to a manufactured dwelling, except for structures conforming to the definition contained in state law concerning accessory structures.**
- (10) The distance between any two manufactured dwellings, including any approved accessory building, structure, awning, or tipout, must be ten feet or more on either side and either end.**

- (11) The distance between a manufactured dwelling, including approved accessory buildings, structures, awnings, or tipouts, and the nearest manufactured dwelling park property line or other permanent park structure must be 15 feet or the setback requirement of the RML District, whichever is greater.**
- (12) The distance between a manufactured dwelling and the nearest manufactured dwelling park street must be eight feet or more.**
- (13) The distance between a manufactured dwelling and the nearest manufactured dwelling park sidewalk must be five feet or more.**

**RESPONSE:** The above standards are currently met and the Plan Map Amendment will not alter this.

**D. Chapter 41: Medium Low Density Residential Zone (RML)**

**TDC 41.200 Use Categories**

Residential Use Category	Status	Limitations and Code References
Household Living	P/C	Permitted housing types subject to TDC 41.220
P: Permitted Outright		C: Conditionally Permitted

**TDC 41.222 Housing Types**

Housing Type	Status	Limitations and Code References
Manufactured Dwelling Park	Permitted Outright	Limited to Locations Designated by the Tualatin Community Plan Map and Subject to TDC 34.190

**RESPONSE:** The existing manufactured dwelling park use is not planned to change with this Plan Map Amendment application.

**TDC 41.300 Development Standards**

Standard	Requirement	Limitations and Code References
Maximum Density	12 units per acre	Limited to single-wide dwelling parks or any part of single-wide dwelling parks
Minimum Setbacks		
Front		
<12 Feet	20 Feet	
12 – <25 Feet	25 Feet	
25 – <30 Feet	30 Feet	
30+ Feet	35 Feet	



Side	5 Feet	On corner lots, the setback is the same as the front yard setback on any side facing a street other than an alley except for duplexes, triplexes, and quadplexes where the setback is 10 feet.
Corner Lots	–	
Maximum Structure Height	35 Feet	
Maximum Lot Coverage	40%	

**RESPONSE:** As illustrated in the attached Site Plan attached as **Exhibit A**, the minimum lot size and width standards are met. No improvements are planned and the minimum setbacks and maximum structure height for the existing improvements continue to be met. The applicable standards are met.

**E. Chapter 60: Light Manufacturing Zone (ML)**

**TDC 60.200 Use Categories**

Use Category	Status	Limitations and Code References
Light Manufacturing	Permitted Outright  Conditionally Permitted  Limited	Conditional uses limited to: <ul style="list-style-type: none"> <li>• Machine shop over 7,500 square feet;</li> <li>• Building, heating, plumbing and electrical contractor's offices, with on-site storage of equipment or materials;</li> <li>• Casting or fabrication of metals.</li> </ul> All other uses permitted outright.

**RESPONSE:** The existing light manufacturing use is not planned to change with this Plan Map Amendment application.

**TDC 60.300 Development Standards**

Standard	Requirement	Limitations and Code References
Minimum Lot Size	20,000 Square Feet	—
Minimum Lot Width	100 Feet	When lot has frontage on public street, minimum lot width at the street is 100 feet.  When lot has frontage on cul-de-sac street, minimum lot width at the street is 50 feet.
Infrastructure and Utilities Uses	—	As determined through the Subdivision, Partition, or Lot Line Adjustment process.
Flag Lots	—	Must be sufficient to comply with minimum access requirements of TDC 73C.
Minimum Setbacks		
Front	30 Feet	—

Front Setback Adjacent to Residential or Manufacturing Park District	50 Feet	—
Side	0 — 50 Feet	Determined through Architectural Review Process. No minimum setback if adjacent to railroad right-of-way or spur track.
Side Setback Adjacent to Residential or Manufacturing Park District	50 Feet	—
Rear	0 — 50 Feet	Determined through Architectural Review Process. No minimum setback if adjacent to railroad right-of-way or spur track.
Rear Setback Adjacent to Residential or Manufacturing Park	50 Feet	—
Parking and Circulation Areas	5 Feet	No minimum setback required adjacent to joint access approach in accordance with TDC 73C.
Parking and Circulation Areas Setback Adjacent to Residential or Manufacturing Park	10 Feet	—
Fences	10 Feet	From public right-of-way.
Structure Height		
Maximum Height	50 Feet	May be increased to 85 feet if yards adjacent to structure are not less than a distance equal to one and one-half times the height of the structure.

		<p>Measured at the 50-foot setback line, includes flagpoles. The building height may extend above 28 feet on a plane beginning at the 50-foot setback line at a slope of 45 degrees extending away from the 50-foot setback line.</p> <p>Flagpoles may extend to 100 feet.</p>
<p>Maximum Height Adjacent to Residential District</p>	<p>28 Feet</p>	<p>—</p>

**RESPONSE:** As illustrated in the attached Site Plan attached as **Exhibit A**, the minimum lot size and width standards are met. No improvements are planned and the minimum setbacks and maximum structure height for the existing improvements continue to be met. The applicable standards are met.

## **IV. Conclusion**

In summary, the proposal complies with the applicable approval criteria. The applicant requests that the City approve the Plan Map Amendment to amend the subject site's Plan Map designation to be entirely Medium Low Density Residential (RML) after the approved Property Line Adjustment.