TUALATIN CITY PLANNING COMMISSION MEETING

WEDNESDAY, JANUARY 21, 2026
AT 6:30 PM

TUALATIN CITY SERVICES
10699 SW HERMAN ROAD
TUALATIN, OR 97062

OR
Join Zoom Meeting
https://us02web.zoom.us/j/84780953964?pwd=sI5KzrEjaxjHlQwrK3da5pcFgoVyfn.1
Meeting ID: 847 8095 3964
Passcode: 198503

*Janelle Thompson– **Chair***
*Zach Wimer- **Vice Chair***
Randall Hledik, Justin Lindley
Ursula Kuhn, Allan Parachini
Rae Litz

CALL TO ORDER & ROLL CALL

ANNOUNCEMENTS & PLANNING COMMISSION COMMUNICATION

COMMUNICATION FROM THE PUBLIC (NOT ON THE AGENDA)
Limited to 3 minutes

ACTION ITEMS

1. Presentation to provide an update on the project to amend the Tualatin Development Code (TDC) for compliance with Oregon Revised Statutes (ORS 197A.400, Clear and Objective Housing Standards), one of a series of state laws intended to address barriers to housing in Oregon.

COMMUNICATION FROM CITY STAFF

FUTURE ACTION ITEMS

ADJOURNMENT

CITY OF TUALATIN

Staff Report

TO:	Tualatin Planning Commission
THROUGH:	Aquilla Hurd-Ravich, Community Development Director Teresa Montalvo, Planning Manager
FROM:	Madeleine Nelson, Associate Planner
DATE:	January 21, 2026

SUBJECT:
Presentation to provide an update on the project to amend the Tualatin Development Code (TDC) for compliance with Oregon Revised Statutes (ORS 197A.400, Clear and Objective Housing Standards), one of a series of state laws intended to address barriers to housing in Oregon.

RECOMMENDATION:
No action is required by the Planning Commission at this stage. Staff recommend that the Planning Commission review the presentation and provide direction on the policy questions identified.

EXECUTIVE SUMMARY:
The purpose of this project is to audit the TDC for compliance with Oregon Revised Statutes (ORS) 197A.400 and to prepare a package of code amendments to address identified issues. The amendments will result in a hearings ready development code that meets state requirements for clear and objective standards for housing. ORS 197A.400 requires local governments to regulate housing using clear and objective standards, conditions, and procedures to ensure that discretionary or subjective criteria is not used to deny housing projects.

A draft TDC code audit has been completed and is available for review. The audit identifies code provisions that do not meet clear and objective requirements and highlights key policy discussion items for consideration by the Planning Commission and City Council. These include the City's use of a two-track system of clear and objective and discretionary review criteria for certain residential applications, standards for multifamily housing, and the treatment of multifamily and retirement housing in residential zones where discretionary approval is currently required. The draft audit includes detailed findings by code section and preliminary concepts for potential solutions, which will inform the development of code amendments.

The Planning Commission and City Council will have additional opportunities to provide input following review of the draft audit and during preparation of the proposed code amendments. Staff anticipates returning in June with draft code language for review and feedback.

OUTCOMES OF DECISION:
The state rulemaking provides requirements for clear and objective standards for housing. This project will assist in ensuring the Tualatin Development Code is compliant with state law.

ALTERNATIVES TO RECOMMENDATION:
The state rulemaking is mandatory for metropolitan areas in Oregon.

FINANCIAL IMPLICATIONS:
The City was awarded direct assistance for this work by DLCD under an Intergovernmental Agreement authorized by DLCD IGA #23152. No direct financial expenditures will be incurred.

ATTACHMENTS:

- A. Presentation
- B. Draft Code Audit

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Clear & Objective Code Update

January 26, 2026 – City Council Work Session

MIG

Agenda

- Project purpose & background
- Project Timeline
- Overview of code audit and recommendations
- Policy direction, discussion & questions
- Planning Commission Update

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Project Purpose

Audit and Update Tualatin Development Code (TDC) to create an adoptable code that meets Oregon Revised Statutes (ORS) 197A.400 / SB 1564

Funded by State Planning Grant through Oregon Dept. of Land Conservation and Development (DLCD)

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ORS 197A.400

- ORS 197A.400 mandates that local governments regulate housing development using clear and objective standards, conditions, and procedures.
- The statute is intended to reduce discretionary barriers, uncertainty, delay, and costs that discourage housing development.
- Clear and objective standards are intended to:
  - Reduce barriers including delays, cost and appeals
  - Supporting housing needs
  - Improve accessibility/equity to development

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Clear & Objective Standards

What makes a standard "clear and objective"?

- Use terms, definitions, and measurements that provide for **consistent interpretation** of the regulation.
- There is no need to use their discretion in interpreting the standard.

Optional Discretionary Review

- State law allows local governments to offer a discretionary review path that can be used by applicants as an **optional alternative approach** to the clear and objective standards.

Previous TDC updates

- Tualatin has previously updated the TDC to create clear and objective regulations for housing.
- Oregon case law has further clarified the statutory requirements and additional updates are needed.

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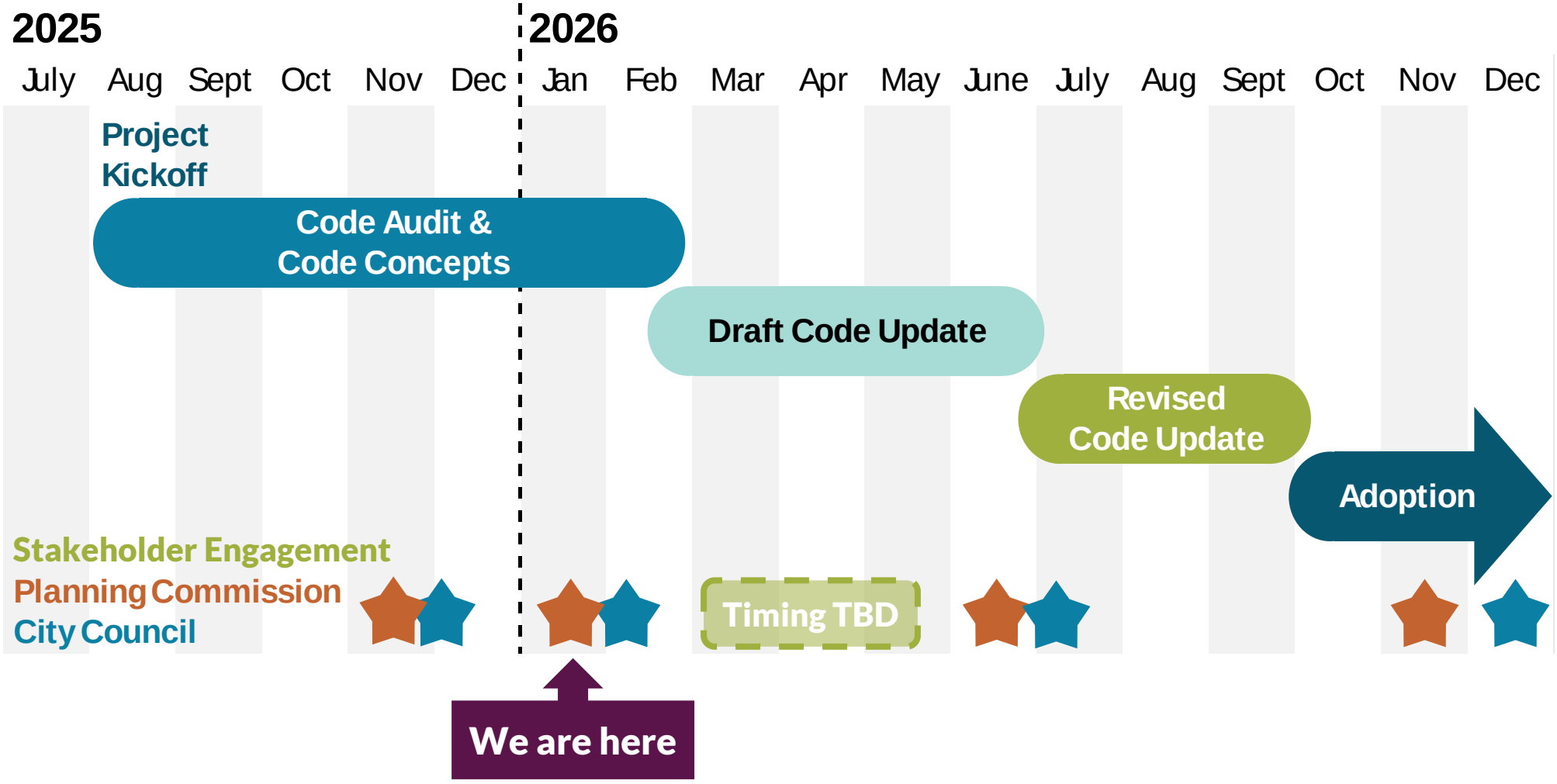
Example

Discretionary Language	Clear & Objective Language
"A private main entry area must be provided as a private extension of each dwelling unit;" **What makes a main entry area "private" or what a "private extension" looks like is subjective.**	***For ground-floor dwelling units, a main entry area must be recessed at least 5 feet.*** **Specific, measurable, enforceable.**

Project Tasks & Timeline



Clear & Objective Code Audit

- Code Audit identifies sections of the TDC where amendments are needed to create a clear and objective path for housing development.
- Also provides initial recommendations (“code concepts”) for addressing the identified issues.

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Frequent Issues & Examples

Conditional Use Requirements

Conditional use approval is required for certain housing types (e.g., multi-family housing and retirement housing) in certain zoning districts.

- **Issue:** Conditional use review criteria are discretionary. If a housing type is allowed in a zone, it needs to have a C&O approval path.
- **Potential Solutions:**
  - Establish C&O standards for the housing type (could be allowed on a more limited basis)
  - Alternatively, could prohibit the housing type.

Frequent Issues & Examples

Architectural Review

Some development standards for housing (such as minimum setbacks for townhouses) are "determined through the Architectural Review process" rather than providing a numeric standard.

- **Issue:** This requires discretion on the part of City staff to determine the applicable setbacks.
- **Potential Solutions:**
  - Establish a stricter setback as the C&O standard (e.g., minimum 20 ft).
  - Allow deviation (smaller setback) through an optional discretionary review.

Frequent Issues & Examples

Discretionary or Undefined Language

Some building design standards use terms such as “decorative” or “architectural,” or are not well defined (e.g., requiring a “recessed entry”).

- **Issue:** “Decorative” is open to interpretation. Would an entry recessed by 2 inches meet the “recessed entry” standard?
- **Potential Solutions:**
  - Add a minimum dimension for a recessed entry.
  - Remove the words “decorative” and “architectural” or rephrase these items so it’s clearer how the standard is met.

Frequent Issues & Examples

Access Management Standards

Some of the access provisions allow discretion by the City Manager. For example: "the City Manager may restrict the existing driveways to right-in and right-out…"

- **Issue:** This creates uncertainty as to what type of access will be required. However, some access requirements are more applicable to commercial and industrial uses (e.g., joint access requirements for adjacent properties).
- **Potential Solutions:**
  - Exempt housing development from discretionary standards geared toward non-residential uses. Continue to allow discretion for non-residential.
  - Where standards are applicable to housing development, specify the exact conditions under which the access standard or restriction would be required. For the above example, restrict access to right-in and right-out when accessing an arterial street and not meeting driveway spacing standards.

Key Findings & Discussion Items

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Two-Track System of Approval Criteria

For certain application types, the TDC includes a "two-track system" of parallel C&O and discretionary criteria:

- Architectural Review of single-family and middle housing types
- Partition and subdivision review

CURRENT RESIDENTIAL APPLICATION TYPES

Application Type		C&O Track	Discretionary Track
Land Divisions	Partitions	36.115. Housing C&O Tentative Partition Plan Approval Criteria	36.110. Tentative Partition Plan Criteria
	Subdivisions	36.125. Housing C&O Tentative Subdivision Plan Approval Criteria	36.120. Tentative Subdivision Plan Criteria
Architectural Review	Single Family, Duplex, Triplex, Quadplex, and Townhouse	Standards in 73A.030-.050	Guidelines in 73A.060
	Cottage Cluster	Standards in 73A.070	Guidelines in 73A.080
	Multi-Family	Standards in 73A.100 (mix of C&O and discretionary)	

Two-Track System of Approval Criteria

- A different approach could be considered that would streamline the options for applicants. City could offer a **single set of C&O criteria and standards** for each application type.
- To retain flexibility, there would need to be a **new option** to vary from the standards via discretionary review.
  - Some cities allow "Adjustments" or "Modifications" to standards through an administrative (Type II / staff-level) review.
  - When requesting an Adjustment (or similar) to a standard, applicants would need to demonstrate how their proposal equally or better meets the purpose of the standard.

Two-Track System of Approval Criteria

Policy Question 1: Should the TDC be revised from a "two-track system" for certain application types to a single set of development standards, with new options for flexibility?

Pros: Avoids an "all or nothing" approach. Allows applicants to limit the amount of uncertainty in their application. They could rely on the C&O standards for most provisions, and limit uncertainty to just those areas where flexibility is desired.

Cons: City would need to create a new procedure type (Adjustment or Modification), approval criteria, and new purpose statements to implement this approach. May not be feasible within the scope of this project.

Two-Track System of Approval Criteria

<u>Policy Question 2</u>: If retaining the two-track approach, should a new two-track system of standards and guidelines be crafted for *multi-family housing*?

- Unlike single-family and middle housing, multi-family housing only has one set of design standards (TDC 73A.100). Many of the standards are C&O, but some are unclear or discretionary.
- Project team either needs to ensure all standards are C&O or establish parallel tracks of C&O standards and discretionary guidelines.
- Without the option of an Adjustment or Modification, discretionary guidelines would enable a more flexible pathway for multi-family housing where desired by applicants.

Multi-Family and Retirement Housing in Residential Zones

- In the Low Density Residential (RL) zone, Multi-Family Structures require Conditional Use approval.
- Retirement Housing Facilities in several of the residential zones also require Conditional Use. *(Retirement housing facilities are effectively age-restricted multi-family housing, and exclude assisted living and similar "congregate care" facilities.)*
- Conditional Use criteria are discretionary. This cannot be the only approval path for these housing types.

Policy Question 3: Should the TDC be revised to allow certain multi-family and retirement housing developments *by right* or should they be *prohibited* in lower-density residential zones?

Multi-Family and Retirement Housing in Residential Zones

OPTION A: Allow *smaller-scale or lower-intensity* forms of multi-family and retirement housing by right in lower-density residential zones, and require conditional use approval for larger or higher-intensity developments.

OPTION A1: Allow by right if it remains at a *moderate density* that is equivalent to densities in other zones. For example, mirror the RML zone – allow multi-family housing up to 10 units per acre, and retirement housing up to 15 units per acre. Higher densities could be allowed via conditional use approval.

OPTION A2: Allow by right **up to a certain size or number of units** (e.g., 20 total units on a site). Allow larger developments via conditional use approval.

OPTION A3: Use a combination of options A1 and A2 by applying **both a density limit and a size limit** to housing that is allowed by right.

Multi-Family and Retirement Housing in Residential Zones

OPTION B: Prohibit multi-family housing in the RL zone. Since middle housing is permitted in this zone, the City may decide not to allow this additional housing type.

Planning Commission Update

- Staff presented the Clear & Objective Code Audit and related policy questions to the Planning Commission on January 21, 2026.
- The Planning Commission provided feedback that staff will summarize.

Conclusion

Any other questions or discussion?

Next Steps

- Draft code amendments
- City Council work session to review draft
- Revised code amendments

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TO: Tualatin Code Update Project Management Team

FROM: Keegan Gulick, Kate Rogers, and Jon Pheanis, MIG

RE: **Revised Code Audit Summary (Task 2.4)**
Clear and Objective Code Update Project

DATE: December 17, 2025

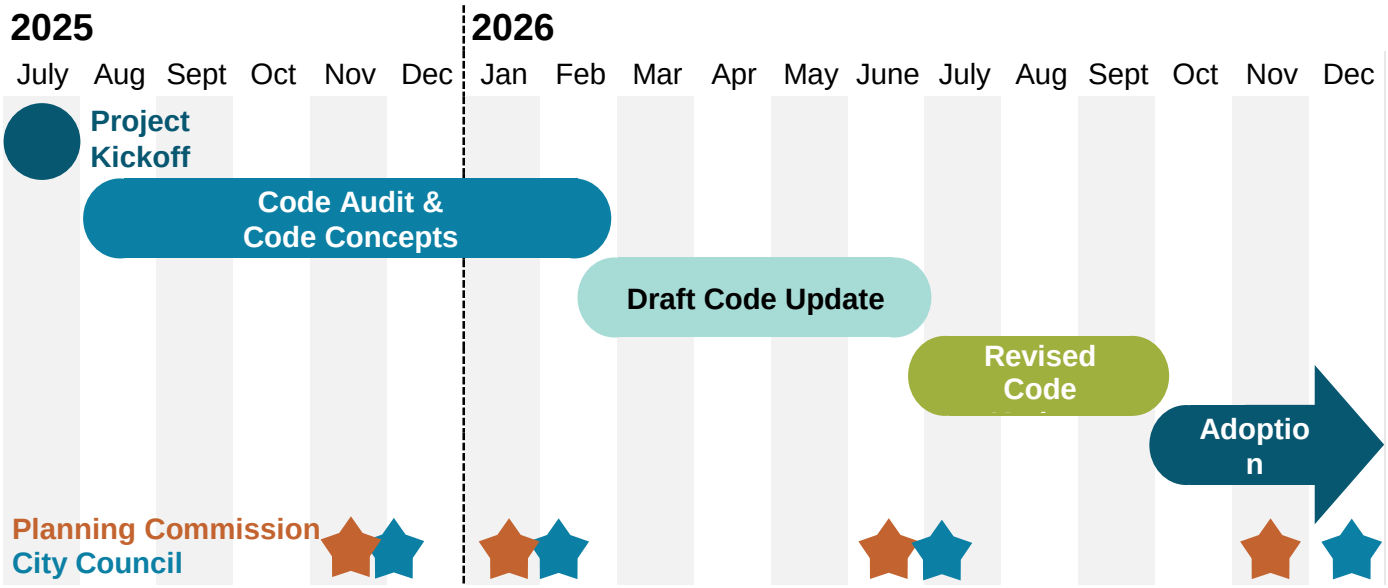
Introduction

The purpose of the City of Tualatin Clear & Objective Code Update is to amend the Tualatin Development Code (TDC) for clear and objective standards related to housing development, consistent with state statute (ORS 197A.400). The project will identify areas of the code that are not in compliance with this statute and draft a package of text amendments to address each issue.

The first step of the project is a code audit to identify areas of potential concern. This draft Code Audit Summary identifies sections of the TDC where amendments are needed to create a clear and objective path for housing development, and provides code concepts or initial recommendations for addressing the identified issues. This report also provides some background information about state requirements.

Project Overview and Schedule

The City of Tualatin received a technical assistance grant from the Oregon Department of Land Conservation and Development (DLCD) to undertake this code update project, and is being assisted by consultant firm MIG. The project schedule, below, shows the major project tasks and anticipated timeline for each task. City staff and MIG will regularly meet with the Planning Commission and City Council to present draft materials and gather feedback.



Clear and Objective Requirements

This project responds to Oregon Revised Statutes (ORS) 197A.400, one of a series of recent state laws that address barriers to housing in Oregon. ORS 197A.400 requires that local governments adopt and apply only clear and objective standards, conditions, and procedures to the development of housing (with some exceptions for historic districts). In short, development standards may not discourage needed housing through unclear or subjective language or by causing unreasonable costs or delay.

What makes a standard "clear and objective"?

Clear and objective standards use terms, definitions, and measurements that provide for consistent interpretation of the regulation. In other words, any two people applying the same standard to a development would get the same result. There is no need for the reviewer to use their discretion in interpreting the standard.

Optional discretionary review

It may not be practical to write clear and objective standards that can address all relevant circumstances or project goals in every development situation. State law allows local governments to offer a discretionary review path that can be used by applicants as an optional alternative approach to the clear and objective standards.

Previous TDC updates

The City of Tualatin has undertaken code amendments in the past to create clear and objective regulations for housing, including updates to residential design standards and land division standards. However, Oregon case law has provided additional clarification of the statutory requirements, and further code amendments are necessary to ensure full compliance with ORS 197A.400.

197A.400

(1) Except as provided in subsection (3) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing, on land within an urban growth boundary [...] The standards, conditions and procedures:

(a) May include, but are not limited to, one or more provisions regulating the density or height of a development.

(b) May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay. […]

(3) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in subsection (1) of this section, a local government may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria that are not clear and objective if […]

Code Audit Key Findings and Discussion Items

The project team conducted a detailed review of the TDC to identify conflicts with clear and objective requirements. Below is a summary of key discussion items and topics for which we are seeking policy direction from the Planning Commission and City Council. Following that is a more detailed summary of audit findings for each TDC section and initial suggestions for potential solutions.

Two-Track System of Approval Criteria

For certain application types, the TDC includes a "two-track system" of parallel clear and objective (abbreviated as "C&O") and discretionary criteria. This is the case for Architectural Review of single-family and middle housing types (TDC 33.020, with associated standards in Chapter 73A), and for partition and subdivision review (Chapter 36). See summary table below.

As noted above, state statute allows the code to offer an optional, discretionary review path as an alternative to the C&O standards. Applicants seeking certainty of approval are more likely to choose the C&O standards, whereas applicants that seek additional flexibility and can accept some uncertainty may opt for the discretionary requirements.

CURRENT RESIDENTIAL APPLICATION TYPES

Application Type		C&O Track	Discretionary Track
Land Divisions	Partitions	36.115. Housing C&O Tentative Partition Plan Approval Criteria	36.110. Tentative Partition Plan Criteria
	Subdivisions	36.125. Housing C&O Tentative Subdivision Plan Approval Criteria	36.120. Tentative Subdivision Plan Criteria
Architectural Review	Single Family, Duplex, Triplex, Quadplex, and Townhouse	Standards in 73A.030-.050	Guidelines in 73A.060
	Cottage Cluster	Standards in 73A.080	Guidelines in 73A.070
	Multi-Family	Standards in 73A.100 (mix of C&O and discretionary)	

However, City staff have expressed interest in considering a different approach that would streamline the options for applicants. Rather than maintaining parallel sets of criteria, the City could offer a single set of C&O criteria and standards for each application type.

In order to retain some flexibility for applicants, however, there would need to be a new option to vary from the C&O standards. Some cities allow "Adjustments" or "Modifications" to standards through an administrative (Type II / staff-level) review. When requesting an Adjustment (or similar) to a standard, applicants would need to demonstrate how their proposal equally or better meets the purpose of the standard. Tualatin's existing Variance procedure in TDC 33.120 enables some flexibility to vary from standards; however, applicants need to demonstrate a hardship "created by exceptional or extraordinary conditions." A Variance cannot be approved simply because an applicant wants flexibility to meet a standard in a different way.

Policy Question 1: Should the TDC be revised from a "two-track system" for certain application types to a single set of development standards, with new options for flexibility?

- **Pros:** The benefit of this approach is that it allows applicants to limit the amount of uncertainty in their application. Instead of having to choose between the C&O and

discretionary paths, applicants could rely on the C&O standards for most provisions, and limit uncertainty to just those areas where flexibility is desired.

- **Cons:** However, the challenge for the City is that it would need to create a new procedure type (Adjustments or Modifications) and approval criteria to implement this approach. Also, Adjustments/Modifications often rely on specific purpose statements for each standard, which do not currently exist for all TDC standards. Creating a new procedure and crafting new purpose statements may not be feasible within the scope of this project, but could be recommended as part of a future work plan.

Policy Question 2: If retaining the two-track approach, should a new two-track system of standards and guidelines be crafted for multi-family housing?

Unlike single-family and middle housing, multi-family housing only has one set of design standards in TDC 73A.100. While many of the standards are C&O, some are unclear or discretionary. The project team will either need to ensure the standards are C&O or establish separate tracks with a parallel set of C&O standards and discretionary guidelines, similar to other housing types. Without the option of an Adjustment or Modification to vary from the C&O standards, discretionary guidelines would enable a more flexible pathway for multi-family housing where desired by applicants.

Multi-Family and Retirement Housing in Residential Zones

In the Low Density Residential (RL) zone, Multi-Family Structures are allowed with conditional use approval. The same is also true for Retirement Housing Facilities in several of the residential zones. Conditional use is a discretionary review, not C&O. Under state statute, if a housing type is allowed in a zone, it must have a C&O review path.

Policy Question 3: Should the TDC be revised to allow certain multi-family and retirement housing developments by right or should they be prohibited in lower-density residential zones?

Option A: Allow smaller-scale or lower-intensity forms of multi-family and retirement housing by right in lower-density residential zones, and require conditional use approval for larger or higher-intensity developments.

For multi-family housing in the RL zone and retirement housing in lower-density zones:

> **Option A1:** Allow this housing by right if it **remains at a moderate density** that is equivalent to densities in other zones. For example, the Medium Low Density Residential (RML) zone allows multi-family housing at a density of up to 10 units per acre , and retirement housing at up to 15 units per acre; those may be appropriate standards for the RL zone. Higher densities could be allowed via conditional use approval.
>
> **Option A2:** Alternatively, allow this housing by right **up to a certain size or number of units** (e.g., 20 total units on a site). Allow larger developments via conditional use approval.
>
> **Option A3:** Use a combination of options A1 and A2 by applying both a density limit and a size limit to housing that is allowed by right.

For retirement housing in moderate- or higher-density zones, the project team recommends treating them the same as multi-family housing.

> (Note, retirement housing facilities are effectively age-restricted multi-family housing, and exclude assisted living and similar “congregate care” facilities. See the findings under TDC 34.400 in the Detailed Audit Findings below for discussion of congregate care. While the

impacts of retirement housing facilities and multi-family housing are likely similar, retirement housing may have more needs for emergency vehicle access, which should be a consideration.)

Option B: Prohibit multi-family housing in the RL zone. Since middle housing is permitted in this zone, the City may decide not to allow this additional housing type. (Note, this change may necessitate sending Measure 56 notice to property owners, which should be a consideration.)

Detailed Audit Findings

Following is a more detailed summary of the audit findings for each TDC section and initial recommendations for potential solutions (code concepts). Note, in some sections there may be other standards that will also need revisions to be C&O); this summary focuses on the more significant issues. Code sections for which no significant issues were identified are excluded.

TDC Section	Key Issues	Potential Solutions
Chapter 33 – Applications and Approval Criteria		
TDC 33.020. Architectural Review.	Architectural Review applies to any new residential development. For some housing types (single family dwellings and middle housing), there are parallel sets of C&O and discretionary approval criteria. While this is allowed under ORS 197A.400, City staff have discussed the potential for consolidating criteria into a single review path for each housing type. While the criteria noted as "Clear and Objective" in subsection (5) do not have any C&O conflicts themselves, some of the standards in Chapter 73A Site Design Standards are not fully C&O. Refer to the findings for that chapter below. Subsection (6), Conditions of Approval: This section contains discretionary provisions related to public facilities and access management. The statute requires that cities "adopt and apply only clear and objective standards, **conditions** and procedures regulating the development of housing."	Approval Criteria: If there is interest in simplifying the options for Architectural Review for single family and middle housing, the City could consider removing the discretionary standards in TDC 73A.060 and 73A.080 and requiring all developments to follow the C&O standards. See the "Key Findings" section above for further discussion. Conditions of Approval: The discretionary provisions could be revised by cross-referencing C&O standards for public facilities and access management in other sections of the code. See related findings under Chapter 74 Public and Private Transportation Facilities and Utilities and Chapter 75 Access Management.
Chapter 34 – Special Regulations		
TDC 34.400. Congregate Care and Retirement Housing Facility Standards.	Congregate care and retirement housing facilities require conditional use approval in residential districts. Conditional use is a discretionary review process. Under the C&O statute, if a housing type is allowed in a zone, it needs to have a C&O approval path. Some cities have interpreted congregate care (e.g., assisted living and other facilities with meal services and additional support) as not being subject to the C&O requirements for housing. However, retirement housing facilities are essentially multi-family housing that is age-restricted; operationally, is not really different from	Consider the following solution: Separate congregate care from retirement housing and regulate them differently. Retain the conditional use requirement for congregate care, but establish C&O approval criteria for retirement housing. New definitions for "Congregate Care Facility" and "Retirement Housing" will need to be added. The City should consider whether to allow retirement housing facilities by right in lower-density residential zones. A potential approach could be to allow smaller-scale or lower-intensity forms of retirement

TDC Section	Key Issues	Potential Solutions
	standard apartments. In fact, it may have fewer impacts to neighbors because fewer residents may own vehicles.	housing by right, and to require conditional use approval for higher-intensity developments. See the "Key Findings" section above for example approaches.
Chapter 36 – Applications and Approval Criteria		
TDC 36.115 Housing Clear and Objective Tentative Partition Plan Approval Criteria.	This section is intended to provide C&O approval criteria for partitions (as opposed to the parallel discretionary criteria in TDC 36.110). However, subsection (4) requires that a partition provide for "pedestrian, bicycle, and transit circulation" among buildings and to adjacent uses. The criterion includes language such as "reasonably be expected" which is subjective, and in general the requirements are too broad and open to interpretation to be C&O.	This section could be updated with C&O criteria that specify exactly when and where transportation connections are required. Alternatively, the standards could be captured in the Residential Design Standards in TDC 73A.100 through 73A.130 or other sections. Note, these requirements are tied to Transportation Planning Rule requirements in OAR 660-012, so any updated language will need to remain consistent with those rules.
TDC 36.125. Housing Clear and Objective Tentative Subdivision Plan Approval Criteria.	Same issue as TDC 36.115.	Same solution as TDC 36.115. Similar to Architectural Review, if there is interest in simplifying the options for land division approval for housing applications, the City could consider removing the discretionary standards in TDC 36.110 and 36.120 and requiring all developments to follow the C&O criteria. See the "Key Findings" section above for further discussion.
TDC 36.400 Lot Dimensions	This section contains several standards that are not C&O. Examples include the following: (1)(a) Double frontage and reversed frontage lots "must be avoided except where essential…" This language is discretionary. (2) When "Large Lots" are created during a land division or property line adjustment which could be	(1)(a) Consider only allowing double frontage or reverse frontage lots through a discretionary approval pathway. (2) Consider a more specific means of determining whether a lot could be considered a "Large Lot." For example, when a lot is created that is more than two times or [XX]% larger than the minimum lot size for a zone.

TDC Section	Key Issues	Potential Solutions
	subdivided at a future time, the applicant is required to submit a future streets plan. (5)(c) allows exceptions to residential lots abutting a public street where frontage is "impractical due to physical restraints" and there are "no adverse impacts."	(5)(c) Consider only allowing this through a discretionary approval path.
Chapter 39 – Use Categories		
TDC 39.220. Group Living.	This section describes the "group living" use category, which unlike "household living" is not characterized by self-contained dwelling units. The description includes the following subjective language: "the size of the group may be larger than the average size of a household." If this description is used to differentiate a group living use, and to determine what standards apply, it needs to be C&O. In addition, the size of the "group" cannot be used to determine the use category, given House Bill 2583 (2021), encoded as ORS 90.112: *A maximum occupancy limit may not be established or enforced by any local government, as defined in ORS 197.015, for any residential dwelling unit, as defined in ORS 90.100, if the restriction is based on the familial or nonfamilial relationships among any occupants.*	This section could be updated to remove the subjective language, and to instead reference a structure that does not provide self-contained dwelling units or that has communal facilities, such as dining.
Chapters 40 – 44 – Residential Zoning Districts		
TDC Chapters 40 – 44 – Housing Types	In the RL zone, Multi-Family Structures are listed as a conditional use. Also, Retirement Housing is listed as a conditional use in the RL, RML, RMH, RH, and RH-HR zones. The approval criteria for conditional uses (TDC 33.040) are discretionary. As noted, housing must have a C&O review path if it is allowed in a zone.	As described above for Section 34.400, the City should consider allowing smaller-scale or lower-intensity multi-family housing and retirement housing facilities by right in lower-density residential zones. Larger or more intensive developments could still require conditional use approval or be prohibited

TDC Section	Key Issues	Potential Solutions
		entirely. See the “Key Findings” section above for example approaches.
TDC Chapters 40 – 44 – Development Standards	Some development standards for townhouses in these zones (such as minimum setbacks for buildings and for parking and vehicle circulation areas) are “determined through the Architectural Review process.” In the RH-HR zone, setbacks for structures above a certain height are also determined through Architectural Review. This requires discretion on the part of city staff to determine the applicable setbacks.	Consider establishing a minimum setback on the high end of a given range or a typical range (e.g., 20 ft where the TDC range is 0-20 ft) as the baseline C&O standard. Allow deviation (smaller setback) through an optional discretionary review. Clarify the applicability of average minimum lot widths and when averaging is applicable.
Chapters 50 – 57 – Commercial Zoning Districts		
Office Commercial (CO) and Central Commercial (CC) Zones – TDC 50.300 and 53.300 Development Standards	While residential uses are not typically allowed in the CO or CC zones, some housing types are permitted in these zones within the Central Tualatin Overlay Zone (Chapter 58). As such, development standards in Chapters 50 and 53 must be C&O as applied to housing. Some of the setbacks in these zones are determined through the Architectural Review Process, which introduces discretion into the review of housing.	For housing allowed in CO or CC within the Central Tualatin Overlay, the TDC could point to the C&O standards in another residential zone – such as the High Density Residential (RH) zone. That would be consistent with the current approach to minimum lot size standards for townhouses in Table 58-7 for the Central Tualatin Overlay (which references the RH lot size standard).
TDC 51.200 Use Categories (Neighborhood Commercial (NC) Zone)	Permitted residential uses are limited to one dwelling unit for each business on a lot. Side and rear setbacks and corner lot setbacks in Table 51-2 are determined through the Architectural Review process.	The development standards for residential accessory uses could be the same as in other residential zones (see previous row).
TDC 52.200 Use Categories (Recreational Commercial (CR) Zone)	The CR zone allows Multi-Family Structures and Manufactured Dwelling Parks as conditional uses, so a C&O path needs to be established. Additionally, the setbacks in Table 52-2 (Development Standards) have the same issue as noted above regarding Architectural Review. Access management is also determined by the City Manager, which is discretionary.	The CR zone is applied to the Roamer’s Rest area between the Tualatin River and Highway 99-W. The purpose of the zone (per TDC 52.100) is to support commercial and related uses. Approval of multi-family housing and manufactured dwelling parks will require a C&O approval path. Given the purpose of the zone, the City should consider whether to establish C&O standards for

TDC Section	Key Issues	Potential Solutions
		these housing types or whether they should simply be prohibited. Similar to multi-family and retirement housing in the low-density zones, the City could establish restrictions that limit the scale or intensity of developments that are allowed by right. Another option would be to allow these uses by right and apply the C&O development standards of another residential zone – such as the RH or RMH zone.
Chapter 58 – Central Tualatin Overlay Zone		
TDC 58.800 Central Tualatin Overlay Development Standards	In Table 58-7, minimum lot sizes and dimensions for mixed use and multi-family developments are determined through the Architectural Review process.	Similar to the suggested approach for the CO and CC zones, above, consider referencing the development standards in the RH zone for housing standards in the Central Tualatin Overlay.
Chapter 73A – Site Design Standards		
TDC 73A.050. Type I Residential Wall Elements	TDC 73A.030-.050 is intended to provide C&O design standards for single-family, duplex, triplex, quadplex, and townhouse development. Most of the "wall element" menu options are C&O, but a few may need some revisions. One type of wall design element is a "recessed entry," but this standard does not specify a minimum depth for how recessed the entry should be. For other menu items, the use of the words "decorative" and "architectural" are also discretionary.	Add a minimum dimension for a recessed entry. Remove the words "decorative" and "architectural" or rephrase these items so it's clearer how the standard is met.
TDC 73A.100. Multi-Family Design Standards	Multi-Family design standards do not currently have a "2-track system" of parallel C&O and discretionary standards. The standards in TDC 73A.100 are mostly C&O, but standards related to entry areas, shared outdoor areas, and storage areas are discretionary.	As noted in the "Key Findings" section, the City could create a two-track approval pathway for multi-family design requirements similar to the design standards for other housing types. The current standards could be revised to be C&O where needed, and a new set of parallel discretionary guidelines could be established.

TDC Section	Key Issues	Potential Solutions
		These choices are dependent on whether the City wants to retain a two-track approach for Architectural Review, or to create a consolidated pathway with options to vary from the standards via a new adjustment or modification procedure.
TDC 73A.130 Mixed Use Commercial Design Standards	The residential design standards contain standards that are not C&O. Examples include requiring front facades to "create visual interest" and features to "emphasize" dwelling units.	Update the design standards to provide specific dimensions for design requirements and remove discretionary language.
Chapter 73C – Parking Standards		
TDC 73C.030. Parking Lot Design Requirements.	Requirements for parking lot design contain standards that are discretionary and would be difficult for the City to enforce. The standards include surface material, circulation, and screening.	Update the design requirements to and add more specific C&O design standards and potentially exempt residential uses from the more discretionary standards that are more applicable to non-residential uses.
TDC 73C.050. Bicycle Parking Requirements	Bicycle parking standards require that bike parking must be located in "convenient, secure, and well-lighted" locations as approved by the Architectural Review Process.	Bicycle parking standards for housing should be updated to provide more specific design and location requirements.
Chapter 74 – Public Improvement Requirements		
TDC 74.040. Exceptions	This section allows the City Manager to provide exceptions to certain improvements if they would create a hazard, be impractical, or be "detrimental to the City." It is the project team's understanding that it is acceptable to allow standards to be waived or modified, as long as the changes constitute a reduction in scope, not an increase in scope. However, the wording in this section could be revised make it less based on the "opinion" of the City Manager.	Consider rephrasing the first sentence as follows: "The City Manager may waive or defer the construction of improvement required by TDC 74 if the City finds that the improvements would result in the creation of a hazard, or would be impractical, or would be detrimental to the City."

TDC Section	Key Issues	Potential Solutions
TDC 74.100 Mid-Block Accessways.	Subsection (3) applies to residential subdivisions and partitions and allows flexibility in the location of accessways. However, a few of the standards for design are discretionary and are open to interpretation.	Update this section to provide C&O requirements for the design of mid-block accessways in residential subdivisions.
Chapter 75 – Access Management		
TDC 75.020 Driveway Approach Requirements	Some of the access provisions are discretionary but may be more applicable to commercial or other non-residential developments (such as joint access requirements for adjacent properties).	The discretionary provisions that are less applicable to residential development could be limited to non-residential uses only. That way, the discretionary provisions could remain.