



TUALATIN CITY COUNCIL

Monday, OCTOBER 23, 2017

JUANITA POHL CENTER

8513 SW Tualatin Road

Tualatin, OR 97062

WORK SESSION begins at 6:00 p.m.
BUSINESS MEETING begins at 7:00 p.m.

Mayor Lou Ogden

Council President Joelle Davis

Councilor Robert Kellogg

Councilor Paul Morrison

Councilor Jeff DeHaan

Councilor Frank Bubenik

Councilor Nancy Grimes

Welcome! By your presence in the City Council Chambers, you are participating in the process of representative government. To encourage that participation, the City Council has specified a time for your comments on its agenda, following Announcements, at which time citizens may address the Council concerning any item not on the agenda or to request to have an item removed from the consent agenda. If you wish to speak on a item already on the agenda, comment will be taken during that item. Please fill out a Speaker Request Form and submit it to the Recording Secretary. You will be called forward during the appropriate time; each speaker will be limited to three minutes, unless the time limit is extended by the Mayor with the consent of the Council.

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are available for review on the City website at www.tualatinoregon.gov/meetings, the Library located at 18878 SW Martinazzi Avenue, and on file in the Office of the City Manager for public inspection. Any person with a question concerning any agenda item may call Administration at 503.691.3011 to make an inquiry concerning the nature of the item described on the agenda.

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, you should contact Administration at 503.691.3011. Notification thirty-six (36) hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

Council meetings are televised *live* the day of the meeting through Washington County Cable Access Channel 28. The replay schedule for Council meetings can be found at www.tvctv.org. Council meetings can also be viewed by live *streaming video* on the day of the meeting at www.tualatinoregon.gov/meetings.

Your City government welcomes your interest and hopes you will attend the City of Tualatin Council meetings often.

PROCESS FOR LEGISLATIVE PUBLIC HEARINGS

A **legislative** public hearing is typically held on matters which affect the general welfare of the entire City rather than a specific piece of property.

1. Mayor opens the public hearing and identifies the subject.
2. A staff member presents the staff report.
3. Public testimony is taken.
4. Council then asks questions of staff, the applicant, or any member of the public who testified.
5. When the Council has finished questions, the Mayor closes the public hearing.
6. When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either *approve*, *deny*, or *continue* the public hearing.

PROCESS FOR QUASI-JUDICIAL PUBLIC HEARINGS

A **quasi-judicial** public hearing is typically held for annexations, planning district changes, conditional use permits, comprehensive plan changes, and appeals from subdivisions, partitions and architectural review.

1. Mayor opens the public hearing and identifies the case to be considered.
2. A staff member presents the staff report.
3. Public testimony is taken:
 - a) In support of the application
 - b) In opposition or neutral
4. Council then asks questions of staff, the applicant, or any member of the public who testified.
5. When Council has finished its questions, the Mayor closes the public hearing.
6. When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either *approve*, *approve with conditions*, or *deny the application*, or *continue* the public hearing.

TIME LIMITS FOR PUBLIC HEARINGS

The purpose of time limits on public hearing testimony is to provide all interested persons with an adequate opportunity to present and respond to testimony. All persons providing testimony **shall be limited to 3 minutes**, subject to the right of the Mayor to amend or waive the time limits.

EXECUTIVE SESSION INFORMATION

An Executive Session is a meeting of the City Council that is closed to the public to allow the City Council to discuss certain confidential matters. An Executive Session may be conducted as a separate meeting or as a portion of the regular Council meeting. No final decisions or actions may be made in Executive Session. In many, but not all, circumstances, members of the news media may attend an Executive Session.

The City Council may go into Executive Session for certain reasons specified by Oregon law. These reasons include, but are not limited to: ORS 192.660(2)(a) employment of personnel; ORS 192.660(2)(b) dismissal or discipline of personnel; ORS 192.660(2)(d) labor relations; ORS 192.660(2)(e) real property transactions; ORS 192.660(2)(f) information or records exempt by law from public inspection; ORS 192.660(2)(h) current litigation or litigation likely to be filed; and ORS 192.660(2)(i) employee performance of chief executive officer.



OFFICIAL AGENDA OF THE TUALATIN CITY COUNCIL MEETING FOR OCTOBER 23, 2017

A. CALL TO ORDER

Pledge of Allegiance

B. ANNOUNCEMENTS

1. Proclamation Declaring October 23-31, 2017 as Red Ribbon Week in the City of Tualatin
2. Recognition of Lily Roth on her Achievement of the Girl Scout Gold Award

C. CITIZEN COMMENTS

This section of the agenda allows anyone to address the Council regarding any issue not on the agenda, or to request to have an item removed from the consent agenda. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

D. CONSENT AGENDA

The Consent Agenda will be enacted with one vote. The Mayor will ask Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. If you wish to request an item to be removed from the consent agenda you should do so during the Citizen Comment section of the agenda. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under, Items Removed from the Consent Agenda. The entire Consent Agenda, with the exception of items removed from the Consent Agenda to be discussed, is then voted upon by roll call under one motion.

1. Consideration of Approval of the Minutes for Regular Council Meeting of October 9, 2017
2. Consideration of **Resolution No. 5343-17** Authorizing a One-Year Extension of the Street Sweeping Contract with Great Western Sweeping, Inc.

E. SPECIAL REPORTS

1. Quarterly Financial Report

F. PUBLIC HEARINGS – Legislative or Other

1. Consideration of an Amendment to Tualatin Development Code Chapters 2, 31, and 32 to Revise Review Authority for Conditional Use Permits from the City Council to the Tualatin Planning Commission.

G. ITEMS REMOVED FROM CONSENT AGENDA

Items removed from the Consent Agenda will be discussed individually at this time. The Mayor may impose a time limit on speakers addressing these issues.

H. COMMUNICATIONS FROM COUNCILORS

I. ADJOURNMENT

City Council Meeting

Meeting Date: 10/23/2017

ANNOUNCEMENTS: Proclamation Declaring October 23-31, 2017 as Red Ribbon Week in the City of Tualatin

ANNOUNCEMENTS

Proclamation Declaring October 23-31, 2017 as Red Ribbon Week in the City of Tualatin

Proclamation

Proclamation

*Declaring October 23-31, 2017
Red Ribbon Week
in the City of Tualatin*

WHEREAS, Alcohol and other drug abuse in this nation has reached epidemic stages; and

WHEREAS, It is imperative that visible, unified prevention education efforts by community members be launched to eliminate the demand for drugs; and

WHEREAS, National Family Partnership (NFP) is sponsoring the National Red Ribbon Campaign offering citizens the opportunity to demonstrate their commitment to drug-free lifestyles; and

WHEREAS, The National Red Ribbon Campaign will be celebrated during "Red Ribbon Week" October 23-31; and

WHEREAS, Business, government, parents, law enforcement, media, medical, religious institutions, schools, seniors, service organizations and youth will demonstrate their commitment to healthy, drug-free lifestyles by wearing and displaying Red Ribbons during this week long campaign.

NOW THEREFORE BE IT RESOLVED, that the City of Tualatin does hereby proclaim October 23-31, 2017 as Red Ribbon Week and encourages its citizens to participate in drug prevention education activities, making a visible statement that we are strongly committed to a drug-free community.

INTRODUCED AND ADOPTED this 23rd day of October, 2017.

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Nicole Morris, Deputy City Recorder

DATE: 10/23/2017

SUBJECT: Consideration of Approval of the Minutes for Regular Council Meeting of October 9, 2017

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes for the Regular Council Meeting of October 9, 2017.

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

Attachments: [City Council Regular Meeting Minutes of October 9, 2017](#)



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR OCTOBER 9, 2017

Present: Councilor Frank Bubenik; Council President Joelle Davis; Councilor Nancy Grimes; Councilor Paul Morrison; Councilor Robert Kellogg

Absent: Mayor Lou Ogden; Councilor Jeff DeHaan

Staff Present: City Manager Sherilyn Lombos; City Attorney Sean Brady; Police Chief Bill Steele; Community Services Director Paul Hennon; Planning Manager Aquilla Hurd-Ravich; Deputy City Recorder Nicole Morris; Teen Program Specialist Julie Ludemann; Assistant to the City Manager Tanya Williams; Assistant City Manager Alice Cannon; Parks and Recreation Manager Rich Mueller; IS Director Bates Russell

A. CALL TO ORDER

Pledge of Allegiance

Council President Davis called the meeting to order at 7:02 p.m.

B. ANNOUNCEMENTS

1. Tualatin Youth Advisory Council Update for October 2017

Members of the Youth Advisory Committee (YAC) presented a PowerPoint on their latest activities and upcoming events. Members will be at the Pumpkin Regatta on October 21 to assist with crafts, pumpkin carving, pumpkin bowling, and face painting. Funds raised at the event will go towards attendance at the NLC Conference in March. The annual YAC Haunted House will be held October 25-28, the theme this year is Haunted Prison.

2. West Coast Giant Pumpkin Regatta Announcement

Recreation Supervisor Julie Ludemann announced the West Coast Giant Pumpkin Regatta to be held on October 21, 10:00 am to 4:00 p.m., at the Lake of the Commons.

C. CITIZEN COMMENTS

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None.

D. CONSENT AGENDA

The Consent Agenda will be enacted with one vote. The Mayor will ask Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. If you wish to request an item to be removed from the consent agenda you should do so during the Citizen Comment section of the agenda. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under, Items Removed from the Consent Agenda. The entire Consent Agenda, with the exception of items removed from the Consent Agenda to be discussed, is then voted upon by roll call under one motion.

MOTION by Councilor Frank Bubenik, SECONDED by Councilor Nancy Grimes to adopt the consent agenda.

Aye: Councilor Frank Bubenik, Council President Joelle Davis, Councilor Nancy Grimes, Councilor Paul Morrison, Councilor Robert Kellogg

Other: Mayor Lou Ogden (Absent), Councilor Jeff DeHaan (Absent)

MOTION CARRIED

1. Consideration of Approval of the Minutes for the Work Sessions and Regular Meetings of September 11 and 25, 2017
2. Consideration of **Resolution No. 5342-17** Awarding Fiscal Year 2017/2018 Outside Agency Grant Funds to Provide Social Services to the Citizens of Tualatin
3. Consideration of **Resolution No. 5341-17** Authorizing an Intergovernmental Agreement between the City of Tualatin and Washington County, Oregon for Fiscal Year 2016 Urban Areas Security Initiative (UASI) Grant Funds

E. GENERAL BUSINESS

If you wish to speak on a general business item please fill out a Speaker Request Form and you will be called forward during the appropriate item. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

1. Consideration of **Ordinance No. 1403-17** Regulating Mobile Food Units and Creating Tualatin Municipal Code Chapter 9-09.

City Attorney Sean Brady stated this ordinance was presented to the Council at the last regular meeting. The Council made amendments and they appear in tonight's version. The ordinance had a first and second reading at the last meeting, since the vote was not unanimous the ordinance is back tonight for consideration.

MOTION by Councilor Paul Morrison, SECONDED by Councilor Robert Kellogg for third reading by title only.

Aye: Councilor Frank Bubenik, Council President Joelle Davis, Councilor Nancy Grimes, Councilor Paul Morrison, Councilor Robert Kellogg

Other: Mayor Lou Ogden (Absent), Councilor Jeff DeHaan (Absent)

MOTION CARRIED

MOTION by Councilor Paul Morrison, SECONDED by Councilor Robert Kellogg to adopt Ordinance No. 1403-17 regulating mobile food units and creating Tualatin Municipal Code Chapter 9-09.

Aye: Councilor Frank Bubenik, Council President Joelle Davis, Councilor Nancy Grimes, Councilor Paul Morrison, Councilor Robert Kellogg

Other: Mayor Lou Ogden (Absent), Councilor Jeff DeHaan (Absent)

MOTION CARRIED

2. Consideration of Ordinance No. 1404-17 to Extend the Temporary Mobile Food Unit Regulations to December 31, 2018

MOTION by Councilor Nancy Grimes, SECONDED by Councilor Frank Bubenik for first reading by title only.

Aye: Councilor Frank Bubenik, Council President Joelle Davis, Councilor Nancy Grimes, Councilor Paul Morrison, Councilor Robert Kellogg

Other: Mayor Lou Ogden (Absent), Councilor Jeff DeHaan (Absent)

MOTION CARRIED

MOTION by Councilor Frank Bubenik, SECONDED by Councilor Nancy Grimes for second reading by title only.

Aye: Councilor Frank Bubenik, Council President Joelle Davis, Councilor Nancy Grimes, Councilor Paul Morrison, Councilor Robert Kellogg

Other: Mayor Lou Ogden (Absent), Councilor Jeff DeHaan (Absent)

MOTION CARRIED

MOTION by Councilor Nancy Grimes, SECONDED by Councilor Frank Bubenik to adopt Ordinance No. 1404-17 to extend the temporary mobile food unit regulations to December 31, 2018.

Aye: Councilor Frank Bubenik, Council President Joelle Davis, Councilor Nancy Grimes, Councilor Paul Morrison, Councilor Robert Kellogg

Other: Mayor Lou Ogden (Absent), Councilor Jeff DeHaan (Absent)

MOTION CARRIED

F. COMMUNICATIONS FROM COUNCILORS

Councilor Kellogg stated the Great American Shake Out will occur on October 19. He encouraged citizens to find more information on the FEMA website and be prepared.

Councilor Bubenik stated he attended the Regional Water Providers Consortium meeting last week. The group is working through strategic plan revisions with an emphasis on emergency preparedness.

Councilor Morrison announced he now has a conflict with his schedule and is no

longer able to attend Tualatin Tomorrow meetings as the Council liaison.

Council President Davis stated today is the ten year anniversary of the adoption of the rights of the indigenous people. She provided background on Indigenous People's Day.

G. ADJOURNMENT

Council President Davis adjourned the meeting at 7:21 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Lou Ogden, Mayor



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Kathy Kaatz, Program Coordinator
Jeff Fuchs, Public Works Director

DATE: 10/23/2017

SUBJECT: Consideration of **Resolution No. 5343-17** Authorizing a One-Year Extension of the Street Sweeping Contract with Great Western Sweeping, Inc.

ISSUE BEFORE THE COUNCIL:

Consideration of Resolution 5343-17 Authorizing a One Year Extension of the Street Sweeping Contract with Great Western Sweeping, Inc.

RECOMMENDATION:

Staff requests that City Council extend the renewal of the existing Personal Services Agreement with Great Western Sweeping for one year, retroactive to September 23, 2017. This renewal would allow Great Western Sweeping to provide an additional year of services to the City and modify the price.

EXECUTIVE SUMMARY:

The City has an existing three-year contract with Great Western Sweeping which was awarded at the September 23, 2013 meeting. The Agreement allows for an option of two, one-year extensions. The multi-year contract allows for sweeping of approximately 151 curb miles of roads and streets in Tualatin that are swept on a regular monthly schedule, including sweeping of the City Parks and public parking areas. Great Western Sweeping continues to provide the City with excellent service to the City.

This will be the second amendment to the Contract and will be effective retroactive to September 23, 2017 and the term ends on September 23, 2018.

FINANCIAL IMPLICATIONS:

The financial implications of this extension would allow for a price increase from the existing \$122.00 per hour to \$127.50 per hour and an increase in debris disposal cost from \$25.50 to \$26.50 per yard, with a total net to not exceed costs of \$257,000.00. The 2017/18 budget includes street sweeping costs of \$257,715.00. Funding is split between the Road Operating and Storm Operating Funds.

Attachments: A - Resolution 5343-17
B - Second Amendment to Contract

RESOLUTION NO. 5343-17

A RESOLUTION AUTHORIZING A SECOND ONE-YEAR EXTENSION OF THE STREET SWEEPING CONTRACT WITH GREAT WESTERN SWEEPING, INC.

WHEREAS, the City needs street sweeping services;

WHEREAS, in 2013, the City entered into a street sweeping services contract with Great Western Sweeping, Inc., which had a three-year term, with two one-year extensions; and

WHEREAS, the City wishes to extend the contract for a period of one year.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The City Manager is authorized to execute the extension of the street sweeping services contract with Great Western Sweeping, Inc.

Section 2. The City Manager is authorized to approve changes to the contract scope and may make modifications to the contract price up to an addition of 10 percent of the total contract amount.

Section 3. This resolution is effective upon adoption.

INTRODUCED AND ADOPTED by the City Council this 23rd day of October, 2017.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder

SECOND AMENDMENT TO THE PERSONAL SERVICES AGREEMENT WITH GREAT WESTERN SWEEPING

This Second Amendment to the Personal Services Agreement ("Second Amendment") is entered into by and between the City of Tualatin, Oregon ("City") and Great Western Sweeping ("Provider"), and are collectively referred to as the "Parties."

- A. On or about September 23, 2013, the Parties entered into a Personal Services Agreement, which allows for another one-year extension.
- B. The terms of the Personal Services Agreement expired on September 23, 2017; and
- C. The Parties wish to extend the term of the Personal Services Agreement to September 23, 2018, retroactively to September 23, 2017 and amend the price for services.

NOW THEREFORE, the Parties agree as follows:

Section 1. The term of the Personal Services Agreement is amended to expire on September 23, 2018.

Section 2. Beginning October 1, 2017 for the remainder of the term, the price for sweeping services is:

Sweeping: $\$122.00 \times 1.044 = \127.50 per hour; and
 Disposal: $\$25.50 \times 1.044 = \$ 26.50$ per yard of debris.

Section 3. Except to the extent modified by this Second Amendment, the Personal Services Agreement, as amended by the First Amendment, remains in full force and effect.

Section 4. To the extent that any provision of the Personal Services Agreement, First Amendment, and Second Amendment conflict, this Second Amendment controls.

Section 5. This Second Amendment is effective and retroactive to September 23, 2017.

ADOPTED by the City Council this 23rd day of October, 2017.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder

City Council Meeting

Meeting Date: 10/23/2017

SPECIAL REPORTS: Quarterly Financial Report

Submitted For: Sherilyn Lombos, City Manager

SPECIAL REPORTS

Quarterly Financial Report

SUMMARY

Staff will be presenting a financial report for the quarter ending September 30, 2017.

PowerPoint

Fiscal Year 2017 - 2018

Quarterly Financial Report

October 23, 2017



TUALATIN *ON THE MOVE*
Connecting families,
community, business and
volunteers...



Tonight's Report

- Budget to Actual – Operating Funds
 - General Fund, Building Fund, Road Funds, Core Area Parking Fund, Utility Funds
- FY 2017/18 Budget Update
- Economic Information
- Other Interesting Stuff



Fiscal Year 2017-18 Budget to Actual

Fund	Fiscal Year 2016-2017			Fiscal Year 2017-2018		
	Budget	Actual	% of Budget	Budget	Actual	% of Budget
General Fund	\$ 30,585,860			\$ 31,987,000		
Revenues		\$ 3,013,694	9.85%		\$ 2,038,387	6.37%
Expenditures		\$ 4,805,694	15.71%		\$ 5,309,894	16.60%
Building Fund	\$ 2,690,305			\$ 3,044,350		
Revenues		\$ 402,818	14.97%		\$ 340,123	11.17%
Expenditures		\$ 282,964	10.52%		\$ 270,192	8.88%
Road Utility Fee Fund	\$ 1,175,350			\$ 1,524,170		
Revenues		\$ 262,980	22.37%		\$ 319,750	20.98%
Expenditures		\$ 226,972	19.31%		\$ 641,085	42.06%
Road Operating Fund	\$ 6,902,895			\$ 5,026,750		
Revenues		\$ 457,767	6.63%		\$ 496,717	9.88%
Expenditures		\$ 366,345	5.31%		\$ 370,063	7.36%



Fiscal Year 2017-18 Budget to Actual

Fund	Fiscal Year 2016-2017			Fiscal Year 2017-2018		
	Budget	Actual	% of Budget	Budget	Actual	% of Budget
Core Area Parking Fund	\$ 193,500			\$ 215,355		
Revenues		\$ 4,002	2.07%		\$ 19,347	8.98%
Expenditures		\$ 10,327	5.34%		\$ 17,803	8.27%
Water Operating Fund	\$ 10,148,025			\$ 13,982,765		
Revenues		\$ 2,174,000	21.42%		\$ 2,428,132	17.37%
Expenditures		\$ 1,135,443	11.19%		\$ 1,202,909	8.60%
Sewer Operating Fund	\$ 10,491,650			\$ 11,114,960		
Revenues		\$ 1,922,635	18.33%		\$ 2,004,048	18.03%
Expenditures		\$ 1,362,070	12.98%		\$ 1,402,878	12.62%
Storm Drain Operating Fund	\$ 3,235,320			\$ 5,509,550		
Revenues		\$ 665,105	20.56%		\$ 713,158	12.94%
Expenditures		\$ 356,268	11.01%		\$ 506,203	9.19%

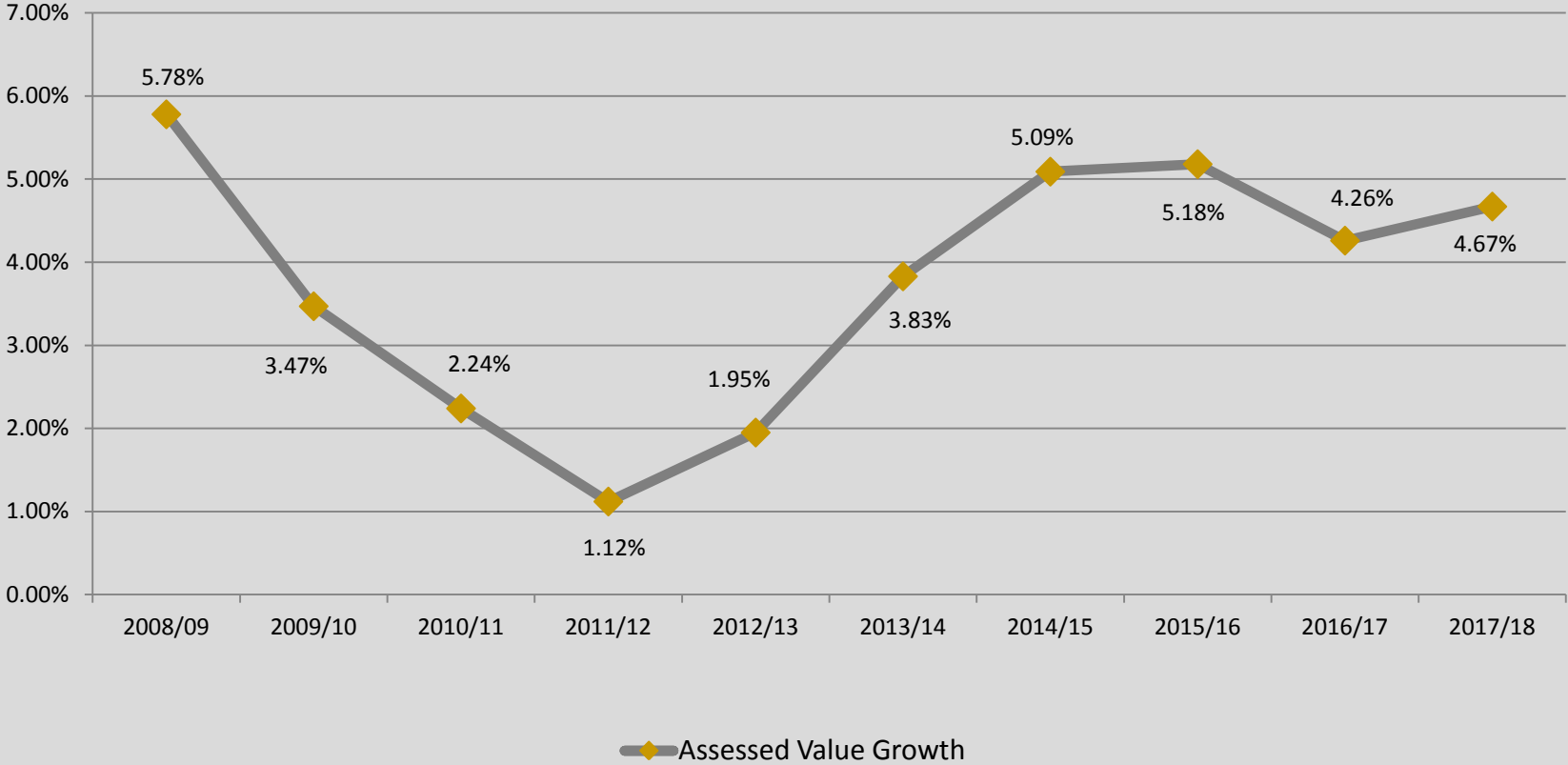


FY 2017/2018 Budget Highlights

- Growth of Pumpkin Regatta
- Wave Rail Painting
- New Positions
 - Community Engagement Coordinator
 - Additional Police Officer
- Library
 - Mobile Maker Space
 - 1000 Books Before Kindergarten
- Electronic Document Management System
- Electronic Newsletter



Property Taxes – FY 17/18

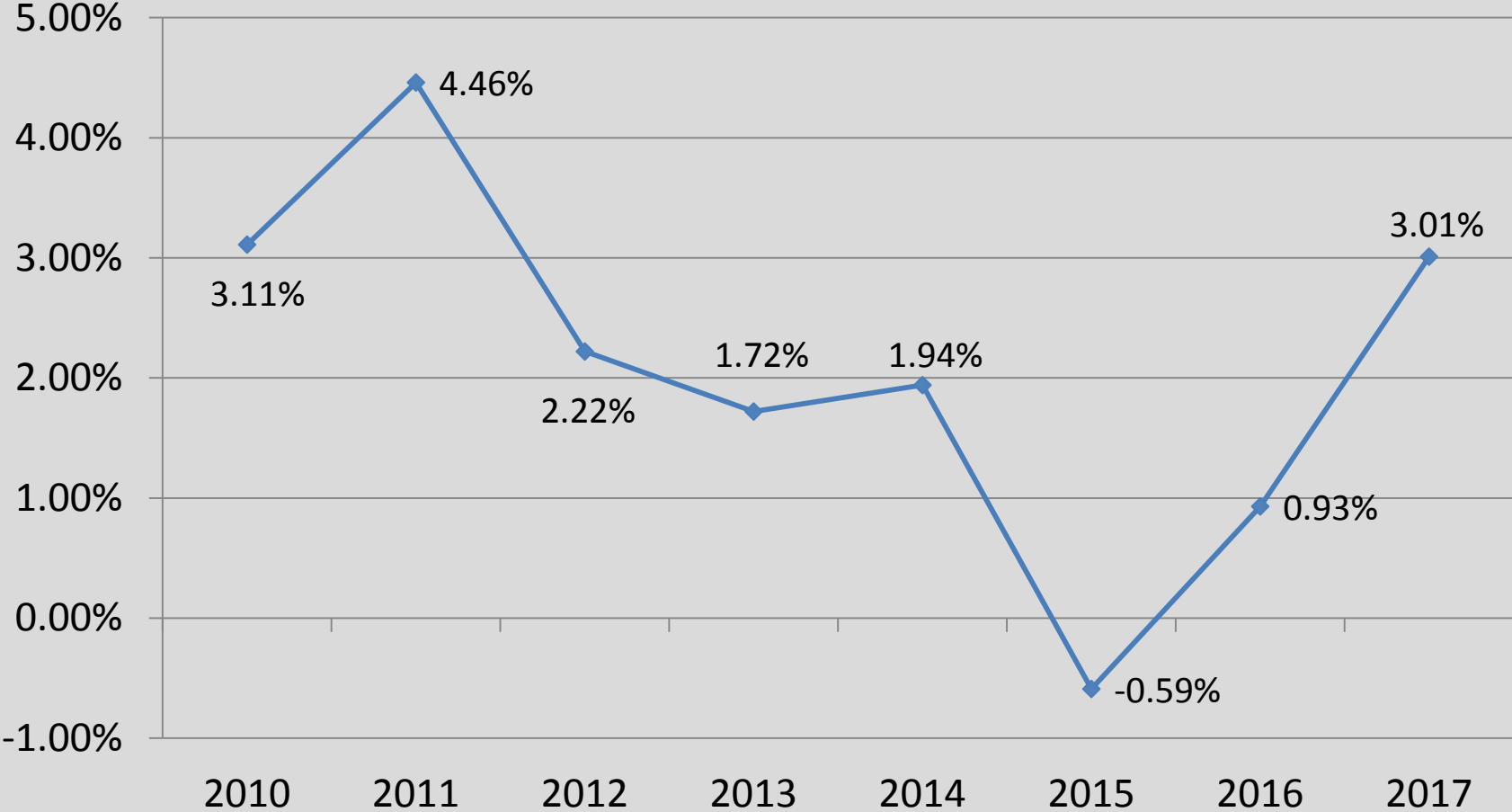


Municipal Cost Index

- Developed by American City & County to determine the rate of inflation of the cost of providing services to residents of cities and counties
- Composite index adjusted by changes in the cost of materials and supplies, wages and contract services
 - Weighted average of price indexes measuring costs of labor, materials and contract services
 - Consumer Price Index
 - Wholesale Price Index for Industrial Commodities (Producer Price Index)
 - Construction Cost Indexes published by the US Dept of Commerce



Municipal Cost Index

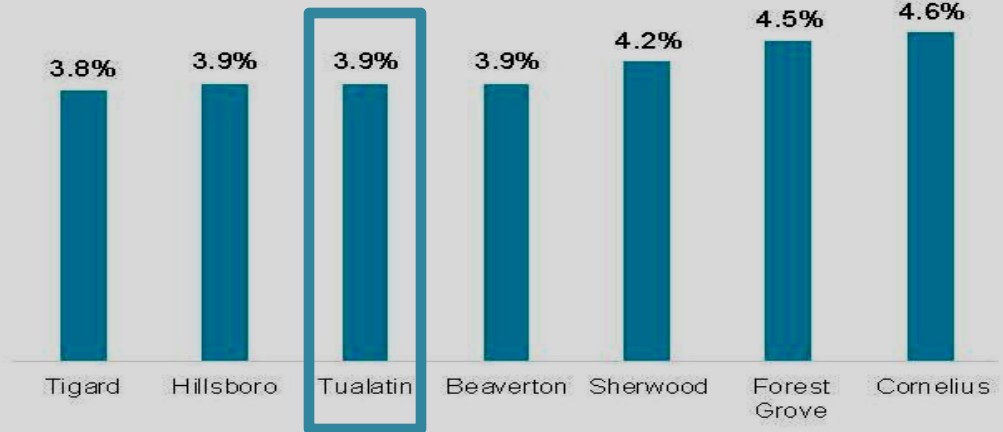


Unemployment Rates – August 2017

(Graphs Courtesy of Oregon Employment Department)

Unemployment Rates in Washington County Cities

August 2017, not seasonally adjusted
Oregon Employment Department, Local Area Unemployment Statistics



Unemployment Rate

August 2007 to August 2017, seasonally adjusted
Oregon Employment Department, Local Area Unemployment Statistics



Tualatin 2016 Employment Data

Industry	Establishments	Employment	Total payroll	Average pay
Total	1,680	29,506	\$1,568,795,414	\$53,169
Total private	1,665	28,730	\$1,526,952,925	\$53,148
Construction	128	1,930	\$124,096,967	\$64,299
Manufacturing	146	7,815	\$513,142,063	\$65,661
Wholesale trade	226	2,545	\$162,052,980	\$63,675
Retail trade	143	2,901	\$84,286,913	\$29,054
Transportation and warehousing	30	1,060	\$49,422,320	\$46,625
Information	38	262	\$22,972,575	\$87,682
Financial activities	148	785	\$54,786,209	\$69,791
Professional and business services	285	3,986	\$185,880,236	\$46,633
Private education	10	284	\$7,339,470	\$25,843
Health care and social assistance	169	3,161	\$209,065,545	\$66,139
Leisure and hospitality	121	2,795	\$52,358,024	\$18,733
Other services	207	938	\$36,431,670	\$38,840
Government	15	776	\$41,842,489	\$53,921

Source: Oregon Employment Department, Quarterly Census of Employment and Wages, 2016 annual



Other Interesting Stuff

- FY 16/17 Audit
- Governor's PERS Unfunded Actuarial Liability Task Force



Moody's Annual Comment Report

- To make sure factors that rating was based on are still accurate
- Credit Overview
 - Finances
 - Economy and Tax Base
 - Debt and Pensions
 - Management and Governance
- Credit position is very high quality, and Aa1 rating is stronger than the US City median of Aa3



Moody's Annual Comment Report

- Financial Position
 - Very healthy and slightly favorable when compared to assigned Aa1 rating
- Economy and Tax Base
 - Very healthy economy and tax base, in line with our Aa1 rating
- Debt and Pension
 - Debt and Pension burdens are manageable and consistent with Aa1 rating
- Management and Governance
 - City exhibits strong financial management





STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Charles Benson, Associate Planner
Alice Cannon, Assistant City Manager

DATE: 10/23/2017

SUBJECT: Consideration of an Amendment to Tualatin Development Code Chapters 2, 31, and 32 to Revise Review Authority for Conditional Use Permits from the City Council to the Tualatin Planning Commission.

ISSUE BEFORE THE COUNCIL:

City Council consideration of a Plan Text Amendment (PTA 17-01) to Tualatin Development Code (TDC) Chapters 2, 31, and 32 to change the review authority for conditional use permits from the City Council to the Planning Commission. The City of Tualatin is the applicant of these proposed changes. PTA 17-01 is a legislative matter.

RECOMMENDATION:

At their meeting on September 21, 2017, the Tualatin Planning Commission reviewed the proposed Plan Text Amendment and recommended approval. (6-0)

Staff recommends the City Council consider the staff report, draft code language, and analysis and findings and provide direction on PTA-17-01.

EXECUTIVE SUMMARY:

Introduction and Background

The Tualatin Planning Commission was formerly the Tualatin Planning Advisory Committee. In 2011 the chair and members of what was then the advisory committee began a conversation with City Council about becoming a Planning Commission. The City Council and Planning Advisory Committee held a joint meeting to discuss what applications a newly formed Planning Commission could transfer from the Council's purview to that of the Planning Commission. Staff researched the number and type of quasi judicial applications received which Council and the Planning Advisory Committee used for discussion. Ultimately, they decided on a discrete set of quasi judicial applications including: Industrial Master Plans, Reinstatement of Use, Sign Variance, Variance and Transitional Use Permits.

At the time the Council decided that Conditional Use Permits should remain in their purview

mainly because they felt responsible to surrounding property owners who could be impacted by the Conditional Use. At the Council meeting on April 10, 2017 at the conclusion of the presentation of the Planning Commission Annual Report, Chair Bill Beers suggested the possibility of revisiting this topic. The Mayor and Council were open to discuss this transfer of purview over Conditional Use Permits.

Staff prepared background information to help frame the Planning Commission conversation, which took place at Planning Commission meetings on April 20, 2017 and May 18, 2017. This information included a historic account of conditional use permits since 2007 (see Attachment B, "Recent CUP History"), a detailed discussion of the approval criteria, common conditions of approval, and recently completed conditional use permit applications for reference. The Planning Commission debated the pros and cons of accepting this responsibility, delving into questions regarding the decision-making processes including appeals, the potential effects on City Council workload, and the common practices of neighboring jurisdictions regarding conditional use permits.

At the Planning Commission meeting on September 21, 2017, the Planning Commission unanimously voted to recommend changing approval authority of conditional use permits from the City Council to the Planning Commission. The Planning Commission noted several benefits to accepting this responsibility -- noting that quasi-judicial land use decisions are most commonly decided by other metro area planning commissions -- which would allow for a second level of local review should such rulings be appealed (as opposed to going to the State of Oregon Land Use Board of Appeals [LUBA]) and also allow the City Council to focus on other items.

A complete accounting of Planning Commission deliberations on the proposed Plan Text Amendment are included in Attachment C.

Proposed Plan Text Amendments

The proposed Plan Text Amendment would result in changes to Tualatin Development Code (TDC) Chapters 2, 31, and 32 as follows:

New TDC Section 31.068 Jurisdiction of the Planning Commission. This new section lists the six (6) land use applications that are heard by the Planning Commission, establishes the quasi-judicial hearing process of such proceedings, and reiterates the City Council as the appellant body of Planning Commission decisions.

Delete TDC Sections 2.060 and 2.070. TDC Sections 2.060 and 2.070 reference the Planning Commission and the Tualatin Parks Advisory Commission, respectively, and these entities exist and are governed by Tualatin Municipal Code (TMC) Chapters 11-01 (Planning Commission) and 11-02 (Parks Advisory Commission). TMC Chapter 11-01 will be amended under a separate ordinance; a draft of that amendment is included in Attachment D.

Amendments to the following TDC sections:

32.030 Planning Commission to Conduct Hearing on Conditional Uses; Criteria Amendments include replacing "City Council" with "Planning Commission" as the hearing body for conditional use permits.

32.040 Authority and Planning Commission Action. Amendments include replacing "City Council" with "Planning Commission" regarding the list of actions pertaining to conditional use permit applications.

32.070 Public Hearing for a Conditional Use. Amendments include replacing "City Council" with "Planning Commission" regarding public hearing provisions for conditional use permits.

32.080 Revocation of Conditional Use Permit. Amendments include replacing "City Council" with "Planning Commission" in reference to revocation powers of conditional use permits.

32.090 Automatic Termination of Conditional Use; Request for Extension. Amendments include replacing "City Council" with "Planning Commission" in reference to automatic termination of conditional use and requests for extension. The proposed TDC amendments in their entirety are included as Attachment B.

31.076 Requests for Review. Amendments include replacing "Community Development Director" with "City Manager" and establishing hearing bodies for requests for review.

Plan Text Amendment Approval Criteria

The approval criteria of the TDC Section 1.032, must be met if the proposed Plan Text Amendment is to be granted. Staff has reviewed this proposal and finds the proposed amendment meets all applicable approval criteria. The Analysis and Findings are included as Attachment E.

Next Steps

If approved at tonight's public hearing, staff anticipates bringing an ordinance to City Council on November 13, 2017.

OUTCOMES OF DECISION:

A recommendation to approve PTA-17-01 would change the review authority of conditional use permits from the City Council to the Planning Commission and would result in the following:

- The deletion of TDC Sections 2.060 and 2.070;
- The creation of TDC Section 31.068; and
- Revisions to TDC Sections 31.067, 32.030, 32.040, 32.070, 32.080, and 32.090.

A denial of PTA-17-01 would result in no TDC amendments and the City Council would retain its review authority of conditional use permits.

If Council approves PTA-17-01, staff will also bring back draft amendment to TMC Chapter 11-01 for consideration at its next meeting.

ALTERNATIVES TO RECOMMENDATION:


The City Council has three options:

1. Approve the proposed Plan Text Amendment as drafted;
2. Approve the proposed Plan Text Amendment with Council amendments; or
3. Deny the proposed Plan Text Amendment.

FINANCIAL IMPLICATIONS:

The FY 2017/18 budget accounts for the cost of City-initiated land use applications.

Attachments: Attachment A - PowerPoint Presentation
 Attachment B - Recent CUP History
 Attachment C - Related TPC Supplemental Materials
 Attachment D - TMC Chapters 11-01 and 11-02
 Attachment E - Analysis & Findings and Amending Text



PTA-17-01
PLANNING COMMISSION
REVIEW OF CONDITIONAL
USE PERMITS

PTA-17-01 PLANNING COMMISSION REVIEW
OF CONDITIONAL USE PERMITS

CITY COUNCIL MEETING
OCTOBER 23, 2017



PURPOSE OF TONIGHT'S MEETING

- Review draft code and hold a Public Hearing on PTA-17-01
 - Amend Tualatin Development Code (TDC) Chapters 2, 31, and 32 to change the review authority for conditional use permits from the City Council to the Planning Commission



BACKGROUND

- **Proposed Code Amendment Origin**
 - City Council April 10, 2017 Meeting
- **Planning Commission Discussion/Deliberation**
 - Spring/Summer 2017
- **Planning Commission Recommendation**
 - September 21, 2017
- **City Council Public Hearing**
 - October 23, 2017



PURPOSE OF APPLICATION

- **Application to change the review authority for conditional use permits from Council to Planning Commission:**
 - Increase public engagement
 - Reduce Council land use caseload



RECENT CUP HISTORY (2007–2017)

Year	No. of CUPs	Planning District(s)
2007	2	ML, MG
2008	3	ML, MG
2009	4	RL, ML, MG
2010	5	CG, ML, MG
2011	4	ML, MG
2012	1	ML
2013	4	RML, CC, CO, ML
2016	1	ML
2017	1	ML



PROPOSED AMENDMENTS

TDC CHAPTER 31

- Create new Section 31.068 that defines Planning Commission jurisdiction, including:
 - List of land use applications under their authority
 - Quasi-judicial hearing process with appeals to Council
- Amend Section 31.076 to update appellant hearing bodies for Planning Commission decisions
- Amend Sections 32.030, 32.040, 32.070, 32.080, and 32.090 to replace “City Council” with “Planning Commission” for items relating to conditional use permits



PROPOSED AMENDMENTS

TDC CHAPTER 2

- Remove Sections 2.060 and 2.070 in their entirety as this information currently exists in TMC Chapters 11-01 and 11-02



PTA APPROVAL CRITERIA

- 1. Granting the amendment is in the public interest.***
 - Staff finds that this standard is met.
- 2. The public interest is best protected by granting the amendment at this time.***
 - Staff finds that this standard is met.



PTA APPROVAL CRITERIA

- 3. *The proposed amendment is in conformity with the applicable objectives of the Tualatin Community Plan.***
 - Staff finds that this standard is met.

- 4. *The following factors were consciously considered (e.g. land use trends, economic and future development, natural resources, neighborhood character, etc.):***
 - Staff finds that these standards are met.



PTA APPROVAL CRITERIA

5. *The criteria in the Tigard-Tualatin School District Facility Plan for school facility capacity have been considered.*

- Staff finds that this standard is not applicable.

6. *Granting the amendment is consistent with applicable State of Oregon Planning Goals and applicable Oregon Administrative Rules.*

- Staff finds that these standards are met.



PTA APPROVAL CRITERIA

7. *Granting the amendment is consistent with Metro's Urban Growth Management Functional Plan.*

- Staff finds that this standard is met.

8. *Granting the amendment is consistent with Level of Service F for the p.m. peak hour...*

- Staff finds that this standard is not applicable.



PTA APPROVAL CRITERIA

9. *Granting the amendment is consistent with the objectives and policies regarding potable water, sanitary sewer, and surface water management...*

- Staff finds that this standard is not applicable.

10. *The applicant has entered into a development agreement...*

- Staff finds that this standard is not applicable.



COMMISSION RECOMMENDATION

- **Planning Commission recommends approval of PTA-17-01 as drafted.**



COUNCIL OPTIONS

1. Approve PTA-17-01 as drafted;
2. Approve an amended PTA-17-01;
3. Continue discussion to a later date; or
4. Deny PTA-17-01.



**QUESTIONS
DISCUSSION
RECOMMENDATIONS**

**PTA-17-01 PLANNING COMMISSION REVIEW
OF CONDITIONAL USE PERMITS**

**CITY COUNCIL MEETING
OCTOBER 23, 2017**

ATTACHMENT B - RECENT CUP HISTORY**CONDITIONAL USE PERMIT (CUP) HISTORY (2007 to Present)**

Year	Resolution No.	Planning District	Conditional Use
2007	4654-07	MG	Contractor shop and equipment storage
2007	4730-07	ML	K-6 school
2008	4780-08	ML/MG	Watchman's dwelling for self-storage facility
2008	4814-08	MG	Building materials and supplies, warehousing and wholesaling, home improvement materials and supplies rental
2008	4830-08	ML	School
2009	4890-09	RL	Private club use and additional building height
2009	4921-09	MG	Light truck rental, leasing, and associated temporary storage
2009	4914-09	MG	Warehousing and wholesale distribution of building materials
2009	4949-09	ML	Contractor shop and equipment storage
2010	4995-10	CG	Outdoor doggie day care
2010	4966-10	ML	K-8 school
2010	4975-10	MG	Bus maintenance and storage facility
2010	4976-10	ML	General auto repair
2010	4997-10	ML	Contractor shop and equipment storage
2011	5031-11	MG	Watchman's dwelling unit
2011	5058-11	ML	Light metal fabrication
2011	5072-11	MG	Composting of residential food scrap material
2011	5086-12	MG	Building materials and supplies, warehousing and wholesaling
2012	5091-12	ML	School
2013	5140-13	RML	Small-Lot subdivision
2013	5138-13	CC	Veterinary Clinic
2013	5164-13	CO/CC	Retail uses in CO and outdoor storage and sales in CC
2013	5177-14	ML	Auto and light truck rentals and leasing
2016	5309-17	ML	Machine shop greater than 7500 SF
2017	5327-17	ML	K-12 school



City of Tualatin

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UNOFFICIAL

TUALATIN PLANNING COMMISSION

-

MINUTES OF September 21, 2017

TPC MEMBERS PRESENT:

Bill Beers
Kenneth Ball
Janelle Thompson
Travis Stout
Mona St. Clair
Alan Aplin

STAFF PRESENT

Aquilla Hurd-Ravich
Charles H. Benson III
Rich Mueller
Lynette Sanford

TPC MEMBER ABSENT: Angela DeMeo

GUESTS:

1. CALL TO ORDER AND ROLL CALL:

Bill Beers, Chair, called the meeting to order at 6:29 pm and reviewed the agenda. Roll call was taken.

2. APPROVAL OF MINUTES:

Mr. Beers asked for review and approval of the August 17, 2017 TPC minutes. MOTION by St. Clair SECONDED by Ball to approve the minutes as written. MOTION PASSED 6-0.

3. COMMUNICATION FROM THE PUBLIC (NOT ON THE AGENDA):

None

4. COMMUNICATION FROM CITY STAFF:

A. Parks and Recreation Master Plan Update

Rich Mueller, Parks and Recreation Manger, shared information about the Parks and Recreation Master Plan. Mr. Mueller stated that the current master plan is 30 years old and is in the process of being updated. The Master Plan should be completed by next summer or fall and will guide decisions for the next 20 years. Mr. Mueller noted that one of the public involvement pieces includes the online survey – which he encouraged the Commission members to complete. Mr. Mueller added that over 3,000 people have been involved in the public involvement piece.

These minutes are not verbatim. The meeting was recorded, and copies of the recording are retained for a period of one year from the date of the meeting and are available upon request.

Mr. Mueller asked the Commission members for their input regarding their priorities for this plan.

Mr. Beers stated that it would be beneficial to be able to cross Tualatin/Sherwood Rd. without dealing with traffic. A shared use path connection for bike and pedestrians would be nice.

Mr. Aplin stated that neighborhood park areas seem to be reserved by many people who do not live in Tualatin. He suggested that some reservation times should be blocked out for residents. Mr. Mueller agreed that it is hard to find parking spaces due to increased attendance at the parks.

Mr. Stout suggested a study regarding peak use of the parks and that certain events should be reserved outside peak hours.

Mr. Ball asked if the property owners of the RV Park of Portland site will be advancing the trail to Browns Ferry. Ms. Hurd-Ravich stated that Paul Hennon, Community Services Director, has been in discussion with the owners and they are aware of the dedication requirements to make the trail connection. Mr. Mueller added that the owner is fully committed to dedicating the property and having the connection built. Mr. Ball added that it would be useful to have the trail connect to downtown without going onto the main roads.

Ms. Thompson stated that Mr. Mueller has done a great job in getting the survey out to the public and she agreed with the connectivity of the park trail. Ms. Thompson added that the recreation fields are at capacity during soccer season and it would be beneficial to have additional fields.

Ms. Hurd-Ravich acknowledged that connectivity is important especially with employment areas and sharing multi-use paths connecting to downtown. WES and transit stations need connectivity (bicycle and pedestrian) to employment areas.

Mr. Aplin stated maximizing the river is the best amenity the City has.

Mr. Benson asked for continued work on the Tonquin Trail.

Mr. Mueller left an activity for the Commission members to complete prioritizing their requests.

5. ACTION ITEMS:

B. Plan Text Amendment 17-01 to change the approval of authority of Conditional Use Permits from the City Council to the Planning Commission

Charles H. Benson III, Associate Planner, stated that said the Commission members

had voted to change the approval authority of Conditional Use Permits from the City Council to the Planning Commission. This amendment will involve revisions to Chapters 2, 31, and 32 of the Tualatin Development Code (TDC). Plan Text Amendment (PTA) 17-01 is scheduled to be heard at the City Council meeting on October 23, 2017.

Mr. Benson went through the specific text changes in the TDC and the Analysis and Findings. Mr. Benson added that upon approval of this change, appeals will go directly to City Council instead of the Land Use Board of Appeals (LUBA).

Mr. Benson stated that a recommendation to approve PTA-17-01 would result in the following:

- The deletion of TDC Sections 2.060 and 2.070;
- The creation of TDC Section 31.068;
- Revisions to TDC Sections 31.067, 32.030, 32.040, 32.070, 32.080, and 32.090; and
- Change the approval authority of conditional use permits from the City Council to the Planning Commission.

MOTON by Beers, SECONDED by Stout to approve PTA-17-01. MOTION PASSED 6-0.

6. **FUTURE ACTION ITEMS**

Ms. Hurd-Ravich stated that a couple of conditional use permits may come before the members in the first or second quarter of next year. A variance may be presented in November. Ms. Hurd-Ravich noted that our December meeting is scheduled for the 21st so we'll have to determine if members will be available.

7. **ANNOUNCEMENTS/PLANNING COMMISSION COMMUNICATION**

Mr. Beers inquired about who owns the property on the north side of Tualatin Elementary. Ms. Hurd-Ravich responded that the school district currently owns it. Mr. Beers acknowledged that it works out well for parking during soccer games.

Ms. Hurd-Ravich noted that we presented the Food Cart Ordinance to Council on September 11th. No changes were made and it will go to a hearing on September 25th for a vote. Ms. Hurd-Ravich noted that the ordinance will reside in the Municipal Code which doesn't require a recommendation from the Commission. If approved, it will return to the Commission members to remove from the Development Code.

Mr. Ball stated that at the previous meeting, he didn't feel like there was an opportunity to discuss and offer feedback regarding the food cart ordinance. Mr. Ball added that this ordinance was put into place due to food carts being in the Commons area at events and he feels that we're putting a law into place that doesn't have anything to do with the

original process. Ms. Hurd-Ravich replied that food carts will be allowed everywhere except for the Central Commercial (CC) zone and the existing food cart will have to move. Ms. Hurd-Ravich added that we received positive feedback from the public and the restaurants submitted their input. Through that, it became clear that restaurants were concerned about food carts around the Commons. Ms. Hurd-Ravich stated that at the beginning Council gave direction to explore what an ordinance would look like. Staff members researched other cities' rules and regulations, conducted public outreach, and worked closely with the Commercial Citizen Involvement Organization and Chamber. Mr. Ball noted that our ordinance is unlike any other cities' and it seems like an attempt to discourage a certain type of business to do business in Tualatin.

Ms. St Clair added that she felt like she had an opportunity to comment in our previous meeting.

Ms. Hurd-Ravich stated that Basalt Creek Concept Plan is continuing and we're still working on the Development Code Update.

Mr. Aplin asked if there is any information regarding a new City Hall. Ms. Hurd-Ravich responded that she has not heard any new developments.

Mr. Beers stated that on Tuesday, September 26th there will be a presentation from the Red Cross called *Prepare Out Loud*. It will be held at Tigard High School from 6:30-8:00 pm. Mr. Beers will be in attendance with other SERT team members and he noted it's a great presentation regarding potential earthquakes and other disasters.

8. **ADJOURNMENT**

MOTION by Thompson to adjourn the meeting at 7:08 pm.

_____ Lynette Sanford, Office Coordinator



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OFFICIAL

TUALATIN PLANNING COMMISSION -

MINUTES OF May 18, 2017

TPC MEMBERS PRESENT:

Bill Beers
Kenneth Ball
Alan Aplin
Angela DeMeo
Travis Stout (arrived after agenda item 2)
Mona St. Clair
Janelle Thompson

STAFF PRESENT

Aquilla Hurd-Ravich
Erin Engman
Charles Benson
Lynette Sanford

TPC MEMBER ABSENT:

GUESTS: Andrew Stamp, Campbell Clarey

1. CALL TO ORDER AND ROLL CALL:

Mr. Beers, Chair, called the meeting to order at 6:32 pm and reviewed the agenda. Roll call was taken.

2. APPROVAL OF MINUTES:

Mr. Beers asked for review and approval of the April 20, 2017 TPC minutes. MOTION by St.Clair SECONDED by Ball to approve the minutes as written. MOTION PASSED 6-0.

3. COMMUNICATION FROM THE PUBLIC (NOT ON THE AGENDA):

None

4. ACTION ITEMS:

A. Plan Map Amendment 16-01 proposal to change the designation of 0.64 acres from General Commercial to High Density Residential.

Erin Engman, Assistant Planner, presented the staff report for Plan Map Amendment 16-002 which included a PowerPoint presentation. This proposal is to change the designation of 0.64 acres from General Commercial to High Density Residential located at 6645 SW Nyberg Lane. This includes tax lots 2600 and a portion of 2601.

These minutes are not verbatim. The meeting was recorded, and copies of the recording are retained for a period of one year from the date of the meeting and are available upon request.

Ms. Engman stated that this proposal is subject to TPC review because TPC serves as the City's advisory body to fulfill Statewide Planning Goal 1 – Citizen Involvement and provide recommendations to City Council. The City Council will review the PMA proposal on June 12th and the final decision may be appealed to LUBA.

Ms. Engman provided background of the site. The subject property shares frontage along SW Nyberg Lane. The General Commercial district land was bisected by an improvement project that was identified in the City of Tualatin's 2001 Transportation System Plan. In 2003, the City of Tualatin acquired a portion of tax lot 2600 for the Nyberg Lane improvement by Dedication Easement #2003-88103. The applicant contends that the remaining 0.64 acres of General Commercial land is undevelopable under its current planning designation due to size, shape, and configuration and is therefore requesting this PMA to change the designation to Residential High Density.

Ms. Engman explained that the site is bordered by the Tualatin River to the north, Stonestrow Apartments to the east, Nyberg Lane to the south, and Forest Rim apartments to the west. Historically, this site was used as an RV park, but the business closed in 2012. The property has sat vacant since that time. The 0.64 acre site is impacted by floodplain constraints that result in 0.45 net buildable acres. Staff found the application complies with all criteria for a Plan Amendment.

Andrew Stamp, Land Use Attorney, 4248 Galewood Street, Lake Oswego, OR 97035

Campbell Clarey, Tandem Property Management, 1200 SW 66th Ave, Suite 300, Portland, OR 97225

Mr. Stamp introduced Campbell Clary, the Development Coordinator for Tandem Property Management, which owns the site. Ms. Clary stated that Tandem Property Management is family-owned and her father has operated this business for the past 30 years. She has been with the company for the past two year's full time and is looking forward to working with Tualatin. The goal for this property is an apartment complex with approximately 270 units.

Mr. Stamp stated that the first step is to get the property zoned properly. The small portion zoned commercial has safety and access constraints along with limited space for retail development. It would also be difficult to compete with the retail businesses across the street.

Ms. DeMeo asked how long Tandem Development has owned the land. Ms. Clarey responded that it was purchased in 2012 when the land was operating as an RV park. Ms. DeMeo asked if there was a contingency plan in place if the zoning is not approved. Mr. Stamp responded that the portion of land will remain undeveloped due to the transportation issues and the amount of rock on the property. Ms. Clarey added that if this property is zoned high density residential, it will result in less traffic. Ms. DeMeo inquired about the benefit of the rezone. Ms. Clarey responded that it will add consistency throughout the site and allow for additional apartment units. Ms. Clarey

added that the aesthetic design is important and there are plans of an impressive entry and landscaping throughout.

Ms. Hurd-Ravich stated that tax lot 2601 is divided into two zoning areas, which is unusual, and tax lot 2600 is very small. Ms. Hurd-Ravich added that in the general commercial zone, residential is not allowed. It was created in the 1970's for the RV park office use.

Mr. Ball asked if a design was in place for the area. Ms. Clarey responded that there was a preliminary site plan presented at the Neighborhood Developer meeting. The renderings will be forthcoming, once the zoning is in place. Mr. Ball asked if the southern part of Nyberg Lane will be developed. Ms. Engman responded that the southern portion is owned by the City and will not be developed. Mr. Ball asked if there has been any interest in the site from businesses. Mr. Stamp responded that they have not been contacted by businesses interested in the property.

Ms. Thompson asked how the development will affect schools in the area. Ms. Hurd-Ravich responded that they have reached out to the school district and a study will be conducted. Ms. Engman added that this section of land would add approximately 12 units. Mr. Stamp added that 12 units would add approximately .019 students.

Mr. Beers asked for a motion from the Commission members. MOTION by Aplin, SECONDED by Beers to recommend approval to City Council. MOTION passed 7-0.

B. Consideration for the Planning Commission Review of Conditional Use Permit (CUP) Applications.

Mr. Benson, Associate Planner, gave of an overview of the presentation he gave to Commission members at the April 20, 2017 TPC meeting of consideration for Planning Commission Review of Conditional Use Permit applications.

Mr. Aplin, who was not in attendance at the last meeting, stated that he read through the materials and believes there is a benefit for the Commission members to take over this responsibility.

MOTION by Beers to recommend to the City Council to delegate approval authority over Conditional Use Permits to the TPC. SECONDED by DeMeo. MOTION passed 7-0.

5. COMMUNICATION FROM CITY STAFF:

None

6. FUTURE ACTION ITEMS

Ms. Hurd-Ravich stated that in June there should be an update on food carts and the

development code.


Ms. DeMeo asked what the next steps will be regarding the conditional use permit process. Ms. Hurd-Ravich responded that there will be a work session to present the information to Council for their decision. Following that, there will be a text amendment change in the development and municipal code. Ms. Hurd-Ravich stated that there may not be a change until the end of the year, but a schedule can be brought to the next meeting.

7. ANNOUNCEMENTS/PLANNING COMMISSION COMMUNICATION

Mr. Ball asked if Mr. Beers will be present at the Council work session to present the conditional use permit recommendation. Mr. Beers responded that he will be present at the work session for the recommendation to Council.

8. ADJOURNMENT

MOTION by Aplin, SECONDED by Beers to adjourn the meeting at 7:15 pm.



Lynette Sanford, Office Coordinator



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OFFICIAL

TUALATIN PLANNING COMMISSION -

MINUTES OF April 20, 2017

TPC MEMBERS PRESENT:

Bill Beers
Kenneth Ball
Angela Demeo
Travis Stout
Mona St. Clair
Janelle Thompson

STAFF PRESENT

Aquilla Hurd-Ravich
Charles Benson
Lynette Sanford

TPC MEMBER ABSENT: Alan Aplin

GUESTS: None

1. CALL TO ORDER AND ROLL CALL:

Beer Beers, Chair, called the meeting to order at 6:30 pm and reviewed the agenda. Roll call was taken.

2. APPROVAL OF MINUTES:

Mr. Beers asked for review and approval of the February 16, 2017 TPC minutes. MOTION by Demeo SECONDED by St. Clair to approve the minutes as written. MOTION PASSED 6-0.

Mr. Beers asked for review and approval of the March 20, 2017 TPC/ARB minutes. MOTION by Stout SECONDED by Thompson to approve the minutes as written. MOTION PASSED 6-0.

3. COMMUNICATION FROM THE PUBLIC (NOT ON THE AGENDA):

None

4. ACTION ITEMS:

None

5. COMMUNICATION FROM CITY STAFF:

A. Consideration for the Planning Commission Review of Conditional Use Permit

These minutes are not verbatim. The meeting was recorded, and copies of the recording are retained for a period of one year from the date of the meeting and are available upon request.

(CUP) Applications.

Mr. Beers stated that at the Council meeting on April 10, 2017 at the conclusion of the presentation of the Planning Commission Annual Report, he suggested the opportunity of transferring the purview over Conditional Use Permits (CUP's). The Mayor and Council were open to discuss this transfer.

Ms. Hurd-Ravich stated that back in 2011, the City Council and the Planning Advisory Committee held a joint meeting to discuss what applications a newly formed Planning Commission could transfer from the Council's purview. They decided on a discrete set of quasi-judicial applications including: Industrial Master Plans, Reinstatement of Use, Sign Variance, Variance and Transitional Use Permits. The Council decided that Conditional Use Permits should remain in their purview.

Charles Benson, Associate Planner, stated that research and background information was conducted regarding previous Conditional Use Permit (CUP) history. Mr. Benson stated that from 2007-2016 there has been 24 CUP's but only one in the past couple years.

Mr. Benson noted that the CUP approval criterion includes:

- The use is listed as a condition use in the underlying planning district
- The characteristics of the site are suitable for the proposed use, considering size, shape, location, topography, existence of improvements and natural features.
- The proposed development is timely, considering the adequacy of transportation systems, public facilities, and services existing or planned for the area affected by the use.
- The proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying planning district.
- The proposal satisfied those objectives and policies of the Tualatin Community Plan that are applicable to the proposed use.

Mr. Benson stated that conditions of approval are common for most land use approvals, and the applicant has two years to begin the use.

Mr. Beers asked if the criterion has to be met by the applicant before it gets forwarded to Council. Ms. Hurd-Ravich responded staff works with applicant to make sure they meet the criteria. If we feel they can't be met, we recommend conditions of approval then forward to Council to make a decision. Mr. Beers inquired about the CUP history and if all of the applications submitted were approved. Mr. Benson responded that he hasn't seen a denial, but sometimes applicants withdraw their application.

Ms. Demeo asked if the City staff conducts reviews on-site or if they rely on maps.

Ms. Hurd-Ravich responded that staff makes site visits but rely on the applicant to produce a complete application. Ms. Hurd-Ravich added that public testimony can also be a factor in determining the conditions.

Mr. Ball asked if CUP's cover temporary buildings. Ms. Hurd-Ravich responded that it does not cover structures.

Ms. Thompson asked if two meetings are necessary in the Conditional Use process. Ms. Hurd-Ravich responded that this can be accomplished in one meeting and since this is quasi-judicial, a decision has to be made during the meeting.

Ms. St. Clair asked if it will be helpful to the City Council if the Planning Commission assumes responsibility over the CUP's. Ms. Hurd-Ravich responded that it is unusual for a City Council to make decisions on CUP's – other cities typically do not get involved with quasi-judicial land use. If the Planning Commission assumes the decision making of CUP's, it will allow the Council to focus on other items.

Mr. Beers noted that if the Planning Commission is the approving authority and an appeal is made, it will go to City Council. Currently an appeal goes to the Land Use Board of Appeals (LUBA).

Mr. Benson stated that complete CUP applications are posted on our web site.

Mr. Stout asked if there are any negatives to taking on these decisions. Ms. Hurd-Ravich responded that the meetings and decision making process can become contentious. Another difference is that the meetings can last longer than the usual Planning Commission meetings since a decision has to be made immediately.

Mr. Ball asked if the State of Oregon allows non-citizens to conduct legislative activities. Ms. Hurd-Ravich responded that this is quasi-judicial and as long as it's in the code it's allowed. Ms. St. Clair added that other sections of our government have unelected citizens making decisions.

Ms. Hurd-Ravich stated that our next step is that the City Council would like to know where the Commission stands on this issue and if the Commission wants to take over the process.

Mr. Beers acknowledged that it would be helpful for the Commission members to consider it and have a discussion at our next meeting when all the members are present. The other Commission members agreed.

6. FUTURE ACTION ITEMS

Ms. Hurd-Ravich stated in May, a Plan Map Amendment regarding the former RV Park of Portland will be brought before them. There is currently 0.64 acres zoned general commercial, with the rest of the site (approximately 10 acres) is zoned high-density

residential. The Commission members will make a recommendation to Council regarding that small piece of land. In June, there will be an update on the development code.

7. **ANNOUNCEMENTS/PLANNING COMMISSION COMMUNICATION**

None

8. **ADJOURNMENT**

MOTION by Demeo to adjourn the meeting at 7:12 p.m.



Lynette Sanford, Office Coordinator

Chapter 11-01: Tualatin Planning Commission

Proposed Amendments

11-1-010 Establishment of Commission.

The Tualatin Planning Commission is established and created. The Commission consists of seven members appointed by the Council.

11-1-020 Membership and Terms of Office.

(1) In appointing members to the Commission, the Council must consider the following:

(a) strive for good geographic balance within the City;

(b) no more than three members may have the same occupation;

(c) no more than two members may be engaged principally in the buying, selling, or developing of real estate for profit as individuals, or be members of a partnership, or officers or employees of a corporation, that is engaged principally in the buying, selling, or developing of real estate for profit;

(d) no fewer than five members must reside within the City; and

(e) no more than two members may reside outside the City, provided the member resides within the Urban Growth Boundary of the City of Tualatin.

(2) Each member appointed by Council serves a three-year term. A member may be re-appointed to additional terms at the discretion of the Council.

(3) Commission members receive no compensation.

11-1-020 Membership of Commission.

~~(1) The Commission shall consist of seven members appointed by the Council and, except as provided in subsection (6) of this section, shall serve three-year staggered terms. A member may be re-appointed to the Commission to additional terms at the discretion of the Council. Commission members shall receive no compensation.~~

~~(2) In considering new members, the Commission and Council shall strive for geographic balance. No fewer than five members shall reside inside the corporate boundaries of the City, and no more than two shall reside outside the City. Any non-resident member shall reside within the Urban Growth Boundary of the City of Tualatin.~~

~~(3) Each Commission member serves at the pleasure of the City Council and may be removed by the Council at any time before the Commission member's term expires.~~

~~(4) Any vacancy on the Commission shall be filled by the City Council for the unexpired term of the member creating the vacancy.~~

~~(5) No more than two members shall be engaged principally in the buying, selling or developing of real estate for profit as individuals, or be members of a partnership, or officers or employees of a corporation, that is engaged principally in the buying, selling or developing of real estate for profit. No more than three members shall be engaged in the same kind of business, trade or profession.~~

~~(6) One member may be less than 18 years of age. A member who is appointed under this subsection shall serve a one-year term that may be renewed for one additional year. In addition to other criteria deemed relevant by the Council for appointment, the Council may consider the applicant's academic performance and the effect membership on the Commission may have on such performance.~~

~~(7) A Commission member may not have unexcused absences from two or more meetings, including regular and special work sessions during a calendar year, or absences from more than five such meetings held during the calendar year. An excused absence may be obtained by contacting the chairperson or secretary of the Commission at least 24 hours prior to a scheduled Commission meeting.~~

11-1-030 Organization of Commission.

(1) At the first regular meeting of the Commission ~~each in January of each year~~, the Commission shall must elect a chairperson and vice chairperson, ~~who shall be voting members, of the Commission.~~ The chairperson and vice chairperson retain the right to vote on any matter before the Commission.

(2) The ~~Community Development Director~~ City Manager shall must provide a secretary who must keep an accurate record of all Commission proceedings. The Commission shall must file a report of all its proceedings with the City Recorder within 30 days of such proceedings.

11-1-040 Meeting, Quorum; Rules and Regulations of the Commission.

(1) The Commission will convene when necessary to discharge its duties; however, it must meet six times within every calendar year.

(2) A majority of members of the Commission constitute a quorum. A quorum of the Commission may transact any business or conduct any proceedings within the jurisdiction of the Commission.

(3) The Commission may adopt and amend rules and regulations establishing the procedure for the conduct of proceedings before it. Any such rules and regulations must

be consistent with all ordinances, resolutions, or laws of the City regulating the Commission.

11-1-040 Meeting, Rules and Regulations of the Commission.

~~A majority of members of the Commission appointed by City Council shall constitute a quorum. A quorum of the Commission may transact any business or conduct any proceedings before the Commission. The Commission may adopt and amend rules and regulations establishing the procedure for the conduct of proceedings before it. Any such rules and regulations shall be consistent with any ordinances, resolutions or laws of the City regulating the Commission. The Commission shall convene when necessary to discharge its duties; however, it shall meet not less than six times within every calendar year.~~

11-1-050 Removal; Vacancy.

(1) Each Commission member serves at the pleasure of the Council and may be removed by the Council for any reason.

(2) In addition to other grounds for removal, the Council may remove any Commission member who:

(a) has two or more unexcused absences from meetings, including regular and special work sessions, during a calendar year; or

(b) has five or more absences from meetings, including regular and special work sessions, during a calendar year held during the calendar year.

For purposes of this section an unexcused absence is an absence where the member failed to contact the chairperson or secretary of the Commission at least 24 hours prior to a scheduled Commission meeting, unless good cause is shown.

(3) A vacancy on the Commission occurs in the following circumstances:

(a) the Council removes a member of the Commission;

(b) a member of the Commission resigns and the resignation is accepted by the Council; or

(c) a person ceases to qualify for the position to which they were appointed.

(4) Any vacancy on the Commission will be filled by the Council for the unexpired term of the member creating the vacancy.

11-1-050 Expenditure of Funds.

~~The Commission shall have no authority to make any expenditure of funds on behalf of the City or to obligate the City for the payment of any funds without first obtaining the approval of the City Council by minute order or resolution stating the purpose of such expenditure.~~

11-1-060 Expenditure of Funds.

The Commission has no authority to make any expenditure of funds on behalf of the City or to obligate the City for the payment of any funds without first obtaining the approval of the City Council by resolution for the expenditure.

11-1-060 11-1-070 Powers and Duties of Planning Commission.

The Commission has the following powers and duties:

(1) Recommend and make suggestions to the Council regarding preparation and revision of plans for the growth, development, and beautification of areas both inside the corporate limits of Tualatin and also within the City's urban growth boundary, such plans to incorporate elements and sub-elements including but not limited to the following:

- (a) Land Use, including Plan Text and Plan Map Amendments (PTA and PMA);
- (b) Economic Development:
 - (i) Housing;
 - (ii) Commercial and industrial;
- (c) Public Facilities:
 - (i) Transportation;
 - (ii) Water supply;
 - (iii) Sewerage;
 - (iv) Drainage;
 - (v) Parks and open space; and

(vi) Institutions;

(d) Historic Resources.

(2) Recommend and make suggestions to the Council regarding preparation and revision of community development ordinances, including but not limited to the following:

(a) Tualatin Development Code;

(b) Tualatin Sign Ordinances; and

(c) Tree planting regulations.

(3) Study and propose in general such measures as may be advisable for promotion of the public interest, health, morals, safety, comfort, convenience and welfare of the City and of the area within the City's Urban Growth Boundary.

(4) Serve as the City of Tualatin Commission for Citizen Involvement in accordance with the State of Oregon Land Conservation and Development Goal No. 1, with the following responsibilities:

(a) Evaluate the effectiveness of the citizen involvement program during March and October of each calendar year.

(b) Recommend and make suggestions to the City Council regarding revisions in the citizen involvement program, as the Commission deems appropriate.

(5) To exercise any and all powers, functions, and authority delegated to or conferred upon the Commission by the laws of Oregon, the Tualatin City Charter, this Chapter, the Tualatin Development Code, and any other ordinances of the City of Tualatin.

~~(5) The Planning Commission shall hear and decide the following land use applications using the quasi-judicial evidentiary hearing procedures set forth in TDC 31.077^[1]:~~

~~(a) Industrial Master Plan (IMP);~~

~~(b) Reinstatement of Use;~~

~~(c) Sign Variance (SVAR);~~

~~(d) Transitional Use Permit (TRP); and~~

~~(e) Variance (VAR).~~

~~(6) Requests for Review of Planning Commission decisions shall be to the City Council and follow the Requests for Review process set forth in TDC 31.078^[1].~~

11-1-070 Coordination of Planning Review.

~~In discharging its powers and duties at the request of the Council under TMC 11-1-060, the Commission shall consider the provisions of a comprehensive plan, project plan or agency plan of the City of Tualatin Development Commission, the Urban Renewal Agency of the City of Tualatin and other government agencies having plans or projects affecting the City of Tualatin.~~

11-1-080 Annual Report of Commission.

~~Not later than April 1 of each year the Commission shall file its annual report of the activities of the Commission with the City Council. The annual report shall include a survey and report of the Commission's activities during the preceding year, in addition to specific recommendations to the City Council not otherwise requested by the City Council, relating to the planning process, plan implementation measures within the City, or the future activities of the Commission. The report may include any other matters deemed appropriate by the Commission for recommendation and advice to the Council.~~

(1) Not later than April 1 of each year, the Commission must file its annual report of the activities of the Commission with the City Council.

(2) The annual report must contain the following:

(a) a report of the Commission's activities during the preceding year;

(b) recommendations to the City Council relating to the planning process, comprehensive plan implementation measures within the City, and citizen involvement; and

(c) The report may include any other matters deemed appropriate by the Commission for recommendation and advice to the Council.

Chapter 11-02: Parks Advisory Committee

Municipal Code:

Title 11: City Committees and Boards

Tags:

Establishment of Committee Membership of Committee Organization of Committee Meeting Rules Regulations of the Committee Expenditure of Funds Power Duties of Committee Administration of Parks and Recreation Department Coordination of Planning Activities

Details

Sections:

11-2-010 Establishment of Committee

11-2-020 The Membership of Committee.

11-2-030 Organization of Committee.

11-2-040 Meeting, Rules and Regulations of the Committee.

11-2-050 Expenditure of Funds.

11-2-060 Powers and Duties of Committee.

11-2-070 Administration of Parks and Recreation Department.

11-2-080 Coordination of Planning Activities.

11-2-090 Annual Report of Committee.

11-2-010 Establishment of Committee.

The Tualatin Park Advisory Committee is established and created. [Ord. 418-77 §1, 11/28/77; Ord. 1147-03, Renumbered, 08/25/03]

11-2-020 The Membership of Committee.

(1) The membership of the Committee shall be appointed by the City Council. Committee members shall receive no compensation. The Committee shall consist of seven members appointed by the Council and, except as provided in subsection (5) of this section, shall serve three-year terms or until their respective successors are appointed. A member may be re-appointed to the Committee to additional terms at the discretion of the Council.

(2) In considering new members, the Committee and Council shall strive for geographic balance. No less than five members shall reside inside the corporate boundaries of the City and no more than two shall reside outside the City.

(3) Each committee member serves at the pleasure of the City Council and may be removed by the Council at any time before the committee member's term expires.

(4) Any vacancy on the Committee shall be filled by the City Council for the unexpired term of the member creating the vacancy.

(5) No more than one member may be less than 18 years old. A member who is appointed under this subsection shall serve a one-year term that may be renewed for one additional year. In addition to other criteria deemed relevant by the Council for appointment, the Council may consider the applicant's academic performance and the effect membership on the Committee may have on such performance.

(6) A committee member shall not have unexcused absences from two or more meetings, including regular and special work sessions during a calendar year, or absences from more than five such meetings held during the calendar year. An excused absence may be obtained by contacting the chairperson or secretary of the committee at least 24 hours prior to any scheduled committee meeting. [Ord. 418-77 §2, 11/28/77; Ord. 888-93, §4, 3/22/93; Ord. 1017-99 §1&2, 4/26/99; Ord. 1083-01 §1, 8/13/01; Ord. 1147-03, Renumbered, 08/25/03; Ord. 1330-11 §3, 8/22/11]

11-2-030 Organization of Committee.

(1) The Committee shall elect a chair-man and vice chairman, who shall be voting members of the Committee, at the first regular meeting of each January.

(2) The Community Services Director shall provide a secretary who need not be a member of the Committee. The secretary shall keep an accurate record of all Committee proceedings. The Committee shall file a report of all its proceedings with the City Recorder within 30 days of such proceedings. [Ord. 418-77 §3, 11/28/77; Ord. 1147-03, Renumbered, 08/25/03]

11-2-040 Meeting, Rules and Regulations of the Committee.

A majority of the Committee shall constitute a quorum. A quorum of the Committee may transact any business or conduct any proceedings before the Committee. The Committee may adopt and amend rules and regulations establishing the procedure for the conduct of proceedings brought before it. Such rules and regulations shall be consistent with any ordinances, resolutions or laws of the City regulating the Committee. All meetings are open to the public. [Ord. 418-77 §4, 11/28/77; Ord. 1083-01 §2, 8/13/01; Ord. 1147-03, Renumbered, 08/25/03]

11-2-050 Expenditure of Funds.

The Committee shall have no authority to make any expenditure of funds on behalf of the City or to obligate the City for the payment of any funds without first obtaining the approval of the City Council by minute order or resolution stating the purpose of such expenditure. [Ord. 418-77 §5, 11/28/77; Ord. 1147-03, Renumbered, 08/25/03]

11-2-060 Powers and Duties of Committee.

The Committee shall have the following powers and duties:

(1) Recommend and make suggestions to the City Council regarding all matters relating to public parks, playground-related activities and programs. This shall include, but not be limited to (a) the budget process, (b) immediate and long-range planning, and (c) citizen participation; and

(2) To formulate comprehensive and community-wide park and recreation systems and programs to serve the horticultural, environmental, historical, recreational, cultural and leisure needs of all City residents. [Ord. 418-77 §6, 11/28/77; Ord. 1147-03, Renumbered, 08/25/03]

11-2-070 Administration of Parks and Recreation Department.

The City Manager shall exercise control and supervision of all activities, departments and offices of the park and recreation program, shall have authority to appoint to and remove from established positions subordinate employees, including Department Head, and establish necessary rules and regulations for the operation and administration of the park and recreation program. [Ord. 418-77 §7, 11/28/77]

11-2-080 Coordination of Planning Activities.

In discharging its powers and duties at the request of the Council, under TMC 11-2-060, the Committee shall consider the provisions of any comprehensive plan, project plan or agency plan of the City of Tualatin Development Commission, the Urban Renewal Agency of the City of Tualatin and other government agencies having plans or projects affecting the City of Tualatin. [Ord. 418-77 §8, 11/28/77; Ord. 1147-03, Renumbered, 08/25/03]

11-2-090 Annual Report of Committee.

Not later than February 1 of each year the Committee shall file its annual report of the activities of the Committee with the City Council. The annual report shall include a survey and report of the Committee's activities during the preceding year, in addition to specific recommendations to the City Council not otherwise requested by the City Council, relating to the planning process, program implementation measures within the City, or the future activities of the Committee. The report may include any other matters deemed appropriate by the Committee for recommendation and advice to the Council. [Ord. 418-77 §9, 11/28/77; Ord. 1147-03, Renumbered, 08/25/03]

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PTA-17-01

ANALYSIS & FINDINGS

Plan Text Amendment 17-01 (PTA17-01) amends the Tualatin Development Code (TDC) to change the review authority for conditional use permits from the Tualatin City Council to the Tualatin Planning Commission (TPC) to allow for increased public involvement in local land use decisions; TPC decisions on conditional use permits may be appealed locally to the City Council. No other changes to TPC responsibilities or authorities are proposed.

The Analysis and Findings presented here pertain only to the Plan Text Amendment (PTA) proposed to amend language in TDC Chapters 2, 31, and 32 (see Attachment 101, "Proposed Amending Text").

Plan Amendment Criteria (TDC Section 1.032)

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

1. Granting the amendment is in the public interest.

Staff identifies that it is in the public interest to:

- a) maintain or increase the influence of public involvement in city planning; and
- b) maintain or increase the efficacy of bodies designated by the City Council to examine in the public interest issues of like kind such as those grouped under city planning, recommend actions to the Council, and support bridging the public and the Council on issues related to city planning.

TDC Section 2.050 Citizen Involvement, part of the Tualatin Comprehensive Plan (Comp Plan), originally designated the Tualatin Planning Advisory Committee (TPAC) as a citizen body responsible for fulfilling the Statewide Planning Goal 1 "Citizen Involvement." TPAC was solely an advisory committee until 2012 when the City Council transformed this body into the Tualatin Planning Commission (TPC) and granted this newly-formed commission the authority to render decisions on the following land use applications:

1. Industrial Master Plans (IMP);
2. Reinstatements of Use;
3. Sign Variances (SVAR);
4. Transitional Use Permits (TRP); and
5. Variances (VAR).

The objective of the amendment is to add conditional use permits (CUP) to this list. TPC will remain the decision-making body for the five (5) land use application types listed above, and will retain the responsibility for recommendations other applicable land use applications and continue to provide for citizen involvement. The proposed amendment will add another level of local review to appropriate land use applications; appeals of TPC decisions will still be heard by the City Council.

The suggestion of transferring the decision-making authority for conditional use permits from the City Council to the TPC was made by the TPC Chair at the conclusion of the presentation of the *Planning Commission Annual Report* at the City Council meeting on April 10, 2017. The TPC Chair

noted that TPC has presided over minimal quasi-judicial decisions in the past year, and allowing TPC to review conditional use permits would lessen some of the land use caseload of the City Council; in addition, appeals would remain local rather than going to the Land Use Board of Appeals (LUBA). Both the Mayor and the City Council stated they were open to further discussion on this transfer of authority at a future City Council work session.

The consideration of TPC review of conditional use permit applications was discussed at the April 20, 2017 TPC meeting, ultimately leading to a unanimous vote at the May 18, 2017 TPC meeting to recommend that the City Council delegate approval authority for conditional use permits to TPC.

The amendment signals greater empowerment of the TPC and establishes incentive for increased member participation and public engagement. TPC will continue to meet Statewide Planning Goal 1 and principles (a) and (b) listed above.

As 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 discussed for Criterion “1” above, the objective of the proposed amendment is to assign an additional decision-making authority to the TPC and further the citizen participation aims of Oregon Statewide Planning Goal 1 “Citizen Involvement.” Additionally, the most recent *Planning Commission Annual Report* identified a lack of actionable TPC agenda items and the transfer of the review of conditional use permits to this body will add to its sense of purpose, increase public engagement with the body, and lessen the land use caseload of the City Council and create a local appeal level. This proposed amendment is scheduled to be presented to the City Council at their October 23, 2017 work session. These conditions make the amendment timely.

Therefore, granting the amendment at this time best protects the public interest, and Criterion “2” is met.

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

As discussed in *TDC Section 2.050 Citizen Involvement*, the Citizen Involvement Program, the instrument used to fulfill Statewide Planning Goal 1 “Citizen Involvement,” is and will remain under the authority of the TPC. The amendment does not interfere with the Tualatin Community Plan’s citizen involvement objectives but will increase citizen involvement by adding an additional level of local review for land use decisions.

Criterion “3” is met.

4. The following factors were consciously considered:

The various characteristics of the areas in the City.

The factor is not applicable as the proposed amendment pertains to TPC review authority citywide and does not specifically target any planning district designation or specific neighborhood/geographic area.

The suitability of the area for particular land uses and improvements.

The factor is not applicable as the proposed amendment pertains to TPC review authority citywide and does not specifically target any planning district designation or specific land use or improvement.

Trends in land improvement and development.

The factor is not applicable as the proposed amendment would not result in legislative changes that would affect trends in land improvement and/or development.

Property Values.

The factor is not applicable as the proposed change to the decision-making authority of an existing type of land use application will not affect property values.

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

The factor is not applicable as the proposed change to the decision-making authority of an existing type of land use application will not affect 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.

The factor is not applicable as the proposed amendment would not result in legislative changes that would affect rights-of-way and/or access; in addition, this PTA is citywide in scope and does not specifically target any planning district designation or specific sites within Tualatin.

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

The factor is not applicable as the proposed amendment would not directly affect natural resources—and the protection and conservation of said resources—nor would it result in changes to existing or proposed development that might result in indirect effects on said resources.

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

The factor is not applicable as the proposed amendment solely pertains to a change to the decision-making authority of an existing type of land use application will not affect the prospective requirements for the development of natural resources in the City.

And the public need for healthful, safe, aesthetic surroundings and conditions.

The factor is not applicable as the proposed amendment would not affect City policy concerning the public need for healthful, safe, aesthetic surroundings and conditions.

Proof of change in a neighborhood or area.

The applicant does not assert proof of change in a neighborhood or area.

Mistake in the Plan Text or Plan Map.

The applicant does not assert a mistake in the Plan Text or Plan Map. The PTA is the next

evolutionary step in the legislative authorities granted to the TPC, itself once titled the Tualatin Planning Advisory Committee (TPAC) without the authority to render decisions on the five (5) types of land use actions under its jurisdiction today. This PTA is intended to increase citizen involvement in the local planning process.

All of the above factors were consciously considered; therefore, 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.

As the PTA does not result in a change to plans or development regulations that would impact school facility capacity, Criterion “5” is not applicable.

6. Granting the amendment is consistent with the applicable State of Oregon Planning Goals and applicable Oregon Administrative Rules.

Of the 19 statewide planning goals, staff determined that two goals are applicable to the proposed PTA: Goal 1 “Citizen Involvement” and Goal 2 “Land Use Planning.”

Goal 1, “Citizen Involvement,” is stated as **“to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.”**

As discussed in the findings to criteria 1 through 3 above, the proposed amendment will transfer additional decision-making authority to the TPC, the body responsible for fulfilling the Statewide Planning Goal 1 “Citizen Involvement.” The proposed amendment will add another level of local review to conditional use permits, and the TPC will retain the responsibility for recommendations other applicable land use applications and continue to provide for citizen involvement.

This Goal is satisfied.

Goal 2, “Land Use Planning,” is stated as **“to establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.”**

The Department of Land Conservation and Development (DLCD) has acknowledged the City’s Comprehensive Plan as being consistent with the statewide planning goals. The proposed amendment will not result in a significant change to Tualatin’s land use planning procedures and policy framework, but will serve as an appropriate transfer of decision-making authority from the City Council to the TPC, strengthening TPC involvement in the City’s local planning process.

This Goal is satisfied.

The PTA is consistent with Statewide Planning Goals 1 and 2; therefore, Criterion “6” is met.

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

The Urban Growth Management Functional Plan (UGMFP), codified in Metro Code 3.07, neither precludes the amendment nor regulates how a local government administers its planning commission or equivalent; as such, 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.

As the PTA does not relate to vehicle trip generation, Criterion “8” is not applicable.

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.

As the PTA does not relate to potable water, sanitary sewer, and surface water management, Criterion “9” is not applicable.

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).

As the PTA is not property-specific and the applicant (the City of Tualatin) has not entered into an associated development agreement, Criterion “10” is not applicable.

PTA-17-01

PROPOSED AMENDING TEXT

Section 1. Tualatin Development Code (TDC) Section 2.060 (Planning Commission) and Section 2.070 (Tualatin Parks Advisory Commission) are deleted in their entirety, as these entities exist and are governed by the Tualatin Municipal Code Chapters 11-01 (Planning Commission) and 11-02 (Parks Advisory Commission).

Section 2. TDC Chapter 31.068 is created to read as follows:

TDC 31.068 Jurisdiction of the Planning Commission.

- (1) The Planning Commission is the hearing body for the following land use applications:
 - (a) Conditional Use Permits (CUP);
 - (b) Industrial Master Plan (IMP);
 - (c) Reinstatement of Use;
 - (d) Sign Variance (SVAR);
 - (e) Transitional Use Permit (TRP); and
 - (f) Variance (VAR).
- (2) The Planning Commission will use the quasi-judicial hearing process in TDC 31.077 to make all decisions.
- (3) Request for Review of Planning Commission decisions must be made to the City Council and follow the Requests for Review process in TDC 31.076 and TDC 31.078.

Section 3. TDC 31.076 is amended to read as follows:

Section 31.076 Requests for Review.

- (1) Upon receipt of a request for review, the ~~Community Development Director~~ City Manager shall ~~must~~ indicate the date of receipt, determine the appropriate hearing body to conduct review, schedule the hearing and give notice of the hearing in accordance with this section. A request for review shall ~~must~~ be accompanied by a fee as established by City Council resolution.
- (2) The ~~Community Development Director~~ City Manager shall will determine the appropriate hearing body to conduct review as follows:
 - (a) Architectural Review Board. The Architectural Review Board is the hearing body if the request for review is an appeal from a staff level Architectural Features decision.

- (b) City Council. City Council is the hearing body if the request for review is an appeal of any one of the following:
- (i) Utility Facilities decision;
 - (ii) Architectural Review Board decision;
 - (iii) An interpretation of Code under TDC 31.070;
 - (iv) A minor variance under TDC Chapter 33;
 - (v) A tree removal permit under TDC Chapter 34;
 - (vi) A temporary use decision under TDC Chapter 34;
 - (vii) A decision on the demolition, relocation, alteration, or new construction involving an historic landmark under TDC Chapter 68;
 - (viii) A decision on a partition or subdivision under TDC Chapter 36;
 - (ix) A decision on a minor variance involving a property line adjustment under TDC Chapter 36;
 - (x) A decision on a request for access onto an arterial street under TDC Chapter 75;
 - (xi) A decision on a floodplain development permit under TDC Chapter 70;
 - (xii) A decision on a permit within the Wetlands Protection District under TDC Chapter 71;
 - (xiii) A final decision by the Planning Commission; or
 - (xiv) Any other decision not listed in this subsection.

~~(a) If the request for review raises issues regarding the design or conditions in the Architectural Features decision or an application of standards relating to preservation of a historic structure and the Architectural Review Board has not already held a hearing and issued a decision on the matter, then the Architectural Review Board is the appropriate hearing body for such subject matter.~~

~~(b) If the request for review raises issues regarding the design or conditions for both the Architectural Features and Utility Facilities, and if the Architectural Review Board has not already conducted a hearing and issued a decision on the matter, then the Architectural Review Board is the appropriate hearing body for the Architectural Features decision and the City Council is the appropriate hearing body for the Utility Facilities review; otherwise the City Council is the appropriate hearing body for both.~~

~~(c) If the request for review raises issues regarding the design or conditions relating to the Utility Facilities Decision then the City Council is the appropriate hearing body.~~

~~(d) If the request for review involves a final decision by the Architectural Review Board, an interpretation of Code provisions under TDC 31.070, a decision of the Community Development Director with regard to a minor variance (TDC Chapter 33), tree removal (TDC Chapter 34), temporary use~~

~~(TDC Chapter 34), a decision on demolition, relocation, alteration or new construction of a landmark (TDC Chapter 68), a decision of the City Engineer on a minor variance (TDC Chapter 33), partition or subdivision (TDC Chapter 36), property line adjustment with a minor variance (TDC Chapter 36), request for access onto an arterial street (TDC Chapter 75), an application for development within the flood plain (TDC Chapter 70), a decision on a permit within the Wetlands Protection District (TDC Chapter 71), or other application not listed in this subsection, then the City Council is the appropriate hearing body.~~

~~(e) If the request for review involves a final decision by the Planning Commission for a Conditional Use Permit (TDC Chapter 32), an Industrial Master Plan (TDC Chapter 37), Reinstatement of Use (TDC Chapter 35), Sign Variance (TDC Chapter 33), Transitional Use Permit (TDC Chapter 34), and Variances (TDC Chapter 33) the City Council is the appropriate hearing body in TDC 31.078.~~

- (3) Where a request for review is directed to the Architectural Review Board, a meeting of the Board shall be scheduled for a meeting date which is not less than seven nor more than 21 days from the expiration date of the request for review period. Except as provided herein, the Architectural Review Board shall conduct a hearing in accordance with TDC 31.077. The review conducted by the Board shall be limited to the applicable criteria, i.e. architectural features. The decision of the Architectural Review Board shall be adopted by a majority of the Board following the conclusion of the hearing. Within 14 calendar days of the decision, the Planning Department shall place the Architectural Review Board decision together with findings in support of the decision and other necessary information in a written form. The written materials prepared by the Planning Department shall be approved and signed by the Chair or Acting Chair of the Board, and thereafter such materials shall be the final decision of the Board. The written decision of the Architectural Review Board shall become final 14 calendar days after notice of the decision is given, unless within the 14 calendar days a written request for review to the City Council is received at the City offices by 5:00 p.m. on the 14th day. Notice of the final decision of the Architectural Review Board decision may be provided to any person, but shall be mailed by first class mail to:
- (a) recipients pursuant to TDC 31.064(1) and those owners of property within the vicinity of the subject property as described in TDC 31.064(1)(c) who commented on the proposal;
 - (b) City Council members;
 - (c) potentially affected governmental agencies such as: school districts, fire district, Clean Water Services, where the project site either adjoins or directly affects a state highway, the Oregon Department of Transportation and where the project site would access a county road or otherwise be subject to review by the county, then the County; and
 - (d) members of the Architectural Review Board.

- (4) Where a request for review is directed only to the City Council, the review hearing shall be scheduled for a Council meeting date. The City Council shall conduct a hearing in accordance with quasi-judicial evidentiary hearing procedures in TDC 31.077.
- (5) Where a request for review is directed by the ~~Community Development Director~~ City Manager to both the City Council on a Utility Facilities decision and the Architectural Review Board for an Architectural Features decision, the review hearing conducted by the City Council shall be stayed pending a final decision of the Architectural Review Board. The Council may consolidate evidentiary hearings on matters subject to direct review by the Council with related matters appealed to the Council from the Architectural Review Board. Quasi-judicial evidentiary hearing procedures shall be followed.
- (6) Upon review, the decision shall be to approve, approve with conditions or deny the application under review. The decision shall be in writing and include findings of fact and conclusions for the particular aspects of the decision, which shall be based upon applicable criteria. At a minimum, the decision shall identify the Architectural Review Plan, if any, the applicant or a person to be contacted on behalf of the applicant, the date of the decision, the decision, an explanation of the rights to request a review of the decision, and any time frame or conditions to which the decision is subject.

Section 4. TDC Chapter 32.030 is amended to read as follows:

Section 32.030 Planning Commission to Conduct Hearing on Criteria for Review of Conditional Uses; Criteria.

- (1) The Planning Commission is the hearing body for determining conditional use applications.
- (2) The City Council Planning Commission may allow a conditional use, after a hearing conducted pursuant to TDC 32.070, provided that the applicant provides evidence substantiating that all the requirements of this Code relative to the proposed use are satisfied, and further provided that the applicant demonstrates that the proposed use also satisfies the following criteria:
 - ~~(1)~~(a) The use is listed as a conditional use in the underlying planning district.
 - ~~(2)~~(b) The characteristics of the site are suitable for the proposed use, considering size, shape, location, topography, existence of improvements and natural features.
 - ~~(3)~~(c) The proposed development is timely, considering the adequacy of transportation systems, public facilities, and services existing or planned for the area affected by the use.
 - ~~(4)~~(d) The proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying planning district.

- ~~(5)(e)~~ The proposal satisfies those objectives and policies of the Tualatin Community Plan that are applicable to the proposed use.

Section 5. TDC Chapter 32.040 is amended to read as follows:

Section 32.040 Authority and ~~City Council~~ Planning Commission Action.

- (1) ~~The City Council~~ Planning Commission may approve, approve with conditions, or deny the application for a conditional use permit.
- (2) In permitting a conditional use, the ~~City Council~~ Planning Commission may impose, in addition to the regulations and standards expressly specified in this chapter, other conditions found necessary to protect the best interests of the surrounding property or neighborhood or the City as a whole. ~~The conditions may include requirements increasing the required lot size or yard dimensions, controlling the location and number of vehicular access points to the property, increasing street width, requiring dedication and improvement of additional right-of-way, increasing the number of off-street parking or loading spaces required, limiting the coverage or height of buildings because of obstruction of view or reduction of light or air to adjacent property, limiting the hours of operation, requiring sight-obscuring fencing and landscaping, requiring construction of sound barriers such as earth berms or masonry walls, allowing co-location of antenna systems or platforms on a wireless communication support structure, requiring monopole design for wireless communication support structures, specifying the type of architectural treatment for wireless communication support structures to be compatible with its surrounding, requiring that obsolete or unused wireless communication support structures and associated equipment and antennas be removed within 12 months of cessation of operations at a site, and requiring any future enlargement or alteration of the use to be reviewed by the City Council.~~
- (3) ~~The City Council~~ Planning Commission may also require a review of the conditional use by the ~~City Council~~ Planning Commission on or before a specified date and may upon such review impose further conditions consistent with this Chapter. In no event shall can this Chapter be used as a means to exclude multi-family housing from the City.

Section 6. TDC Chapter 32.070 is amended to read as follows:

Section 32.070 Public Hearing for a Conditional Use. Before acting on a request for a conditional use permit, a proposed conditional use shall must be considered by the ~~City Council~~ Planning Commission at a public hearing conducted in the manner provided for in TDC 31.077. The ~~City Council~~ Planning Commission may recess a hearing on a request for a conditional use permit in order to obtain additional information or serve further notices upon property owners or persons who it decides may be interested in or affected by the proposed conditional use. Upon recessing for this purpose, the ~~City Council~~ Planning Commission shall must announce the time, place and date when the hearing will be resumed.

Section 7. TDC Chapter 32.080 is amended to read as follows:

Section 32.080 Revocation of Conditional Use Permit.

- (1) Any previously granted conditional use permit may be revoked by the City Council Planning Commission, after a hearing conducted in the manner required for approval of a conditional use permit initially, upon the following grounds:
 - (a) Failure to comply with the conditions of approval.
 - (b) Discontinuance of the use for a period in excess of two years.
 - (c) Failure to comply with other applicable provisions of the Tualatin Community Plan regarding design, dimensional or use requirements.
 - (d) A change in the Tualatin Community Plan or Planning District Standards of the planning district within which the use is located that have the effect of no longer allowing a new conditional use permit application to be considered in such planning district.
- (2) Revocations initiated under TDC 32.080(1)(a) or (b) above shall not be initiated for at least 6 months after approval of the conditional use permit. Revocations initiated under TDC 32.080(1)(a), (b) and (c) above shall have the effect of making the previously granted conditional use permit void until a new application is submitted and granted. Revocations initiated under TDC 32.080(d) above shall have the effect of making the previously granted conditional use a nonconforming use.

Section 8. TDC Chapter 32.090 is amended to read as follows:

Section 32.090 Automatic Termination of Conditional Use; Request for Extension.

- (1) Unless otherwise provided by the City Council Planning Commission in the resolution written decision granting approval of the conditional use permit, a conditional use permit ~~shall automatically become~~ is null and void two (2) years after the effective date upon which it was granted, unless the applicant, or successor in interest, has done one of the following within two (2) years of the effective date of the conditional use permit events occur:
 - (a) ~~The applicant or his successor in interest has secured a building permit within said two-year period, if a building permit is required, and has actually commenced construction of the building or structure in conformance of the building permit and conditional use permit authorized by the permit within said two-year period.~~
 - (b) ~~The applicant or his successor in interest has commenced the activity or installation of the facility or structure authorized by the conditional use permit within said two-year period.~~
- (2)(c) The applicant may submit a written request to the City Council for submit a request for an extension of time on the conditional use permit to avoid the permit's becoming null and void.

- (2) A ~~The request for an extension must be submitted prior to the expiration date of the times established by Subsection (1) above the conditional use permit, as established by the Planning Commission in granting the conditional use permit.~~
- (3) Upon receipt of the request for an extension of time, the Planning Commission will hear the matter under the quasi-judicial procedures in TDC 31.077. The Planning Commission may grant or deny the extension of time, provided the extension of time does not exceed two (2) years. The City Council may, in the resolution granting such conditional use permit, provide for an extension of time beyond 1 year.