



MEETING AGENDA

TUALATIN PLANNING COMMISSION

September 21, 2017; 6:30 p.m.
JUANITA POHL CENTER
8513 SW TUALATIN RD
TUALATIN, OR 97062

1. **CALL TO ORDER & ROLL CALL**
Members: Bill Beers (Chair), Kenneth Ball, Alan Aplin, Angela DeMeo, Travis Stout, Mona St. Clair, Janelle Thompson
Staff: Aquilla Hurd-Ravich, Planning Manager
2. **APPROVAL OF MINUTES**
 - A. Approval of August 17, 2017 Minutes
3. **COMMUNICATION FROM THE PUBLIC (NOT ON THE AGENDA)**
Limited to 3 minutes
4. **ACTION ITEMS**
 - A. Plan Text Amendment 17-01 to change the approval authority of Conditional Use Permits from the City Council to the Planning Commission.
5. **COMMUNICATION FROM CITY STAFF**
 - A. Parks and Recreation Master Plan Update
7. **FUTURE ACTION ITEMS**
8. **ANNOUNCEMENTS/PLANNING COMMISSION COMMUNICATION**
9. **ADJOURNMENT**



STAFF REPORT

CITY OF TUALATIN

TO: Tualatin Planning Commissioners

FROM: Lynette Sanford, Office Coordinator

DATE: 09/21/2017

SUBJECT: Approval of August 17, 2017 Minutes

ISSUE BEFORE TPC:

Attachments: [TPC Minutes 8.17.17](#)



City of Tualatin

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UNOFFICIAL

TUALATIN PLANNING COMMISSION -

MINUTES OF August 17, 2017

TPC MEMBERS PRESENT:

Kenneth Ball
Angela DeMeo
Travis Stout
Mona St. Clair

STAFF PRESENT

Aquilla Hurd-Ravich
Charles H. Benson III
Lynette Sanford

TPC MEMBER ABSENT: Bill Beers, Alan Aplin, Janelle Thompson

GUESTS:

1. CALL TO ORDER AND ROLL CALL:

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

2. APPROVAL OF MINUTES:

Mr. Ball asked for review and approval of the June 15, 2017 TPC minutes. MOTION by DeMeo SECONDED by St. Clair to approve the minutes as written. MOTION PASSED 4-0.

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

None

4. ACTION ITEMS:

None

5. COMMUNICATION FROM CITY STAFF:

A. July 2017 Revisions to Draft Mobile Food Unit Ordinance

Aquilla Hurd-Ravich, Planning Manager, and Charles H. Benson III, Associate Planner, provided an update on the proposed food cart ordinance which included a PowerPoint presentation. Ms. Hurd-Ravich stated that City staff went to Council in July with a draft ordinance. The City Council discussed the draft ordinance at length, highlighted by whether food trucks/carts should be allowed to operate in the

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.

Commercial Office (CO) planning district, further clarification on the regulatory powers and the applicability of proposed licenses and permits, and whether food trucks/carts should be allowed to operate on construction sites. Council directed staff to return to the Tualatin Food Cart Work Group for clarification on their position regarding food trucks/carts in the CO planning district and the permitting processes. Ms. Hurd-Ravich noted that there are additional comments that were received and not included in the packet – which were distributed to the Commission members.

Ms. Hurd-Ravich stated that the Commission's next action is to approve the draft and give a recommendation to City Council regarding the development code revisions.

Mr. Benson reviewed the timeline summary which includes the project framing, task force meetings, and revisions to the ordinance based on the feedback received. Mr. Benson noted that the current temporary ordinance expires in December 2017

Mr. Benson stated the key revisions to the proposed draft ordinance include:

- Modifications to the "Purpose and Applicability" section to further refine situations where the proposed ordinance would apply;
- Creation of a new mobile food unit permit;
- Food trucks would be allowed to operate in the CO planning district, but not within 200 feet of the Central Commercial (CC) planning district;
- Food trucks would not be allowed to operate in the General Commercial (CG) planning district without an approved Special Event or Public Assembly permit; and
- Only one mobile food unit would be allowed on any given site at one time with without an approved Special Event or Public Assembly permit.

Mr. Benson noted that the only public comments received on these proposed changes to the draft ordinance were from Charlie Sitton from the Century Hotel, who is primarily concerned about food trucks operating at the Lake of the Commons, and Joseph Hall, whose sons operate the PuPu Shack, who is concerned that the proposed ordinance will prohibit the PuPu Shack from operating at its current location. Mr. Benson noted that after the agenda packet was published, additional comments were received that are included in the handout.

Mr. Benson mentioned that the on-line survey on our website had overwhelming support (89 percent) for food trucks in Tualatin although the local businesses were opposed. Ms. Hurd-Ravich added that the survey asked the public if they would want a food truck on their site the support was around 57 percent.

Ms. Hurd-Ravich stated that after the Council work session, City staff made the revisions and emailed the changes to the people on the interested parties list, CCIO's, Chamber of Commerce, and the work group asking for comments. The comments received are in the handout.

Mr. Ball opened the meeting for public comment:

Joseph Hall, Pu Pu Shack Owner

Joseph Hall, owner of the PuPu Shack, stated that his children have operated the food cart for the five years. Mr. Hall stated that in the fall of 2015 they were in violation, which started this whole issue. Mr. Hall noted that he was not aware of the subsequent meetings and was caught off guard when he read about the revised ordinance in the paper.

Mr. Hall stated that he rents the space from David Emami, employ 8-9 kids from the high school, pays payroll taxes, and has a business license. Mr. Hall was under the impression the revised ordinance would be similar to the temporary one in place. He believes these revisions are not even close to the initial ordinance. Mr. Hall added that he believes this revised ordinance is excluding the only operating food truck in Tualatin. After the temporary ordinance passed, Mr. Emami placed an ad for additional food trucks and received only one response. The one person who responded never called back due to lack of foot traffic in the area.

Mr. Hall added that the PuPu Shack survives because they have been operating for many years and have repeat customers. Mr. Hall believes the concern is from the business owners who fear that Tualatin will be overrun with food carts, which is not the reality.

Mr. Hall noted that he was not aware of the other hearings, or he would have been in attendance. Mr. Hall would like to have the ordinance revisited to revise the 200 foot radius of the Central Commercial (CC) planning district exclusion. Mr. Hall added that the PuPu Shack is not in competition with the other businesses in the area since they serve shaved ice, which the other businesses do not.

Ms. DeMeo asked why they chose their current location and are not closer to the high school. Mr. Hall responded that he did not want to impede on other businesses, such as the Plaid Pantry. Ms. DeMeo asked if the Halls have spoken to the Emamis about the lack of interest in other food trucks. Mr. Hall responded that there is very little foot traffic in downtown Tualatin, which is problematic for food trucks. Mr. Hall added that Mr. Emami does not believe a food cart pod situation would work either.

Ms. St. Clair inquired about the possibility of food carts at subdivision construction sites and if a special permit would be required. Ms. Hurd-Ravich replied that the City will not regulate food carts in residential areas since they will more than likely be on a public right of way, which will not require a permit.

Ms. DeMeo wanted clarification about the private property definition and why the restriction on services such as electricity. Mr. Benson responded that the feedback from City Council was that the food trucks should be as temporary as possible. Ms. DeMeo asked if there is a limit on how long they can be in one location. Mr. Benson

said there is no limit. Mr. Ball added that temporary means six months or less and that the food truck will have to move at least a few feet. Ms. DeMeo stated that the code should be more consistent regarding time limits and service restrictions.

Mr. Hall reiterated that he does not approve of the 200 foot buffer requirement and that the citizens of the City of Tualatin overwhelmingly approve the food cart concept. Ms. St. Clair asked how many responses we received on the online survey. Mr. Benson responded that we received over 300. Mr. Ball asked if there are other cities that require a 200 foot buffer requirement. Mr. Benson replied that Happy Valley, Beaverton, Hillsboro, Milwaukie, and Gresham do not require the buffer. He is not aware of any other City that does.

Ms. Hurd-Ravich stated that all past presentations are on our web site along with the statistics from the survey and past research. Ms. DeMeo added that the community members and business owners need to come together with a compromise.

6. FUTURE ACTION ITEMS

Ms. Hurd-Ravich noted that future items include an action item to make transfer review authority of Conditional Use Permits from City Council to the Planning Commission. We will also hear on update from Rich Mueller, Parks and Recreation Manager, on the Parks and Recreation Master Plan. Ms. Hurd-Ravich added that in October we may have a variance on a cell tower.

7. ANNOUNCEMENTS/PLANNING COMMISSION COMMUNICATION

None

8. ADJOURNMENT

MOTION by DeMeo, SECONDED by St Clair, to adjourn the meeting at 7:38 pm.

_____ Lynette Sanford, Office Coordinator



STAFF REPORT

CITY OF TUALATIN

TO: Tualatin Planning Commissioners

FROM: Charles Benson, Associate Planner

DATE: 09/21/2017

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

ISSUE BEFORE TPC:

Consideration of Plan Text Amendment (PTA) 17-01, 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). The Tualatin Planning Commission serves as the City's advisory board to fulfill Statewide Planning Goal 1 - Citizen Involvement and to provide recommendations to the City Council. PTA 17-01 is scheduled to be heard at the City Council meeting on October 23, 2017.

RECOMMENDATION:

Staff asks that the Planning Commission consider the analysis and findings and proposed text changes to provide a recommendation to the City Council.

EXECUTIVE SUMMARY:

The idea of changing the review authority of Conditional Use Permits (CUPs) from the City Council to the Planning Commission was first suggested by Chair Beers at the conclusion of the Planning Commission Annual Report presentation at the City Council meeting on April 10, 2017. At that meeting, it was agreed that the Mayor and the City Council were open to discuss this transfer of authority.

Staff prepared and presented background information on the CUP application process to the Planning Commission at April 20, 2017 Planning Commission meeting, which included approval criteria, standard conditions of approval, recent CUP history, and a preliminary indication on which sections of the Tualatin Development Code (TDC) would need to be amended to complete this transfer. The Planning Commission discussed this topic at their April 20, 2017 meeting and agreed to continue the discussion at the next Planning Commission meeting when all members were present.

The Planning Commission voted 7-0 at the May 18, 2017 meeting to recommend that the City Council delegate approval authority of CUPs to the Planning Commission. Since that vote, staff reviewed the current TDC text referencing the CUP approval process and authored a draft text amendment proposal (see Attachments A and B). The proposed text amendment would be comprised of the following:

- the deletion of TDC Sections 2.060 and 2.070, as this information is already included in the Tualatin Municipal Code (see Attachments C and D);
- the creation of TDC Section 31.068, a new section that specifically outlines Planning Commission jurisdiction; and
- revisions to TDC Sections 31.067, 32.030, 32.040, 32.070, 32.080, and 32.090, which substitutes Planning Commission for City Council as applicable.

The analysis and findings of the proposed text amendment are included as Attachment E.

OUTCOMES OF DECISION:

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.

A recommendation to deny PTA 17-01 would result in the following:

- The TDC would not be amended and the City Council would retain approval authority for conditional use permits.

ALTERNATIVES TO RECOMMENDATION:

Alternative recommendations for the Planning Commission include:

- Recommend the City Council approve the proposed Plan Text Amendment with alterations;
- Recommend the City Council deny the request; or
- Continue the discussion of the proposed Plan Text Amendment and return to the matter at a later date.

FINANCIAL IMPLICATIONS:

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

Attachments: [Attachment A - Proposed Text Amendment](#)
 [Attachment B - TDC Chapter 2 Revised](#)
 [Attachment C - TMC Chapter 11-01](#)
 [Attachment D - TMC Chapter 11-02](#)
 [Attachment E - Analysis & Findings](#)

DRAFT TDC Ordinance

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:
 - a. Utility Facilities decision;
 - b. Architectural Review Board decision;
 - c. An interpretation of Code under TDC 31.070;

- d. A minor variance under TDC Chapter 33;
- e. A tree removal permit under TDC Chapter 34;
- f. A temporary use decision under TDC Chapter 34;
- g. A decision on the demolition, relocation, alteration, or new construction involving an historic landmark under TDC Chapter 68;
- h. A decision on a partition or subdivision under TDC Chapter 36;
- i. A decision on a minor variance involving a property line adjustment under TDC Chapter 36;
- j. A decision on a request for access onto an arterial street under TDC Chapter 75;
- k. A decision on a floodplain development permit under TDC Chapter 70;
- l. A decision on a permit within the Wetlands Protection District under TDC Chapter 71;
- m. A final decision by the Planning Commission; or
- n. 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 5. 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 5. 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.

TDC Chapter 02: Introduction

Sections:

2.010 Background.

2.020 Purpose.

2.030 Plan Format.

2.040 Planning Area Description.

2.050 Citizen Involvement.

~~2.060 Tualatin Planning Commission (TPC).~~

~~2.070 Tualatin Park Advisory Committee (TPARK).~~

2.080 Agency Coordination.

Section 2.010 Background.

- (1) The City of Tualatin's first Comprehensive Plan was adopted in 1972, 59 years after the City was incorporated in 1913. In 1975, the City adopted a plan for the City's Urban Renewal Area, and then produced a more detailed Renewal Plan in 1977. Since the adoption of the 1972 Plan, the City has seen rapidly changing circumstances that have created the need for a revised plan. These circumstances included the establishment of the State Land Conservation and Development Commission (LCDC), adoption of the Statewide Planning Goals, annexation of most of the industrial area west of the City in 1982, and accelerated economic development that has occurred since 1972 in the Tualatin area.
- (2) In 1973, the Oregon Legislature passed a law establishing the Land Conservation and Development Commission (LCDC) and empowered the Commission to adopt Statewide Planning Goals. The Legislature also required all Oregon cities and counties to adopt plans and ordinances in conformance with the statewide goals and to coordinate their plans with each affected local general purpose government or special district. Each city or county also had to prepare a plan that considered state and federal government programs. To help each local government prepare a plan to meet the planning goals, the State Legislature allocated considerable sums of money to provide planning grants to the local jurisdictions. This planning effort has been achieved by using some of those grant funds.
- (3) While the Statewide Planning Goals were being formulated, the nation was re-covering from an economic recession. Tualatin was only beginning to feel the double impact of renewed economic growth. At the same time, development of the metropolitan urban fringe finally met and passed Tualatin's border. Because of these factors, the City is now experiencing an unprecedented development boom that must be guided by an adequate plan that will ensure the long-term livability of the City. While the 1972 Plan was adequate for its time, a new plan, building on the strengths of the old plan, was necessary to provide an adequate guide for current and future City growth.
- (4) After six years of work, Tualatin adopted a revised comprehensive plan on October 22, 1979, which, with amendments, was acknowledged as being in compliance with the Statewide Goals and Guidelines by the LCDC on September 24, 1981.
- (5) The Tualatin Plan is unique in that it involves a single document integrating both the traditional comprehensive plan and zoning ordinance into a single development code. This direction is followed in the land use mapping by having only one map with planning districts rather than a zone map and a plan map. With this approach, Tualatin has given a very strong legal authority to its planning programs.

- (6) The 1979 Tualatin Plan dealt with land, both within the City limits and in the unincorporated area, out to the Metropolitan Service District (METRO) Urban Growth Boundary (UGB). However, the acknowledgement of the plan by the LCDC was only for the City limits. Therefore, the 1979 plan was termed "complementary" in that it dealt only with land inside the limits and left the growth areas reaching to the UGB to Washington County for detailed planning and administration. It was the County's responsibility to finalize the plan for this area so that it could be acknowledged by the LCDC.
- (7) Planning responsibility shifted to the City with the October 1982 annexation of most of the Industrial Planning Area. At that time, Tualatin and Washington County agreed that the City would assume planning responsibility for the unincorporated balance of the planning area. In order to fulfill this responsibility, the City prepared two separate land use plan amendments, one for the newly annexed industrial area and another for the unincorporated, predominantly residential balance of the planning area. At the same time, the City prepared up-dates of the Transportation and Sewer and Water elements of the Public Facilities Plan. These three amendments, scheduled for adoption in 1983, were intended to bring the total plan into "active" status. This means that the City has taken authority for its own growth lands and is planning for those lands so that they can be best integrated into one community.
- (8) Map 9-2 shows the Western Industrial District, the Industrial Planning Area, and the individual industrial areas.
- (9) Map 9-2 shows the individual Residential Planning Areas.
- (10) The Northwest Tualatin Concept Plan technical document development occurred in 2004/05 based on a Metro Urban Growth Boundary expansion in December 2002. The concept plan focus is on industrial uses and related public infrastructure.
- (11) The Southwest Tualatin Concept Plan (SWCP) technical document was accepted in October 2010 based on a Metro Urban Growth Boundary expansions in December 2002 and June 2004 and the 1173 acre "Knife River Urban Reserve". The concept plan for industrial development of 615 acres of land in the southwestern corner of Tualatin is based on Metro Urban Growth Management Functional Plan (MUGMFP) Title IV Industrial Land Policy, Title XI Planning for New Urban Areas, a Metro Region-ally Significant Industrial Area (RSIA) designation and other conditions in Metro Ordinances specific to the SWCP area.

The SWCP focuses on industrial uses and related public infrastructure. The SWCP requires a minimum of one 100 acre and one 50 acre parcel for industrial development within the properties designated as RSIA and provides for a limited commercial area in the properties north of SW Blake Street that is intended as local services for SWCP industrial facilities and employment. [Ord. 592 83, §22, 06/13/83; Ord. 1191-05, 06/27/05; Ord. 1321-11 §2, 04/25/11]

Section 2.020 Purpose.

- (1) The general purpose of this Plan is to guide the physical development of the City so as to preserve the natural beauty of the area while accommodating economic growth. Specifically, the Plan is intended to define locations for both private and public land uses and to arrange these uses in a manner that reduces conflicts and provides convenient movement between individual land uses. The Plan is also intended to provide for diverse living and working environments of the highest quality.

- (2) When adopted by the City Council, this Plan and the City's Urban Renewal Plan will be an official land use guide for City development. There shall be, at no time after the adoption of this Plan, the construction of any building, structure or use, used or occupied contrary to the provisions of this plan.

Section 2.030 Plan Format.

- (1) The format is intended to organize the Code's content into a logical sequence. The first chapter contains general administrative provisions including interpretation, amendment procedures, and definitions of planning terms that are jargon or are difficult for lay people to understand. Chapter 2 provides general background on the reasons for the plan revision, explains the plan's format, and discusses matters such as citizen involvement and agency coordination. Chapter 3 provides a description of the data that was generated as a part of the planning process and was used to provide an objective analysis of planning alternatives.
- (2) Chapter 4 discusses general community growth and describes growth characteristics. It also defines community growth objectives. The next four chapters deal specifically with individual land use categories, providing rationale for their location and explaining their purpose.
- (3) Chapter 9 contains the plan map and shows the specific location of private and public land uses. It also provides a graphic description of the City's Urban Growth Boundary, and also provides a narrative description of each plan area.
- (4) Chapter 10 provides a description of community design objectives relating to the physical appearance of the City.
- (5) Chapters 11 through 15 comprise the public facilities element of the plan. Subjects addressed include transportation, water service, sewer service, and parks and recreation.
- (6) Chapter 16 provides objectives relating to the preservation of the City's identified historic landmarks.
- (7) Chapter 20 provides objectives related to sign design.
- (8) Chapters 40 through 74 contain the Planning District Standards. These Standards are equivalent to what is generally referred to as a "Zoning Ordinance" in most cities and counties. Under the system adopted by the City of Tualatin, the traditional comprehensive plan map and zoning map have been combined into a single map, and what used to be called "zones" are referred to as planning districts. [Renumbered by Ord. 844-91, §2, 10/14/91; Ord. 1191-05, 06/27/05]

Section 2.040 Planning Area Description.

- (1) The beginning of any planning effort includes a definition of the area to be studied. This planning effort studied an area that is described on the Plan Map in Chapter 9 and referred to as the Study Area.
- (2) Subsequent modifications to the original Study Area include Urban Reserve Area 43 in 1998 and the Northwest Tualatin Concept Plan (2005) areas.
- (3) The study area corresponds to the Urban Growth Boundary (UGB) adopted by the Columbia Region Association of Governments (CRAG) in 1976 or as modified by Metro in 1981, 1986, 1991, 1998, 2002 and 2004. In the eastern and southern portions of the City the line follows the 1976 UGB and the Metro 2002 and 2004 UGB Expansion Decision and the Urban Reserve recommended by Metro in 2010. The western portion of the Study Area corresponds to a line generally following Cipole Road, Pacific Highway and the Bonneville Power Administration right-of-way, while the northern portion of the Study Area follows the natural divide of the Tualatin River and the political boundaries of the cities

of Durham, Tigard, Lake Oswego and Rivergrove. [Ord. 1191-05, 06/27/05; Ord. 1321-11 §3, 04/25/11]

Section 2.050 Citizen Involvement.

- (1) The first Statewide Planning Goal is the Citizen Involvement Goal. This goal provides that each community must adopt, implement and periodically review a citizen involvement program. In 1976 the Tualatin City Council appointed a 7 member Committee for Citizen Involvement (CCI) to draft a Citizen Involvement Program. This pro-gram was adopted by the City Council on April 12, 1976, and has been the basis for the City's citizen involvement activities. After the adoption of the Citizen Involvement Program, the City Council formed two new advisory committees to provide recommendations to the Council on planning matters. These new groups were the Tualatin Planning Advisory Committee (TPAC), which became the Planning Commission in 2012, and the Urban Renewal Advisory Committee (URAC). URAC provides planning assistance to the Tualatin Development Commission on matters within the Urban Renewal Area, and the Planning Commission provides planning recommendations for the general community.
- (2) The City Council transferred the Citizen Involvement Program responsibility to the Tualatin Planning Advisory Committee in 1976. This responsibility was transferred to the Tualatin Planning Commission in 2012.
- (3) Another advisory group influencing the plan is the Tualatin Park Advisory Committee (TPARK). This committee over-sees the City's park and recreation pro-grams and thus has an interest in the park and recreation element of the Public Facilities Plan, which is also reflected on the community's General Land Use Plan. Both TPAC (changed to the Tualatin Planning Commission) and TPARK have met regularly to review the plan proposals and to take actions recommending this plan to the City Council. Meeting minutes and tape recordings are available for public review at the Tualatin City Hall. The powers, duties and organizational structure of TPAC (changed to the Tualatin Planning Commission) and TPARK are described below. [Ord. 1119-02, 10/14/02]

~~Section 2.060 Tualatin Planning Commission (TPC).~~

- ~~(1) Number of members: 7.~~
- ~~(2) Selection criteria: good geographic balance; no more than three members with same occupation; no more than two members engaged in the real estate development profession; reside within City except for those members allowed to live outside the City who must reside within the Urban Growth Area.~~
- ~~(3) Term of office: Each commission member shall serve three years per term. The City Council may reappoint a member continually or appoint a successor.~~
- ~~(4) Powers and duties—Decisions: The Planning Commission shall hear and decide the following land use applications using the quasi-judicial evidentiary hearing procedures in TDC 31.077:
 - ~~(a) Industrial Master Plan (IMP)~~
 - ~~(b) Reinstatement of Use~~
 - ~~(c) Sign Variance (SVAR)~~
 - ~~(d) Transitional Use Permit (TRP)~~
 - ~~(e) Variance (VAR)~~~~
- ~~(5) Request 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.~~

- ~~(6) Powers and duties (Recommendations): 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 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 through Plan Map and Plan Text Amendment (PMA and PTA)~~
 - ~~(b) Economic Development
 - Housing
 - Commercial and Industrial~~
 - ~~(c) Public Facilities
 - Transportation
 - Water Supply
 - Sewerage
 - Drainage
 - Parks and Open Space
 - Institutions~~
 - ~~(d) Historic Resources~~
 - ~~(e) Recommend and make suggestions to the Council regarding preparation and revision of community development ordinances, including but not limited to the following:
 - Tualatin Development Code
 - Tualatin Sign Ordinance
 - Tree Planting Regulations~~
 - ~~(f) Study and propose in general such measures as may be advisable for promotion of public interest, health, morals, safety, comfort, convenience, and welfare of the City and of the area within the City's Urban Growth Boundary. [Ord. 635-84, §2, 06/11/84; Ord. 926-94, §1, 06/13/84; Ord. 1332-11 §1, 09/12/11; Ord. 1339-12 §4, 01/23/12]~~

~~Section 2.070 Tualatin Park Advisory Committee (TPARK).~~

- ~~(1) Number of members: seven.~~
- ~~(2) Selection criteria: good geographic balance; five members shall reside inside the City, while two members may reside outside the City.~~
- ~~(3) Term of office: three years.~~
- ~~(4) Powers and duties:
 - ~~(a) 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 (1) the budget process; (2) immediate and long range planning; and (3) citizen participation.~~
 - ~~(b) 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. 1087-01 §1, 08/27/01]~~~~

Section 2.080 Agency Coordination.

- (1) Numerous public agencies have been involved in the planning process. This Plan, as well as Phase I Technical Memoranda, the data base for this Plan, and subsequent modifications to this Plan, have

been sent to the following public agencies for comment. This coordination is required by statewide planning legislation, and agency comments are on file at the Tualatin City Hall.

- (a) Land Conservation and Development Commission.
 - (b) Columbia Region Association of Governments.
 - (c) Metropolitan Service District (Metro).
 - (d) Portland Metropolitan Area Local Government Boundary Commission.
 - (e) Tri-Met.
 - (f) Washington County Planning Commission.
 - (g) Clackamas County Planning Commission.
 - (h) Cities of Durham, Lake Oswego, Rivergrove, Sherwood, Tigard, Wilsonville.
 - (i) Tigard-Tualatin School District 23 J.
 - (j) Sherwood School District 88.
 - (k) Tualatin Valley Fire and Rescue (Tualatin Rural Fire Protection District).
 - (l) Clean Water Services (Unified Sewerage Agency).
 - (m) Oregon State Highway Division (Oregon Department of Transportation).
 - (n) Oregon Department of Environmental Quality.
 - (o) Federal Environmental Protection Agency.
 - (p) U.S. Army Corps of Engineers.
 - (q) Oregon Division of State Lands.
- (2) Additionally, the planning process included the following private utility companies:
- b. Verizon (General Telephone Company of the Northwest, Inc.)
 - c. Northwest Natural Gas Company.
 - d. Portland General Electric Company.
 - e. Comcast [Ord. 1191-05; 06/27/05]

Chapter 11-01: Tualatin Planning Commission

Municipal Code:

Title 11: City Committees and Boards

Tags:

Establishment of Committee Membership Organization Meeting Rules of Regulations of the Committee Expenditure of Funds Powers and Duties of Committee Coordination of Planning Review Annual Report of Committee Emergency Clause

Details

Sections:

11-1-010 Establishment of Planning Commission.

11-1-020 Membership of Commission.

11-1-030 Organization of Commission.

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

11-1-050 Expenditure of Funds.

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

11-1-070 Coordination of Planning Review.

11-1-080 Annual Report of Commission.

11-1-010 Establishment of Commission.

The Tualatin Planning Commission is established and created. [Ord. 342-76, §1, 7/26/76; Ord. 1340-12 §1, 1/23/12]

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. [Ord. 342-76 §2, 7/26/76; Ord. 583-82, 8/23/82; Ord. 888-93 §1, 2, 3/22/93; Ord. 1017-99 §1&2, 4/26/99; Ord.1147-03, Renumbered, 08/25/03; Ord. 1330-11 §1, 8/22/11; Ord. 1340-12 §2, 1/23/12]

11-1-030 Organization of Commission.

(1) At the regular meeting of the Commission each January, the Commission shall elect a chairperson and vice chairperson, who shall be voting members, of the Commission.

(2) The Community Development Director shall provide a secretary who shall keep an accurate record of all Commission proceedings. The Commission shall file a re-port of all its proceedings with the City Recorder within 30 days of such proceedings. [Ord. 342-76 §3, 7/26/76; Ord.1147-03, Renumbered, 08/25/2003; Ord. 1340-12 §3, 1/23/12]

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. [Ord. 342-76 §4, 7/26/76; Ord. 446-78, 6/12/78; Ord. 583-82, 8/23/82; Ord.1147-03, Renumbered, 08/25/03; Ord. 1330-11 §2, 8/22/11; Ord. 1340-12 §4, 1/23/12]

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. [Ord. 342-76 §5, 7/26/76; Ord.1147-03, Renumbered, 08/25/2003; Ord. 1340-12 §5, 1/23/12]

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

The Commission shall have 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 in-side 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; and
 - (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 Com-mission 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) 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]. [Ord. 342-76 §6, 7/26/76; Ord. 454-78 §, 8/28/78; Ord. 926-94, 6/13/94; Ord. 1147-03, Renumbered, 08/25/2003; Ord. 1340-12 §6, 1/23/12]

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. [Ord. 342-76 §7, 7/26/76; Ord. 1147-03, Renumbered, 08/25/2003; Ord. 1340-12 §7, 1/23/12]

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. [Ord. 342-76 §8, 7/26/76; Ord. 1147-03, Renumbered, 08/25/03; Ord. 1340-12 §8, 1/23/12]

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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.

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.