



MEETING AGENDA

TUALATIN PLANNING COMMISSION

April 18, 2019; 6:30 p.m.
JUANITA POHL CENTER
8513 SW TUALATIN RD
TUALATIN, OR 97062

1. **CALL TO ORDER & ROLL CALL**
Members: Bill Beers (Chair), Mona St. Clair, Alan Aplin, Travis Stout, Janelle Thompson, Naomi White
Staff: Steve Koper, Planning Manager; Erin Engman, Associate Planner
2. **ANNOUNCEMENTS/PLANNING COMMISSION COMMUNICATION**
 - A. Introduction of new Planning Commissioner Naomi White
3. **APPROVAL OF MINUTES**
 - A. Approval of TPC Minutes from March 21, 2019
4. **COMMUNICATION FROM THE PUBLIC (NOT ON THE AGENDA)**
Limited to 3 minutes
5. **ACTION ITEMS**
6. **COMMUNICATION FROM CITY STAFF**
 - A. Work session to consider future administrative development code amendments focused on updates to procedures and application criteria (Tualatin Development Code Chapters 32 and 33).
7. **FUTURE ACTION ITEMS**
8. **ADJOURNMENT**



STAFF REPORT

CITY OF TUALATIN

TO: Tualatin Planning Commissioners

FROM: Lynette Sanford, Office Coordinator

DATE: 04/18/2019

SUBJECT: Introduction of new Planning Commissioner Naomi White

ISSUE BEFORE TPC:

Attachments:



STAFF REPORT

CITY OF TUALATIN

TO: Tualatin Planning Commissioners

FROM: Lynette Sanford, Office Coordinator

DATE: 04/18/2019

SUBJECT: ANNOUNCEMENTS/PLANNING COMMISSION COMMUNICATION

ISSUE BEFORE TPC:

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STAFF REPORT

CITY OF TUALATIN

TO: Tualatin Planning Commissioners

FROM: Lynette Sanford, Office Coordinator

DATE: 04/18/2019

SUBJECT: Approval of TPC Minutes from March 21, 2019

ISSUE BEFORE TPC:

Attachments: [TPC Minutes 3.21.19](#)



City of Tualatin

www.tualatinoregon.gov

UNOFFICIAL

TUALATIN PLANNING COMMISSION

MINUTES OF March 21, 2019

TPC MEMBERS PRESENT:

Alan Aplin
Mona St. Clair
Bill Beers
Travis Stout

STAFF PRESENT

Steve Koper
Lynette Sanford
Onnie Neumann

TPC MEMBER ABSENT: Janelle Thompson, Naomi White

GUESTS: Grace Lucini, John Lucini, Tom Re, Lee Leighton, Al Jeck

1. CALL TO ORDER AND ROLL CALL:

Mr. Beers called the meeting to order at 6:33 PM and reviewed the agenda. Roll call was taken.

2. APPROVAL OF MINUTES:

A. Approval of November 15, 2018 TPC Minutes

Mr. Beers asked for approval of the November 15, 2018 TPC minutes. MOTION by Aplin, SECONDED by Beers to approve the minutes as written. MOTION PASSED 4-0.

3. ANNOUNCEMENTS/PLANNING COMMISSION COMMUNICAITON:

A. Introduction of new Planning Commissioner Naomi White

Steve Koper, Planning Manager, noted that we have a new Planning Commissioner, Naomi White. Since she was not in attendance, she will be introduced at the next meeting.

B. Recognition of outgoing Planning Commissioner Kenneth Ball

Mr. Koper stated that Kenneth Ball has accepted a position out of state and will no longer serve on the Planning Commission.

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

None

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.

5. ACTION ITEMS

A. Election of a Chair and Vice Chair to represent the Tualatin Planning Commission

Mr. Aplin asked Mr. Beers if he would like to continue as Chair of the Planning Commission. Mr. Beers accepted. Mr. Aplin stated that he is willing to step down as Vice Chair and asked if Ms. St. Clair will be willing to serve – which she accepted. MOTION PASSED 4-0 in favor of Mr. Beers as Chair and Ms. St. Clair as Vice Chair of the Planning Commission for 2019.

B. Basalt Creek Comprehensive Plan Update (File Nos. PTA19-0001 and PMA 19-0001)

Steve Koper, Planning Manager, stated that there were two errors in the findings, which have been corrected in the findings that will be presented to the City Council. In Table 1 on page 13 of the findings, the correct buildable acreage for the Basalt Creek Planning Area should be 3.6 acres for RH and 24.83 for RL. This changes the overall density figure for the City from 8.7 to 8.5 dwelling units per buildable acres to 8.5. The minimum standard of 8 is still met. On page 99 of the findings, under TDC 13.015, should read “development in the area will need to connect to eight gravity sewer mains.”

Mr. Koper gave a presentation which provided an overview of the staff report for the Basalt Creek Comprehensive Plan Update (File Nos. PTA 16-0001 and PMA 19-0001). Mr. Koper went through an overview of the process, project history, public engagement, and implementation process. The next step in the process following adoption of the amendments would be property-owner initiated annexations and then development applications.

Mr. Koper noted that the public engagement process included focus groups, design workshop, and two open house events. Mr. Koper added that this public engagement process also included updates to the City web site, mailed notice of proposed amendments, posted the notice in public places, interested parties were emailed, and the notice will be published in the Times newspaper this week.

Mr. Koper stated that the Comprehensive Plan update includes:

- Updates to the Comprehensive Plan text, figures, and maps.
- Updates to the Development Code text, figures, and maps
- Updates to the Transportation System Plan text, figures, and maps.

Mr. Koper stated the Comprehensive Plan is the guiding document for land development in Tualatin. It shows compliance with Oregon Statewide Planning Goals, Oregon Administrative Rules, and Metro Code. Changes proposed are Chapter 4 – Community Growth, Chapter 7 – Manufacturing Planning Districts, and

Chapter 9 – Plan Map.

Mr. Koper stated that the Transportation System Plan (TSP) is part of the Comprehensive Plan. The TSP identifies the existing transportation system and future improvements necessary to support development in Tualatin consistent with adopted zoning designations. It also shows compliance with Oregon Statewide Planning Goals, Oregon Administrative Rules, and Metro Code.

Mr. Koper noted that the proposed updates expand the TSP to include the Basalt Creek Planning Area. This applies roadway types consistent with the Basalt Creek Concept Plan and Basalt Creek Transportation Refinement Plan.

Mr. Koper provided an overview of the Functional Classification Plan (Figure 11-1) which includes arterial and collector road designations and traffic signals, and the Bike and Pedestrian Plan (Figure 11-4), which includes the location of future bike lanes and sidewalks, as well as planned pedestrian and multi-use paths.

Mr. Koper noted that the Development Code text amendments include changes to the Neighborhood Commercial (CN) zone, the Manufacturing Park (MP) zone, and the Access Management chapter, which includes updates to identify access restrictions for streets within the Basalt Creek Planning Area.

The City implementation process includes City Council consideration of the Planning Commission's recommendation on the proposal on April 8, 2019. After Council adoption of the proposed amendments, it is estimated that property owners will be able to submit annexation petitions in Spring/Summer of 2019 and recently annexed property owners may be able to submit land use application in late 2019.

Mr. Koper concluded that the findings and analysis show compliance with the criteria applicable to the proposed amendments and requested that the Planning Commission forward a recommendation of approval of the amendments, as proposed, to City Council.

Mr. Beers asked if the audience members have any questions or comments. John Lucini asked whether there was a storm water plan map. Mr. Koper replied that the specific location of future storm water infrastructure has not been determined. This will happen after the annexation process.

Grace Lucini asked about storm water not associated with street runoff. She noted that conduits created adjacent to Boones Ferry Road did not adequately deal with storm water. Mr. Koper answered that Boones Ferry Road is a Washington County facility until the area is annexed to Tualatin and Tualatin has roadway jurisdiction, the City does not have authority over it at this time.

Lee Leighton, of Mackenzie, was in attendance on behalf of the owners east of Horizon Christian High School. He noted that he is happy with the process going forward and is in support.

Tom Re wanted to make sure the storm water is taken care of.

Mr. Leighton added that he has reviewed the materials regarding storm water provisions and said that each development will require ponds and swales which will protect the downstream system.

Mr. Beers asked if people can apply for a conditional use/map amendment to dedicate some of the RL zone to RML. Mr. Koper replied that it is something that might be considered post-adoption of the proposed amendments.

Mr. Aplin inquired about the Manufacturing Business Park (MBP) zone to the west of the Manufacturing Park (MP) zone in the Basalt Creek Planning Area. Mr. Koper replied that the MBP zone is part of the SW Concept Plan Area.

MOTION by Beers, SECONDED by Stout to recommend adoption of PMA 19-0001 and PTA 19-0001 to City Council. MOTION PASSED 4-0.

C. 2018 Annual Report of the Tualatin Planning Commission

Mr. Koper presented the 2018 Tualatin Planning Commission Annual Report. Every year the report is presented to Council – this year it will be filed with the Council on April 1, 2019 and is scheduled to be presented by Ms. St. Clair on behalf of the Commission on April 8, 2019.

The Municipal Code states that no later than April 1st of each year, the Commission shall file with the City Council its annual report of activities of the Commission. The annual report shall include a report of the activities by the Commission during the preceding year. In addition to specific recommendations to the City Council relating to the planning process, plan implementation measures within the City, or future activities of the Commission.

Mr. Koper noted that the Commission serves as a special advisory committee to the City Council, and is an important component of the City satisfying its obligation under Oregon Statewide Planning Goal 1 (Public Involvement). The Commission met ten times during the calendar year; two meetings were cancelled due to a lack of agenda items. Mr. Koper summarized the Commission's activities for 2018, which included approval of two variances and recommendations of approval on three Plan Text Amendments (Accessory Dwelling Unit standards, Amendments to Chapter 70 of the Development Code relating to floodplains, and the Tualatin Development Code Improvement Project). Furthermore, the Commission heard multiple updates on the Capital Improvement Plan, Tualatin Development Code Improvement Project (TDCIP), Basalt Creek, Parks and Recreation Master Plan, potential TDC Plan Text Amendment to increase building height in the Mixed Use Commercial Overlay district, and a Tualatin Moving Forward update.

MOTION by Beers, SECONDED by Aplin to approve the 2018 Annual Report of the Planning Commission. MOTION PASSED 4-0.

6. FUTURE ACTION ITEMS

Mr. Koper mentioned that a Conditional Use Permit (CUP) and Variance application that is planned to be submitted soon. The site is located off of 124th Avenue and Tualatin-Sherwood Road. PGE is proposing to build an integrated operations center on a 40 acre site – roughly the back 20 acres will be for the building. The CUP is for a wireless telecommunications facility and the Variance is due to the height of the tower.

Mr. Aplin inquired about a previously approved cell tower Variance and the appeal involving American Tower. Mr. Koper replied the Oregon Court of Appeals affirmed the City's previous approval without onion. The latest available information is that building permits for the tower have been issued, but inspections have not been scheduled.

7. COMMUNICATION FROM CITY STAFF

Mr. Koper suggested that as a future work item for the Commission, staff could assist with the development of administrative code amendments. Examples included examining the thresholds for types of Architectural Review applications or the review procedures for Subdivisions, which are currently processed by the Engineering Division. Mr. Koper noted that code amendments of this nature were identified as part of the Tualatin Development Code Improvement Project, but were planned to occur in the future due to their not being policy-neutral. Mr. Koper mentioned that there was the potential for this work item to proceed parallel to the policy update work that the City would be doing in the future as part of the Tualatin 2040 project. Mr. Beers was supportive of exploring this idea further at a future meeting. Mr. Aplin asked that staff identify and develop specific potential code changes for the Commission to consider.

8. ADJOURNMENT

MOTION by Aplin to adjourn the meeting at 7:32 pm. SECONDED by Stout. MOTION PASSED 4-0.

_____ Lynette Sanford, Office Coordinator



STAFF REPORT

CITY OF TUALATIN

TO: Tualatin Planning Commissioners

THROUGH: Steve Koper, Planning Manager

FROM: Erin Engman, Associate Planner

DATE: 04/18/2019

SUBJECT: Work session to consider future administrative development code amendments focused on updates to procedures and application criteria (Tualatin Development Code Chapters 32 and 33).

ISSUE BEFORE TPC:

The Planning Commission is asked to consider potential administrative amendments to land use procedures and application criteria (Tualatin Development Code Chapters 32 and 33). Identified potential code changes may form the basis for the Commission to make recommendation on future plan text amendments to City Council.

RECOMMENDATION:

Discussion only.

EXECUTIVE SUMMARY:

BACKGROUND:

In November of 2018, the Planning Commission made a recommendation of approval on a development code modernization project that was adopted by the Tualatin City Council in December of 2018. The development code modernization project include updates and amendments to the Tualatin Development Code limited to those that were determined to be "policy neutral." As a result, many updates and amendments identified by the Commission, Council, the public, the development community, and staff were tabled for future consideration.

Starting in early 2019, the Tualatin 2040 project was kicked off, which will result in a prioritization of potential policies within the Comprehensive Plan and Development Code. Tualatin 2040 will look at high-level policies such as housing and economic development, liveability, design standards, and identify what land use and development policies should be updated and in what order.

PURPOSE:

The purpose of the subject work session is to explore what are known as "administrative amendments" to the Development Code. Administrative amendments are changes in response to issues identified identified by the Commission, Council, the public, the development community, and staff that are focused on potential procedural, rather than policy, to the

Development Code.

WHY ADMINISTRATIVE AMENDMENTS TO PROCEDURES AND APPLICATIONS:

The development code modernization project included outreach efforts to frequent applicants, which revealed that we don't have the best tools to proportionally size the application process to the scope of development projects. Our code lacks common exemptions to land use review. Additionally, thresholds between application procedures are not clearly defined. Potential amendments to application exemptions and procedure thresholds is a small effort that will likely improve the customer service that we deliver.

ARCHITECTURAL REVIEW APPLICABILITY:

Land use review in Tualatin applies to any exterior modification to improved or unimproved property as described in Tualatin Development Code 33.020(2). The application type is called Architectural Review. Exceptions to this review are limited to modification of single-family dwellings and City park land.

APPLICATION PROCEDURES:

There are three different processes applicable to an Architectural Review application:

- Type I (Ministerial): Modifications to previous Architectural Review approvals
Procedure characteristically applies to small projects that meet clear and objective review criteria. Decisions are made at the staff-level without public notice.
- Type II (Administrative): Alteration to unimproved property
Procedure characteristically applies to new development and redevelopment that requires limited amount of discretion. Decisions are made at the staff-level with public notice.
- Type III (Quasi-Judicial): Large-scale alteration to unimproved property
Procedure applies to larger development projects which require substantial discretion when applying development criteria. Decisions are made by a Hearings Body and require public notice.

Generally speaking, a property must be developed under a Type II procedure, prior to being modified by a Type I procedure. The development code modernization project noted that the general public would like to see Type I threshold standards to undeveloped property.

EXAMPLES TO CONSIDER:

Strict application of the code would require a Type I procedure for minor residential improvements, including:

- Any grading activity
- New shed – even when a building permit is not required

If the applicant would like to build a shed over 200 square feet, then a Type II procedure would apply.

A Type II procedure for is required for small improvements to unimproved property, including:

- Removal of more than four trees
- Any grading activity
- Minimal paving
- New shed or storage building

A Type II procedure for is sometimes required for small improvements to improved property, including:

- Building expansion over 200 square feet, including new accessory structures

OUTCOMES OF DECISION:

This item is informational in nature. Potential future Planning Commission action may:

- Direct staff to further explore identified or other topic areas further and return to a future Planning Commission meeting.
- Direct staff to prepare and present a recommendation from the Planning Commission at a future City Council work session.
- No action at this time.

Attachments: Planning Commission Presentation



DISCUSSION:

Administrative amendment to Procedures & Applications

TUALATIN PLANNING COMMISSION

April 18, 2019



CITY OF

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TONIGHT'S PRESENTATION

- Limited flexibility to right-size application procedure based on scope of development project
- Background on Tualatin's land use procedure for site design - Architectural Review
- Examples of current procedure frustration
- Implementation Process/Next Steps

Amendment to Procedures & Applications



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BACKGROUND

Current application process:

Lacks common exemptions to land use review



Thresholds for application procedures not clearly defined



FRUSTRATED APPLICANTS





ARCHITECTURAL REVIEW APPLICATION

Section 33.020 – Architectural Review.

(2) Applicability.

(a) The following types of development are subject to Architectural Review:

(i) Any exterior modifications to improved or unimproved real property;

(ii) Any remodeling that changes the exterior appearance of a building;

(iii) Any site alteration which alters the topography, appearance or function of the site; and

(iv) Any change in occupancy from single family use to commercial or industrial use.





ARCHITECTURAL REVIEW APPLICATION

Section 33.020 – Architectural Review.

(c) Exceptions to Architectural Review. The following applications for development do not require Architectural Review:

(i) The addition or alteration of an existing single-family dwelling if it involves:

(A) Less than 35% of the structure’s existing footprint;

(B) No new story;

(C) Less than 35% of an existing front or rear wall plane; or

(D) A side wall plane that abuts the side yard of an adjacent dwelling.

(ii) The modification by the City of greenways, parks, other Parks and Recreation Department improvements





ARCHITECTURAL REVIEW PROCEDURES

Architectural Review Application Procedures:

- Type I – Modifications to previous AR approvals
- Type II – Alteration to unimproved property
- Type III – Large-scale alteration to unimproved property

Amendment to Procedures & Applications



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PROCEDURES: TYPE I

- Clear and Objective review criteria
- No public notice
- 10 day review period
- Staff level decision

Fee: \$105

Amendment to Procedures & Applications



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PROCEDURES: TYPE II

- Pre-application Meeting
- Neighborhood/Developer Meeting
- Discretionary review criteria
- Public notice
- 60 day review period (Additional 14 day appeal period)
- Staff level decision

Fee: Up to \$2,675*

* based on project value

Amendment to Procedures & Applications



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PROCEDURES: TYPE III

- Pre-application Meeting
- Neighborhood/Developer Meeting
- Substantial discretionary review criteria
- Public notice
- 90 day review period (Additional 14 day appeal period)
- Hearing decision

Fee: Up to \$2,675*

* based on project value

Amendment to Procedures & Applications



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THRESHOLDS

When is a project a Type I procedure?

Types of Architectural Review Applications - Procedure Type.

(7) **Modifications to Previously Approved Final Architectural Review Decisions.** An applicant who wishes to modify a previously approved final Architectural Review decision may utilize one of the following procedures:

(a) **Minor Architectural Review (MAR).** Minor Architectural Review is a Type I process. Minor Architectural Review is used to process a proposal for one of the following:

(i) Adding awnings, modifying previously approved exterior paint colors, or murals;

(ii) Relocating windows or doors;

(iii) Changing exterior material;

(iv) Expanding the gross floor area of a development, including primary and accessory buildings, may be expanded by no more than 200 square feet maximum.

(v) Adding or replacing new antennas on an existing Wireless Facility or Attached Wireless Facility or adding equipment within the existing equipment footprint of an existing Wireless Facility equipment space, so long as the modification does not constitute a substantial change.¹

(vi) Replacing an existing Wireless Facility tower, provided the replacement tower must not exceed the height of the original tower by more than 10%, or the diameter of the original tower by more than 25% at any given point.

(vii) Changing structure setback or lot coverage by less than 10% from the most recently approved Architectural Review approved through a Type II or Type III process;

(viii) Changing access location or parking lots that does not result in an increase of Average Daily trips by more than 100 trips from the Average Daily Trips in an Architectural Review most recently approved through a Type II or Type III process; or

(ix) Removing trees originally required to be retained or planted by a previously approved Architectural Review proposal.





THRESHOLDS

When is a project a Type III procedure?

Types of Architectural Review Applications - Procedure Type.

(d) **Large Commercial, Industrial, and Multifamily Development.** Development applications that propose any of the following are subject to Type III Review by the Architectural Review Board as the hearing body:

- (i) New Commercial Buildings 50,000 square feet and larger;
- (ii) New Industrial Buildings 150,000 square feet and larger; and
- (iii) New Multifamily Housing Projects with 100 units or more units (or any number of units abutting a single family district).





EXAMPLES TO CONSIDER

Modifications to Single-Family property:



Amendment to Procedures & Applications



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EXAMPLES TO CONSIDER

Modifications to unimproved property:

- Removal of more than 4 trees
- Any grading activity
- Minimal paving
- A new shed or storage building



Amendment to Procedures & Applications



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EXAMPLES TO CONSIDER

Modifications to an improved property:

- A new accessory building



Amendment to Procedures & Applications



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DISCUSSION

- Does Planning Commission support this administrative amendment effort?
- Should other exemptions be added?
- Should there be procedure thresholds to unimproved property?

