



MEMORANDUM

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

FROM: Sherilyn Lombos, City Manager 

DATE: August 16, 2010

SUBJECT: WORK SESSION FOR AUGUST 23, 2010

5:00 p.m. (10 min) – Community Enhancement Award Discussion. The Tualatin Arts Advisory Committee has been discussing the concept of a formal recognition of art endeavors within the community; last June, you reviewed their initial concept and were in agreement with their proposal (see attached proposal and minutes from the June 8, 2009 work session). They are prepared to make their first recommendation, to be presented by the Council on September 13. A member of the TAAC will be present to discuss their recommendation and make sure they answer any questions prior to you making the award presentation on September 13.

Action Requested: This item is informational only, no specific Council action is requested.

5:10 p.m. (15 min) – Allowing Chickens in Residential Areas. On June 14th, you asked that the Tualatin Planning Advisory Committee look at the issue of allowing chickens to be kept in residential areas of town. TPAC has looked at this issue several times now and recommends the attached draft ordinance allowing chickens with some restrictions. Attached is a memo from Doug and Cindy with the background information and the draft ordinance.

Action Requested: Direction regarding the draft ordinance allowing chickens in residential areas.

5:25 p.m. (60 min) – Conditional Uses Allowed in Residential Zones. Tonight is a continuation of the discussion regarding what are the appropriate conditional uses allowed in RL (low density residential) and are there conditional uses that are currently allowed that are no longer suitable or compatible with residential development. Attached is a memo from Doug and Will; attachment “D” is a table of conditional uses allowed in residential, along with the Council recommendation discussed in previous work sessions.

Action Requested: Direction on which conditional uses are appropriate for RL; which conditional uses are no long suitable for RL and any questions that need to be followed up on before bringing back a code change.

6:25 p.m. (20 min) – Transportation System Plan Ad Hoc Committee Solicitation & Selection Process. At Council's direction TPAC has had several discussions about a TSP Ad Hoc Committee. They are now to the point of discussing the solicitation and selection process for the committee and are looking for feedback from the Council. Attached is a memo from Doug with additional information; on page 3 is a list of alternatives that TPAC has discussed. In addition to the solicitation and selection process, it would be good to start the discussion about roles of the Council and the various committees that are part of the TSP update.

Action Requested: Direction from the Council on an appropriate solicitation and selection process for the Transportation System Plan Ad Hoc Committee and discussion of appropriate roles.

6:45 p.m. (10 min) – Council / Commission Meeting Agenda Review, Communications & Roundtable. This is the opportunity for the Council to review the agenda for the August 23rd City Council and Development Commission meetings and take the opportunity to brief the rest of the Council on any issues of mutual interest.

Upcoming Council Meetings & Work Sessions: Attached is a three-month look ahead for upcoming Council meetings and work sessions. If you have any questions, please let me know.

Dates to Note: Attached is the updated community calendar for the next three months.

As always, if you need anything from your staff, please feel free to let me know.

**City of Tualatin
Community Arts Enhancement Commendation**

Background:

Late in the fall of 2008, the Tualatin Arts Advisory Committee (TAAC) began discussion of actions it could take to better promote and recognize significant art endeavors within the Tualatin community.

The outcome was to propose a periodic Community Arts Enhancement Commendation. TAAC would formally nominate and Council could formally recognize those who have made a significant contribution to the enhancement of the arts.

It was decided to keep the selection procedure relatively informal, quite simple and of minimal impact upon staff resources. The only expense would be in the form of a framed recognition document that would be presented by Council and displayed by the recipient.

Procedure:

1. The source for most nominations probably would come from members of TAAC. A proposal to TAAC from any member of the Tualatin community would be warmly welcomed.
2. Each TAAC meeting agenda would include an opportunity to entertain a proposal from a member of TAAC or the community. After review and discussion, a proposal would be developed into a formal nomination to Council by a majority vote of the committee provided a quorum is present. Any member of TAAC could request that the vote on a formal nomination be tabled until the next meeting whenever there is a need for one or more TAAC members to become more familiar with the proposal or if more time is needed to compose the formal nomination.
3. The selection criterion is quite broadly any activity that has resulted in the enhancement of the visual or performance arts experience in Tualatin. To be avoided would be any commendation that should be more rightly administered by another city committee or office.
4. The frequency of Formal Commendations would be a function of the current need to recognize those who have contributed to the enhancement of the arts. Hopefully this Commendation can be done frequently enough to:
 - a. Maintain high visibility of this Commendation and TAAC within the community.
 - b. Provide Council an on-going opportunity to demonstrate their interests in the enhancement of the arts.

City Engineer McKillip briefly reviewed some of the projects Portland will be doing, such as the decommissioning of the Mt. Tabor reservoirs with another to be constructed at Powell Butte. Also mentioned are some of the surrounding cities' changes in their water sources. Sherwood will be switched over to 100% Willamette River Water by 2012. Tigard will be ready by 2016 for their water source, and have budgeted money for an option with Sherwood. Wilsonville is getting ready to start an expansion of their treatment plant portion of the plant. is planning to go out to bid for a piping system, etc. Council asked if staff could find out the rates Tigard, Sherwood, and Lake Oswego will be charging

2. *Water Management and Conservation Plan*

City Engineer McKillip continued with discussion on water management and conservation. Some issues for consideration is whether Tualatin should adopt a rate structure that increases unit costs as more water is purchased. Also whether to offer rebates to residents for purchase and installation of water efficient appliances. Discussion followed. Landscaping and water conservation was discussed. The other is whether Tualatin should offer technical assistance to large water use customers to audit their water use and identify ways they could reduce usage.

Council asked staff to bring back a program for rebates and technical assistance for anyone who may need it, and to go through a rate study that looks at a tiered rate structure.

3. *Fence Standards – Phase II*

Assistant Planner Cindy Hahn briefly presented information about the existing fence standards. This has also been before the Tualatin Planning Advisory Committee (TPAC), where the vote was unanimous for the proposed changes. Agreement by all Council present of the proposed changes.

4. *Community Arts Enhancement Commendation*

Community Services Director Paul Hennon gave a brief review of this proposal. Brief discussion followed. Council was in agreement with the proposal as presented, by all present.

C. CITIZEN COMMENTS

N/A

D. CONSENT AGENDA

Council reviewed the Consent Agenda.

3. Resolution No. 4889-09 Awarding the Bid for the Tualatin Interstate 5 / Nyberg Interchange Landscaping Improvements

It was mentioned the City will be receiving funding assistance from ODOT with the landscaping project.



MEMORANDUM

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager 

FROM: Doug Rux, Community Development Director 
Cindy Hahn, Assistant Planner 

DATE: August 23, 2010

SUBJECT: KEEPING OF CHICKENS IN RESIDENTIAL AREAS

ISSUE BEFORE THE COUNCIL:

On June 14, Council asked that the Tualatin Planning Advisory Committee (TPAC) discuss the issue of keeping chickens in residential areas. On July 6, 2010, staff presented information to TPAC for discussion and returned on August 3, 2010, with draft code language, specifically a new proposed Chapter 12-2 Keeping of Chickens in Residential Areas to the Tualatin Municipal Code (TMC), for review and discussion (Attachment A). A positive recommendation was received from TPAC, and staff is now presenting the draft code language to City Council for consideration.

POLICY CONSIDERATIONS:

- Given the increasing interest in keeping chickens in residential areas, should the City amend the City Codes to allow this to occur?
- If this is desirable, what new regulations should be adopted?
- If this is not desirable, should the City Codes be strengthened to prohibit the keeping of chickens in residential areas?

BACKGROUND:

Existing City regulations contained in the Tualatin Development Code (TDC) do not allow the keeping of chickens in single-family or other residential areas. Specifically, the Low Density Residential (RL) Planning District allows as a permitted use "agricultural uses of land, such as truck gardening, horticulture...", but excludes "the raising of animals other than normal household pets" (TDC Section 40.020). Further, the RL Planning District allows as a conditional use "agricultural animals" but limits these to include "cattle, horses and sheep" (TDC Section 40.030(4)(m)) to some limited areas of the city. Small animals are defined as "a domestic animal, such as a dog, cat, rabbit or guinea pig, accepted by the American Veterinary Medical Association as a household pet" (TDC Section 31.060 Animal, Small), and thus does not include chickens. The TDC does not allow "agricultural uses" in any other Planning District. The TMC also has regulations on nuisance issues

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addressing odor and animals, however, these regulations do not specifically address the keeping of chickens.

Chickens are included in the broader category of poultry, which includes domestic fowls such as chickens, turkeys, ducks, or geese, raised for meat or eggs. Cities in the Portland metropolitan area address the keeping of poultry in residential areas in a variety of ways. Staff gathered information about regulations in nine cities, which is summarized in Attachment B and was presented to TPAC at the July 6, 2010 meeting.

At the July 6, 2010 meeting, TPAC asked staff to review the City of Portland's regulations and to determine whether a "model ordinance" exists for the keeping of chickens in residential areas. Staff subsequently reviewed the City of Portland's regulations (Attachment C) and incorporated some of the definitions and criteria in the regulations into the draft code language contained in proposed TMC Chapter 12-2 (Attachment A). Staff also located an analysis prepared by K.T. LaBadie, a student at the University of New Mexico, entitled Residential Urban Chicken Keeping: An Examination of 25 Cities, which includes an example or "model" ordinance for the keeping of chickens in residential areas (Attachment D). This paper, along with the City of Gresham's Chicken Code (Attachment E) provided the basis for the majority of definitions and standards in the draft code language contained in proposed TMC Chapter 12-2.

At the August 3, 2010 TPAC meeting, the committee discussed the draft code language and made several suggested changes. The overall consensus was that proposed TMC Chapter 12-2 should be adopted with the limitation that it pertain only to chickens and not other types of domesticated fowl, and necessary amendments made to Sections 40.020 and 40.030(4)(m) of the TDC, to allow the keeping of chickens in single-family residential areas of the City.

DISCUSSION:

As directed by City Council, staff has presented information on the keeping of chickens in residential areas to TPAC for their consideration. TPAC has recommended that proposed TMC Chapter 12-2 should be adopted and necessary amendments be made to Sections 40.020 and 40.030(4)(m) of the TDC, to allow the keeping of chickens in single-family residential areas of the City. The draft code language includes the following:

- The single-family residential lot or parcel must have a minimum area of 5,000 square feet to keep up to four (4) adult poultry (individual birds).
- One additional adult bird is permitted for each 2,000 square feet of additional lot area up to a maximum lot area of 9,000 square feet or greater, or a maximum of six (6) adults birds.
- No roosters are allowed.
- Chickens are not allowed to be kept in any residential areas other than single-family, and the keeper must reside in the single-family dwelling on the lot or parcel where the chickens are kept.
- No other farm animals or livestock, such as goats, sheep or small pigs, are addressed by the draft code language.
- No permit is required and there are no fees.

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- Enforcement is on a complaint basis, and complaints are subject to investigation by the City Code Enforcement Officer or designee.

Sections 40.020 and 40.030(4)(m) of the TDC address small animals and household pets, but do not specifically address the keeping of poultry in residential areas. Minor amendments to these sections of the TDC, as shown in Attachment F, will be necessary concurrent with adoption of the new proposed Chapter 12-2 of the TMC.

RECOMMENDATION:

Staff recommends that Council consider the information presented and provide direction to staff.

- Attachment:**
- A. Draft Code Language – Keeping of Chickens in Residential Areas
 - B. City Regulations for Keeping of Poultry in Residential Areas
 - C. City of Portland – Chapter 13.05 Specified Animal Regulations
 - D. Residential Urban Chicken Keeping: An Examination of 25 Cities
 - E. Gresham Revised Code – Article 7.17 Keeping of Chickens
 - F. Draft Amendments to Sections 40.020 and 40.030(4)(m) of the Tualatin Development Code to Allow the Keeping of Chickens in the Low Density Residential (RL) Planning District

Tualatin Municipal Code
Chapter 12-2
Keeping of Chickens in Residential Areas

Sections:

12-2-010 Purpose.

12-2-020 Definitions.

12-2-030 Applicability and Exceptions.

12-2-040 Standards.

12-2-050 Complaint Processes.

12-2-055 Investigations and Notices.

12-2-060 Fees.

12-2-070 Effective Dates.

12-2-010 Purpose.

The purpose of this code is to provide minimum standards for the keeping of chicken(s) in single-family residential areas to safeguard the health, safety and welfare of the owners, occupants and users of single-family dwellings and premises; and to protect the health, safety and welfare of neighbors to these properties.

12-2-020 Definitions.

As used in this chapter, the following definitions apply:

(1) **"Chicken"** means *Gallus gallus* or *Gallus domesticus*, a domestic fowl believed to be descended from the red jungle fowl of southeastern Asia and developed in a number of breeds for its flesh, eggs, and feathers.

(2) **"Code Enforcement Officer or Designee"** means the person designated by the City Manager to enforce the provisions of this chapter.

(3) **"Coop"** means a building or similar structure where chickens are kept, the interior of which usually has nest boxes for egg laying and perches for the birds to sleep on.

(4) **"Dwelling Unit"** means a habitable structure containing one or more rooms designed for occupancy by one individual or family and not having more than one cooking facility.

(5) **"Keeper"** means any person or legal entity who harbors, cares for, exercises control over or knowingly permits any chicken(s) to remain on premises occupied by that person for a period of time not less than 72 hours or someone who accepted the chicken(s) for purposes of safe keeping.

(6) **"Run"** means an enclosed or fenced area in which poultry are kept and allowed to walk, run about, peck and otherwise move freely.

(7) **"Poultry"** means domesticated fowl, limited to chickens raised for their flesh, eggs, and/or feathers, and excluding other fowl such as quail, pheasants, turkeys, or ducks..

(8) **"Secure Enclosure"** means an enclosure that both contains the chicken(s) and protects them from predators. When located outdoors and

separate from the single-family dwelling unit, the secure enclosure must include a covered, enclosed area (part not exposed to the elements), secure sides, a secure top attached to the sides, and a secure bottom or floor attached to the sides of the structure or the sides must be embedded in the ground. Alternatively, the secure enclosure may be any part of a house, garage, porch, or patio that must include a latched door or doors kept in good repair to prevent the accidental escape of chicken(s) or exit by chicken(s) of their own volition.

(9) **“Single-Family Dwelling”** means a single dwelling unit detached or separate from other dwelling units. A dwelling unit not having common walls with another dwelling unit.

(10) **“Vermin”** means various insects, bugs, or small animals, such as flies, cockroaches, mice, and rats, regarded as pests because they are annoying, obnoxious, destructive, or disease-carrying.

12-2-030 Applicability and Exceptions.

Chickens are allowed in single-family residential areas for personal use subject to the following conditions:

(1) Up to four (4) adult chickens (individual birds) over four (4) months of age shall be permitted on any one (1) single-family residential lot or parcel with a minimum area of 5,000 square feet. One (1) additional adult bird shall be permitted for each 2,000 square feet of additional lot area, up to a maximum of six (6) adult chickens (individual birds). For clarity, chickens four (4) months of age or younger shall not be counted toward this number. The keeper shall reside in a single-family dwelling on the lot or parcel where the chicken(s) are kept.

(2) No roosters shall be permitted.

12-2-040 Standards.

A keeper of chicken(s) shall adhere to the following standards:

(1) Chicken(s) shall be kept on the dwelling unit premises at all times.

(2) Chicken(s) shall be kept in a secure enclosure between 10 PM and 7 AM.

If the secure enclosure is a fully fenced pen, coop or similar structure, then it shall be located in the rear yard of the lot or parcel.

(3) The secure enclosure shall have at least two (2) square feet of floor space per grown (adult) bird, shall be adequately lighted and ventilated, and shall be kept in a clean, dry, and sanitary condition at all times.

(4) Any outdoor run shall be cleaned on a regular basis and as frequently as is necessary to prevent the accumulation of poultry waste or droppings (feces, feather dander, dust, uneaten food, etc.).

(5) The secure enclosure shall be located at least twenty (20) feet from any dwelling unit on an adjacent lot or parcel and at least ten (10) feet from all property lines.

(6) The secure enclosure shall be kept in good repair, capable of being maintained in a clean and sanitary condition, and free of vermin, obnoxious smells and substances.

(7) The secure enclosure, any run and any chicken(s) shall not create a nuisance or unduly disturb neighboring residents due to noise, odor, damage or threats to public health.

(8) All poultry feed shall be kept in metal garbage cans with secure lids or similar vermin-resistant containers or enclosures.

12-2-050 Complaint Processes.

(1) Any person may file complaints for suspected violation of the standards contained in this chapter.

(2) A complaint must be in writing and may be filed in person, by mail, by email, or fax. The complaint shall contain at least the following information:

(a) The name of the person filing the complaint. No complaints may be submitted anonymously;

(b) The address of the alleged violation; and

(c) A complete description of the alleged violation.

(3) The Code Enforcement Officer or designee shall process complaints using the following procedure:

(a) Confirm that the complaint alleges a violation of a standard of this chapter;

(b) Confirm that the allegation in the complaint, if proven to be true, would be a violation of this chapter; and

(c) Once the requirements of (a) and (b) are confirmed, notify the owner/keeper that the complaint has been submitted.

12-2-055 Investigations and Notices.

(1) Investigations. Upon confirmation that the requirements in TMC 12-2-050 have been met, the Code Enforcement Officer or designee will conduct an investigation to confirm the validity of the complaint.

(a) If the Code Enforcement Officer or designee determines that the complaint is not valid, the case will be closed and all parties will be notified of the closure.

(b) If the Code Enforcement Officer or designee determines that the complaint is valid, the owner/keeper will be issued a notice of the violation and request that the required maintenance, repairs and/or modifications be completed by a date certain.

(2) Inspection and Right of Entry. When it may be necessary to inspect to enforce the provisions of this chapter, the Code Enforcement Officer or designee may enter the single-family dwelling or premises at reasonable times to inspect or perform the duties imposed by this chapter as follows:

(a) If the single-family dwelling or premises are occupied, the Code Enforcement Officer or designee shall present credentials to the occupant and request entry.

(b) If the single-family dwelling or premises are unoccupied, the Code Enforcement Officer or designee shall first make a reasonable effort to locate the

ATTACHMENT A: DRAFT CODE LANGUAGE – KEEPING OF CHICKENS

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owner/keeper or other person having charge or control of the single-family dwelling or premises and request entry.

(c) If entry is refused or the dwelling unit or premises are unoccupied, the Code Enforcement Officer or designee may follow the procedures to obtain an administrative (non-criminal) warrant to inspect the premises.

(3) Failure to comply. If the owner/keeper does not comply with the notice by the specified date, the Code Enforcement Officer or designee will issue a citation to the owner/keeper to appear in Municipal Court.

(4) Penalties. A person who is found guilty by the Municipal Court of violating a provision of this chapter shall be punished by a fine not to exceed \$500.00 per day per violation. Each day that a violation exists constitutes a separate violation.

(5) Appeals. The Municipal Court decision may be appealed to the Circuit Court.

12-2-060 Fees.

There shall be no fees for the keeping of chicken(s) that is in compliance with the standards of this chapter.

12-2-070 Effective Dates.

This ordinance shall take effect thirty (30) days after the ordinance is approved.

TABLE 1: CITY REGULATIONS FOR KEEPING OF POULTRY IN RESIDENTIAL AREAS

City	Status of Regulation	Type of Regulation	Number Allowed	Permit	Enclosure	Inspection
Beaverton	Planning Commission Public Hearing, 06-30-10, to consider draft ordinance. City Council first hearing on 08-09-10	Urban Poultry Ordinance.	Unspecified at this time. Chickens and ducks only. No roosters.	Unknown	Unknown	Unknown
Forest Grove	Adopted 07-13-09; Effective 08-13-09	Ordinance Amending Forest Grove Development Code to Allow Domesticated Fowl (Ordinance No. 2009-08) Allowed in Residential Zones: SR, R-10, R-7, R-5, RML, RMH and Commercial Zones: NC, CC as a Limited Use	Domesticated fowl = chickens, quail, pheasants and ducks. Up to 4 adult fowl over 6 mos of age; lot with minimum area of 5,000 sf. One additional adult fowl permitted for each 2,000 sf additional lot area, up to maximum of 12 fowl. No roosters. Must be in conjunction with single-family residence and primarily for personal use.	Not required.	Fencing designed and constructed to confine all animals to owner's property. All structures that house fowl located at least 20 ft from all residences except owner's, 5 ft from any side or rear property line.	Not required. Complaint based.
Gresham	Enacted 02-04-10	Gresham Chicken Code (GRC Article 7.17)	3 or fewer adult hens on any one lot or parcel; must have a single family dwelling on same lot or parcel. No roosters. Only chickens greater than 4 mos old count toward the total of 3.	Required. Valid for 2 yrs. \$50.	Birds must be in enclosed coop or run at all times; in covered, enclosed coop 10 PM to 7 AM. Must be in rear yard of residence. Coop at least 25 ft from residences on a different lot or parcel, at least 10 ft from all property lines. Run at last 10 ft from all property lines.	Authorized. Complaint based.
Lake Oswego	In place since 1980s	Chapter 31 Animals and Fowl, Article 31.02, Lake Oswego City Code.	Defines "Animal" = "Any mammal, bird or reptile." and "Livestock" = "Bovine species, horses, mules, burrow, asses, sheep, goats, swine and domestic fowl." Unlimited number allowed as long as they do not become an annoyance, alarm or noise disturbance at any time of the day or night.	Not required.	Shelter must include a structure or other means of protection from the weather and injury. No other specifications.	Not required. Complaint based.
Oregon City	In place since 1990s	Title 8 – Health and Safety; Chapter 8.08 Nuisances, Oregon City Code of Ordinances	Unlimited number allowed as long as they do not become a nuisance and/or no complaints are received.	Not required.	Not required.	Not required. Complaint based.

Table 1: City Regulations for Keeping of Poultry in Residential Areas

City	Status of Regulation	Type of Regulation	Number Allowed	Permit	Enclosure	Inspection
Salem	Drafting Regulations in response to request by City Council. First presentation to City Council on 06-28-10. Goal = Regulation in place by end of 2010.	Chicken Rules (Ordinance), currently in rough draft form	Maximum 3 hens. No roosters. Applies to chickens only; no other fowl.	Required. Valid for 1 yr. \$50 + \$17.50 processing fee.	Hens must be contained in coop at all times and are not allowed to roam free. Coops located in side or rear yards of residential structures, at least 20 ft from any residential dwelling, min 3 ft from property lines. Maximum coop size = 120 sq ft. Electrical permit required if coop has power.	Coop inspection prior to licensing; Inspection Certificate required. Re-inspection on 3 rd yr of licensing.
Sherwood	In place since 1980s	Sherwood Municipal Code, Title 16 Zoning and Community Development Code, Division II Land Use and Development, Chapters 16.12 – 16.20 Residential Zones (VLDR, LDR, MDRL, MDRH, HDR)	Unspecified. "Raising of animals other than household pets" allowed as a Conditional Use in residential zones. Chickens are considered "other than household pets" by interpretation. Type III review before Hearings Officer is required for a Conditional Use.	Not required.	Not required.	Not required.
Tigard	Uncertain	Tigard Municipal Code, Title 18: Community Development Code, Chapter 18.510 Residential Zoning Districts; Also Tigard Municipal Code, Title 7: Public Peace, Safety and Morals, Chapter 7.40 Nuisances	Unspecified. "Poultry or livestock, other than normal household pets" are permitted as "Agriculture/Horticulture" use in some Residential zones (R-1, R-2, R-3.5, R-4.5, R-7) subject to provisions related to coop/run location (see "Enclosure"). Also limited by nuisance regulations, including noise.	Not required.	When an agricultural use is adjacent to a residential use, poultry or livestock may not be housed or provided use of a fenced run within 100 feet of any nearby residence except a dwelling on the same lot.	Not required.
Wilsonville	Current regulations in place since 1969. Drafting revisions, but had not been seen by Planning Commission as of 06-21-10. May be seen by Planning Commission within next few months.	Sherwood General Development Regulations, Chapter 4: Planning and Land Development, Section 4.162: General Regulations – Livestock and Farm Animals.	"Livestock and farm animals" permitted as accessory use to single-family and multiple family dwellings. Unspecified number of "poultry and fowl" allowed per Section 4.162 under current regulations. Draft revisions likely will limit to 3 chickens, no roosters; may have permit process for more than 3 chickens.	Not required under existing Section 4.162. Permit may be required for more than 3 chickens under revised regulations.	Under existing Section 4.162, pens may not be located closer than 100 ft from any residence other than that of the owner. Chickens and/or fowl must be properly caged or housed, proper sanitation must be maintained, food must be stored in metal or other rodent-proof receptacles. Revised regulations will reduce separation distance from 100 ft to 20 ft, with permit process required if a greater distance (+50 ft) is requested due to complaints.	Under existing Section 4.162, complaint-based public hearing process before Development Review Board. Conditions or restrictions may be imposed, including prohibition of raising livestock and farm animals on the subject site.

Chapter 13.05 Specified Animal Regulations

-Note

(New Chapter substituted by Ordinance No. 166281, effective Feb. 24, 1993.)

13.05.005 Definitions.

(Amended by Ordinance Nos. 172635 and 181539, effective February 15, 2008.) As used in this Chapter, unless the context requires otherwise:

A. "Director" means the Director of the Multnomah County Health Department Vector and Nuisance Control, or the director's designee.

B. "Keeper" means any person or legal entity who harbors, cares for, exercises control over or knowingly permits any animal to remain on premises occupied by that person for a period of time not less than 72 hours or someone who accepted the animal for purposes of safe keeping.

C. "Livestock" means animals including, but not limited to, fowl, horses, mules, burros, asses, cattle, sheep, goats, llamas, emu, ostriches, rabbits, swine, or other farm animals excluding dogs and cats.

D. "Person" means any natural person, association, partnership, firm, or corporation.

E. "A Secure Enclosure" shall be:

1. A fully fenced pen, kennel or structure that shall remain locked with a padlock or a combination lock. Such pen, kennel or structure must have secure sides, minimum of five feet high, and the director may require a secure top attached to the sides, and a secure bottom or floor attached to the sides of the structure or the sides must be embedded in the ground no less than one foot. The structure must be in compliance with the jurisdiction's building code.

2. A house or garage. Where a house or garage is used as a secure enclosure, the house or garage shall have latched doors kept in good repair to prevent the accidental escape of the specified animal. A house, garage, patio, porch, or any part of the house or condition of the structure is not a secure enclosure if the structure would allow the specified animal to exit the structure of its own volition; or

F. "Specified Animals" means bees or livestock.

G. "Specified Animal Facility" means a permitted site for the keeping of one or more specified animals, including but not limited to a stable, structure, or other form of enclosure.

H. "Stable" means any place used for housing one or more domesticated animals or livestock, whether such stable is vacant or in actual use.

I. "Sufficient liability insurance" means, at a minimum, insurance in a single incident amount of not less than \$50,000 for personal injury and property damages, covering all claims per occurrence, plus costs of defense.

13.05.010 Administration and Enforcement; Powers and Duties of Director.

A. It shall be the responsibility of the Director, and such other persons as the Director may designate, to enforce the provisions of this Chapter.

B. Persons designated by the Director to enforce this Chapter shall bear satisfactory identification reflecting the authority under which they act, which identification shall be shown to any person requesting it.

C. The Director may adopt procedures and forms necessary for administering and exercising the authority under this Chapter.

13.05.015 Permit Required for Specified Animal Facility.

(Amended by Ordinance Nos. 167649, 168900 and 181539, effective February 15, 2008.)

A. No person shall operate or maintain any specified animal facility unless a permit has first been obtained from the Director.

B. Applications for specified animal facility permits shall be made upon forms furnished by the Director, and shall be accompanied by payment of the required fee. Specified animal facility permits shall be valid from the date of issuance until such time as the Director determines by inspection that the facility is not being maintained in compliance with the issuance criteria. Applications for a specified animal facility permit shall be accompanied by adequate evidence, as determined by the Director, that the applicant has notified all of the property owners and residents within 150 feet of the property lines of the property on which the specified animal facility will be located.

C. The Director shall issue a specified animal facility permit to the applicant, only after the Director has reviewed a completed and signed application which grants the Director permission to enter and inspect the facility at any reasonable time, and assuring the Director that the issuance criteria have been met. If the Director has reasonable grounds to believe that an inspection is necessary, the Director shall inspect the facility in order to determine whether the issuance criteria have been met. The criteria for issuing a specified animal facility permit are as follows:

1. The facility is in good repair, capable of being maintained in a clean and in a sanitary condition, free of vermin, obnoxious smells and substances;
2. The facility will not create a nuisance or disturb neighboring residents due to noise, odor, damage or threats to public health;
3. The facility will reasonably prevent the specified animal from roaming at large. When necessary for the protection of the public health and safety, the Director may require the specified animal be kept or confined in a secure enclosure so that the animal will not constitute a danger to human life or property;
4. Adequate safeguards are made to prevent unauthorized access to the specified animal by general members of the public;
5. The health or well being of the animal will not be in any way endangered by the manner of keeping or confinement;
6. The facility will be adequately lighted and ventilated;
7. The facility is located on the applicant's property so as to be at least 15 feet from any building used or capable of being used for human habitation, not including the applicant's own dwelling. Facilities for keeping bees, such as beehives or apiaries, shall be at least 15 feet from any public walkway, street or road, or any public building, park or recreation area, or any residential dwelling. Any public walkway, street, or road or any public building, park or recreation area, or any residential dwelling, other than that occupied by the applicant, that is less than 150 feet from the applicant beehives or apiaries shall be protected by a six foot hedgerow, partition, fence or similar enclosure around the beehive or apiary, installed on the applicant's property.

8. If applicable, the structure must comply with the City's building code and must be consistent with the requirements of any applicable zoning code, condition of approval of a land use decision or other land use regulation; and

9. The applicant shall demonstrate, to the Director's satisfaction, sufficient ability to respond to any claims for damages for personal injury or property damage which may be caused by any specified animal kept at the facility.

a. The Director may require the applicant to provide proof of sufficient liability insurance to respond to damages for any personal or property damages caused by any specified animal kept at the facility. The insurance shall provide that the insurance shall not be canceled or materially altered so as to be out of compliance with the requirements of this Chapter without thirty (30) days written notice first being given to the Director. The applicant shall provide a certificate of insurance to the Director within ten (10) days of the issuance of the permit. The Director shall revoke the permit upon any failure to maintain sufficient liability insurance as required under this subsection.

D. Each specified animal facility permit issued by the Director shall be conditioned on the applicant maintaining the facility in compliance with each of the issuance criteria. If the Director determines by inspection that the specified animal facility is not being maintained in compliance with the issuance criteria, the specified animal facility permit shall no longer be valid and shall be revoked. Before operation of the facility resumes, submission of a new application for a specified animal facility permit accompanied by payment of the permit fees shall be required, and the facility shall not be allowed to operate until such time as the Director has inspected the facility and determined that all issuance criteria have been met. The Director may impose other conditions on the permit, including but not limited to, a bond or security deposit necessary to protect the public health or safety.

E. A person keeping a total of three or fewer chickens, ducks, doves, pigeons, pygmy goats or rabbits shall not be required to obtain a specified animal facility permit. If the Director determines that the keeper is allowing such animals to roam at large, or is not keeping such animals in a clean and sanitary condition, free of vermin, obnoxious smells and substances, then the person shall be required to apply for a facility permit to keep such animals at the site.

F. These provisions for specified animal control are intended to provide city-wide regulations for keeping specified animals within the City. However, due to the variety of animals covered by these regulations and the circumstances under which they may be kept, these regulations should be applied with flexibility. Variances provide flexibility for unusual situations, while maintaining control of specified animals in an urban setting. The Director should grant variances if the proposal meets the intended purpose of the regulation, while not complying with the strict literal requirements.

1. Applicants for a specified animal permit may request a variance from the requirements

set forth in Section 13.05.015 C. In determining whether to grant a variance request, the Director shall consider the following criteria:

- a. Impacts resulting from the proposed variance will be mitigated as much as possible;
 - b. If more than one variance is proposed, the cumulative impact would still be consistent with the overall purpose of the regulations; and,
 - c. If in a residential area, the proposed variance will not significantly detract from the public health or safety in the area.
2. The Director may impose conditions on any variance, as may be appropriate to protect the public health or safety or the health or safety of the animals.
- a. The Director may, at any time, revoke any variance, or amend the conditions thereof, as may be appropriate to protect the public health or safety or the health or safety of the animals.
 - b. Failure to comply with the conditions of any variance issued under Section 13.05.015 F is a violation of this Chapter.

13.05.020 Permit Fees.

(Amended by Ordinance Nos. 168900 and 181539, effective February 15, 2008.)

- A. The application for a specified animal facility permit shall be accompanied by a nonrefundable fee.
- B. The Director may establish application fees at amounts reasonably calculated to cover the costs of administration and enforcement of the specified animal facility program. Before such fees may become effective, the Director shall submit the fee schedule to the Portland City Council for review and approval by ordinance.

13.05.025 Unsanitary Facilities and revocation of permit.

- A. All specified animal facilities shall be open at all times for inspection by the Director. If an inspection reveals that any provision in this Chapter is violated, the Director shall give written notice to

the keeper or other responsible person, specifying the violation and requiring that the violation be corrected within 48 hours. If the violation is not corrected within the period specified, the Director may revoke the specified animal facility permit.

B. The Director may revoke any specified animal facility permit upon determining that the facility no longer meets the conditions required for the issuance of a permit or that the permit was issued upon fraudulent or untrue representations or that the person holding the permit has violated any of the provisions of this Chapter.

13.05.030 Seamless Banded Pigeon Permits.

Any keeper of pigeons generally known as "seamless" banded pigeons, recognized by the National Association of Pigeon Fanciers, such as flying tippers, tumblers, homing pigeons or rollers, may, after obtaining the signed consent of two-thirds of the total number of property owners and occupants residing within property 200 feet from the property lines of the property where such pigeons are kept, obtain from the Director a permit to release such pigeons for exercise or performance at stated times or intervals. The Director may impose such other conditions on the permit as are necessary to maintain the public safety and health.

13.05.035 Livestock within Fifty Feet of Residence.

It is unlawful to picket any livestock, or allow any livestock to roam, so that it may approach within 50 feet of any building used as a residence, or any commercial building in which foodstuff is prepared, kept or sold.

13.05.040 Diseased Animals to be Confined.

A. It is unlawful for any specified animal keeper who has reason to believe that the animal is infected with mange, eczema or other disease contagious to animals, or who has been notified as provided in Subsection C hereof, not to confine such animal until the animal is examined and declared free of disease by a licensed veterinarian or by the Director.

B. It is unlawful for any specified animal keeper who has reason to believe that the animal is infected with ringworm, hepatitis, rabies or other disease contagious to humans, or who has been notified as provided in Subsection C hereof, not to confine such animal until the animal is examined and declared free of disease by a licensed veterinarian or by the Director.

C. If the Director finds, after investigation, that there is a preponderance of evidence indicating that any specified animal is infected with a contagious disease, the Director shall issue written notice to the keeper of such animal, requiring the keeper to confine such animal until it is examined and declared free of disease by a licensed veterinarian or the Director.

D. The Director may initiate an investigation under Subsection C hereof upon receipt of a signed statement by any person indicating that a certain animal is infected with a contagious disease.

13.05.045 Civil Penalties and Additional Restrictions.

(Amended by Ordinance No. 181539, effective February 15, 2008.) All enforcement of this Chapter by the Director shall follow the procedures set forth in Multnomah County Code Chapters 15.225 - 15.236

13.05.050 Appeals.

(Repealed by Ordinance No. 181539, effective February 15, 2008.)

Residential Urban Chicken Keeping: An Examination of 25 Cities



Missoula Residents with their backyard chickens.

Source: <http://www.missoula.com/news/node/226>

KT LaBadie

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Abstract

City councils across the United States and Canada are increasingly being faced with the task of deciding whether or not to allow chicken keeping in residential backyards. In many cases this issue has two opposing sides: those citizens who want to keep chickens for egg production and those citizens who are concerned about the effects of chickens on their communities. This paper provides an analysis of pro-chicken ordinances from 25 cities in an effort to define the components of a just and well functioning chicken ordinance. Of the 25 ordinances, no two were identical but a variety of common regulatory themes were found across cities. Based on these findings, some considerations are suggested when forming an urban chicken keeping ordinance.

Introduction

*"I can't say that I would have envisioned chickens as an issue, but I've heard from a lot of people about them, and it seems like it's something maybe we ought to pay a little attention to."*¹

- Stacy Rye, Missoula City Councilwoman

It's happening right now in cities across the United States and Canada. Community members are organizing themselves into groups and approaching their city councils about an important urban planning issue: chicken keeping in the city.

This question of whether or not cities should allow backyard chicken keeping has increased substantially over the past 5 years as citizens become more interested in participating in their own food production. The issue has appeared recently before city councils in Missoula², Halifax³, and Madison⁴, and a case is currently pending in Ann Arbor, Michigan⁵. In many cases this interest in backyard chicken keeping has been met with much opposition and city councils often do not know how to begin approaching the issue.

The recent increase in urban backyard chicken keeping has come about for three main reasons. First, the local food movement itself has become very popular which has sparked a new interest for many in backyard food production. Since chickens are one of the smaller protein producers, they fit well into a backyard food production model. Second, rising energy and transportation costs have caused concern over increases in food costs, and backyard eggs offer a cheaper solution as they do not have to travel far to reach the plate. Lastly, many citizens are becoming increasingly concerned about food safety, and with meat recalls and other animal industry issues in the news, backyard chickens offer many a safer solution. For these reasons, backyard chickens have become

¹ Moore, Michael. Urban Chickens Scratching up a Controversy in Missoula. . Available online at <http://www.missoula.com/news/node/226>

² Medley, Ann and Jonathan Stumph. Video: Missoula Squabbles Over Urban Chickens. Available online at http://www.newwest.net/city/article/missoulas_urban_chicken_squabble/C8/L8/

³ CBC News. Halifax to Study Chickens in Cities. Available online at <http://www.cbc.ca/consumer/story/2008/02/12/chicken-report.html>

⁴ Harrison-Noonan, Dennis. Urban chicken keeper, Madison, Wisconsin. Interviewed on April 8, 2008.

⁵ Kunselman, Steve. City Councilor (ward 3) Ann Arbor, Michigan. Interviewed on April 29, 2008.

increasingly popular, but not everyone likes the idea of chickens living in their neighborhood.

There are generally two sides to the chicken keeping issue: those who are for allowing *Gallus domesticus* in residential backyards, and those who are opposed. There are a variety of reasons why people want to keep chickens, ranging from having a safe source of protein to gaining a closer relationship to the food they consume. Those who are opposed to backyard chickens however, often express concerns about noise, smells, diseases, or the potential for chickens running loose. There is also debate between the two sides as to the appropriateness of chickens in a city environment and if chickens qualify as pets or livestock.

Chicken keeping in urban environments is nothing new, but it is now something that needs to be planned for in all major cities and small towns across the United States. As the interest in the local food movement continues to increase, and as citizens become more interested in growing their own food, municipalities will eventually be faced with the issue of regulating backyard chicken keeping within their city limits. Planning for chickens can either be pro-active on the part of the city council and planning staff, or reactionary as citizens will eventually bring the issue to city hall. Municipalities often do not know how to approach the chicken keeping issue, and this paper serves to provide some insight through an analysis of urban chicken ordinances from across the United States.

Research Methods

The main goal of this paper was to analyze how residential backyard chicken keeping is regulated through the examination of chicken ordinances from a variety of cities. To achieve this, data was gathered through the examination of residential chicken ordinances, as well as through a variety of interviews, newspaper articles, video footage, and other resources.

Residential chicken ordinances from over 30 cities were gathered, however only 25 of the cities allowed the keeping of chickens, so only those were used in the analysis (see

Appendix A). The ordinances were sourced from city web sites, online web ordinance databases, and other online sources (see Appendix B). In a few instances calls were made to city planning departments to verify language in the ordinances.

Interviews were conducted with the following city officials, urban chicken keepers, and urban food/gardening community organizations:

- Steve Kunselman, City Councilor (ward 3) Ann Arbor, Michigan. He proposed pro-chicken ordinances for Ann Arbor, which are being voted on in May of 2008.
- Thomas Kriese: An urban chicken keeper in Redwood, CA and writer about urban chickens at <http://myurbanchickens.blogspot.com/>
- Dennis Harrison-Noonan, urban chicken keeper, Madison, Wisconsin. He was involved in the adoption of pro-chicken ordinances for Madison.
- Debra Lippoldt, Executive Director of Growing Gardens, Portland, OR

These interviews served to provide personal insights into urban chicken keeping, stakeholder positions, and the urban chicken movement. The interviews were also crucial in receiving feedback about chicken ordinances and the process involved in legalizing chicken keeping.

Analysis

Of the 25 cities evaluated, no two were identical in their restrictions and allowances (see chart of detailed findings in Appendix A). There were, however, common regulatory themes that emerged from the set evaluated. These common themes are as follows:

- The number of birds permitted per household
- The regulation of roosters
- Permits and fees required for keeping chickens
- Chicken enclosure/containment restrictions
- Nuisance clauses related to chickens
- Slaughtering restrictions
- Coop distance restrictions in relation to homes or property lines

The findings of the above commonalities, as well as unique regulations that emerged, are discussed in detail below. The ease and accessibility of finding the ordinances is also discussed.

Number of Birds Permitted

Of the 25 cities evaluated, only 6 had unclear (or not specifically stated) regulations on the numbers of birds permitted, while 13 stated a specific number of birds. Of the remaining, 3 cities used lot size to determine the number of chickens permitted, 2 cities used distance from property lines as a determining factor, and 1 city placed no limit on the number of chickens allowed. Over half of the cities evaluated stated a specific number of allowable chickens, which ranged from 2 to 25 birds. The most common number of birds permitted was either 3 or 4 birds, which occurred in 8 cities.

The most common number of birds permitted was 3 or 4, which will supply on average between 1 and 2 dozen eggs per week. Depending on the size of the family in the household, this may be sufficient. In some cases however, 3 to 4 birds may not be enough for larger family sizes or allow for giving away eggs to neighbors. In cities where it is legal to sell your eggs at farmers markets, 3 or 4 birds would not be sufficient. So what is a good number of chickens to allow in residential backyards for home consumption? Thomas Kriese, an urban chicken keeper who writes online about chicken keeping and ordinances, feels that no more than 6 birds should be permitted. "That's approximately 3 dozen eggs a week which is a LOT of eggs to consume, plus that's a lot of food to go through, and excrement to clean up," he stated in a personal correspondence.⁶

The answer of how many birds to allow is not an easy one, as other factors such as average property sizes and controlling for nuisances should be considered. A good example of how to address the issue surrounding the number of birds is Portland, Oregon's chicken ordinance. Portland allows the keeping of 3 birds per household; however you are allowed to apply for a permit to keep more (See Appendix A). In this case the ordinance is flexible, as a sufficient number of birds are permitted outright, and those wishing to keep more can apply to do so.

⁶ Kriese, Thomans. Urban chicken keeper, Redwood City, CA. Personal correspondence on April 28, 2008. His coverage of urban chicken ordinances is available online at <http://myurbanchickens.blogspot.com/>

Regulation of Roosters

The regulations regarding roosters were unclear in 14 cities and in 7 cities the keeping of roosters was not permitted. Of the remaining 4 in which the keeping of roosters was permitted, 1 city allowed roosters if kept a certain distance from neighbors residences, 1 allowed roosters only under 4 months of age, 1 allowed a single rooster per household, and 1 placed no restrictions.

Many cities choose to not allow the keeping of roosters, as neighbors often complain about the crowing which can occur at any hour of the day. Since one of the main reasons people choose to keep chickens is for the eggs, which roosters do not provide, it is generally accepted to only allow hens. In the case of Albuquerque, New Mexico, 1 rooster is allowed per household but it is still subject to noise ordinances (see Appendix A). So in this case, you can keep your rooster if your neighbors do not mind the crowing. This does allow people to have more choice, however it can also increase the costs associated with enforcing noise complaints.

Permits and Fees

The regulation of chickens through city permits and fees was unclear in 11 of the cities evaluated, while 4 required no permits or associated fees, and 10 required permits, fees, or both. The fees ranged from \$5.00 to \$40.00, and were either 1 time fees or annual fees. Of the 10 that required permits/fees, 3 required permits *only if* the number of birds exceeded a set amount which ranged from 3 to 6 birds. In two instances, it is also required that the birds be registered with the state department of agriculture.

Requiring a permit for chickens is no different than requiring one for dogs and cats, which is the case in most cities. From the perspective of affordable egg production however, attaching a large fee to the permit undermines that purpose. If a fee is too steep in price, it can exclude lower income populations from keeping chickens by increasing the costs of egg production. Fees may be necessary however to cover the associated costs for the municipality to regulate chickens. Another option, which was the approach of 3 cities, was to allow a certain number of birds with no permit/fee required, and anything

above that required a permit/fee. This allows equal participation and lowered costs, while still providing revenue for the regulation of larger bird populations.

Enclosure Requirements

In 9 cities the ordinances were unclear in regards to enclosure requirements or the allowance of free roaming chickens. Of the remaining, 2 had no restrictions and 14 required that chickens be enclosed and were not permitted to “run at large”. In one case, the approval of a coop building plan and use of certain materials was required.

Over half of the cities evaluated required that chickens be enclosed, and this regulation can help to alleviate the concerns of neighbors. Many chicken keepers want to keep their chickens confined in a coop and outdoor run, as this helps to protect them from predators. However, it is very restrictive to require confinement of chickens at all times, as many keepers enjoy watching their chickens free range about the yard. Just as there are regulations for leashing your dog, so too could there be regulation for only allowing chickens to roam in their own yard.

Requiring a building permit with specific material requirements, is also restrictive to lower income populations, and takes away from the sustainability of keeping chickens for eggs. In many cases, chicken coops are built with scrap materials and suit the design needs of the owner. Requiring a specific design or materials takes those choices away from the chicken keeper. Coops should be treated similar to dog houses, which are generally not subject to this type of regulation.

Nuisance Clauses

There were a variety of nuisance regulations stated in 17 of the cities evaluated, while the remaining 8 cities had unclear nuisance regulations. The nuisances that were stated in the 17 ordinances included one or more of the following: noise, smells, public health concerns, attracting flies and rodents, and cleanliness of coops/disposal of manure. Chicken keeping alone does not cause the nuisances listed above, but rather they result from improper care and maintenance which can sometimes occur.

A properly shaped ordinance can prevent potential nuisances by establishing clear guidelines for chicken care and maintenance, such as only allowing smaller sized flocks and not permitting roosters. An active community led education campaign, such as chicken keeping classes and coop tours, is another way in which to educate the public to ensure proper care and reduce the potential for nuisances. In many cities, chicken keeping community organizations have helped to educate the public on how to properly keep chickens within the limits of the law, thereby reducing nuisances and complaints.

Slaughtering Restrictions

Regulations regarding the slaughtering of chickens in residential areas were unclear in 19 of the cities evaluated. Of the remaining, 4 allowed slaughtering of chickens while 2 stated it was illegal to do so. This regulatory theme had the highest level of unknowns, most likely due to the issue not being included in the ordinance, or it being stated in another section of the general animal ordinances, and not referring specifically to chickens.

Although slaughtering chickens within city limits seems gruesome to some, others may wish to slaughter their birds for meat. Rogers, Arkansas for example, only allows the slaughtering to take place inside (Appendix C), which could help prevent neighbor complaints about the process. Allowing for slaughtering however, may also have its benefits, such as being a solution to aging urban chickens that no longer produce eggs.

Distance Restrictions

Distance restrictions between the location of the chicken coop and property lines, or coop and nearby residences, were stated in 16 of the ordinances evaluated. There were no restrictions in 3 of the ordinances and 5 were unclear. Of the 16 with distance restrictions, 12 were distances required from residences, while 3 were distances required from property lines. The distance required from property lines ranged from 10 to 90 feet, while the distances from residences ranged from 20 to 50 feet.

If a city chooses to have distance restrictions, the average lot sizes need to be taken into consideration. For example, Spokane, WA has a property line distance restriction of 90

feet (see Appendix A), which may be impossible to achieve in many residential yards. This large of a requirement would prevent many people from keeping chickens. The lower distance requirements, such as 10 or 20 feet are more feasible to achieve for those with smaller lot sizes. Distance requirements to neighboring homes (vs. property lines) are also easier to achieve as the distance considers part of the neighbors property in addition to the chicken keepers property.

Unique Regulations

All 25 ordinances evaluated had some combination of the above common themes, but there were also some unique regulations that one (or a few) cities had related to residential chicken keeping. These unique regulations are as follows:

- Chicken feed must be stored in rat proof containers
- Pro-chicken regulations are on a 1-year trial basis with only a set number of permits issued until the yearly re-evaluation.
- For every additional 1,000 sq. feet of property above a set minimum, 1 additional chicken may be added to the property.
- The allowance of chickens in multi-family zoned areas (allowance in single family zoning is most common)
- Coops must be mobile to protect turf and prevent the build up of pathogens and waste.
- Chickens must be provided with veterinary care if ill or injured
- Minimum square footage requirements per bird for coop/enclosure

The unique regulations listed offer some innovative solutions to possible issues such as pests and waste, as well as defining minimum space and health care standards for chickens. Some of these regulations also allow for more flexibility, such as extending the right to keep chickens to those living in multi-family dwelling units or allowing more birds on larger property sizes. In the case of Portland, ME, the permitting of chickens is on a trial basis, which may be a good option if a city wants to reevaluate residential chicken keeping after a certain time frame.

Locating and Understanding the Ordinances

Of the 25 pro-chicken ordinances, very few were actually easy to locate. In most cases, pages of code had to be searched in order to find the regulation and even then the chicken ordinances were often vague, incomplete, or regulations were spread throughout multiple sections of the code. This is an issue that should be considered, as unclear or hard to find ordinances can only lead to increased non-compliance.

The most easily accessible chicken ordinances were those specifically stated on city web pages, and those found through websites and literature from urban gardening organizations or community groups. One example of easily accessible ordinances is that of Rogers, Arkansas (Appendix C). Their chicken ordinance is not only easily accessible directly from the city website, but it is also clear and comprehensive. A clearly stated and easily accessible ordinance allows resident to know how they can keep chickens within the limits of the law, which can reduce complaints and other issues related to non-compliance.

Findings and Recommendations

“Issues such as rodent control are a real concern and the ordinance can have a positive influence on keeping an already urban issue from being exacerbated any more than it already is”.

- Debra Lippoldt, Executive Director of Growing Gardens, Portland, OR⁷

The original question for this paper was “What is a good urban chicken ordinance?” This was based on the idea of examining a variety of ordinances and then singling out those that were better than most and could serve as an example. After having conducted the analysis however, the question was changed to “What are the good components and considerations that make up a just and functional urban chicken ordinance?” There is no superior “one size fits all” ordinance to regulate urban chickens, as each city has different physical, environmental, social, and political needs.

Although each ordinance will be different from one city to the next, a pro-chicken ordinance should be built upon the following considerations:

⁷ Lippoldt, Debra. Executive Director of Growing Gardens, Portland, OR. Personal Correspondence on April 8, 2008.

- It satisfies the needs of most stakeholder groups and acknowledges that some stakeholders on both sides of the issue will be unwilling to compromise
- It does not discriminate against certain populations, such as those of lower incomes who can not afford high permitting fees, or those with smaller property sizes
- It allows for flexibility and provides choice, such as giving chicken keepers the right to choose their own coop design and building materials
- It allows for citizen input and participation in the ordinance forming process to assure that the ordinance fits the needs of , and is supported by the community
- It recognizes the role chickens can play in developing a more sustainable urban environment
- It recognizes the importance of the ordinance being clearly stated and easily accessible to the public, which will help ensure compliance and reduce violations.

The general considerations above are a good compliment to the specific allowances that each municipality chooses to fit its needs and that of its citizens. These specifics however can be more difficult to choose and looking to other cities as examples can provide insight into the best possible choices.

The evaluation of 25 different chicken ordinances showed a wide spectrum of choices that municipalities have made in the regulating of chickens. Looking at the number of chickens permitted, for example, cities ranged anywhere from 2 chickens to unlimited chickens. Only allowing for 2 chickens may not be an ideal choice, as they are social creatures and if one were to become ill an die, only one chicken would be left. Two chickens also do not produce enough eggs for a larger sized family. On the other hand, allowing for unlimited chickens may mean increased nuisance enforcement, or allowing for that many chickens may be met with increased public opposition. Often the average allowances found (not the most extremes) are the best choices of an example regulation for other cities to look to when considering the formation of their own chicken ordinance. In the case of the cities evaluated, the most common allowance was 4 to 6 birds, which can provide enough eggs for a family and does not highly increase the potential for nuisances. It also allows for a more sustained population if a bird becomes ill and dies.

Another example of the middle ground being a good option would be permitting and fees for keeping chickens. In some cities there were high fees for permitting, while in others no fee or permit was required. A few cities, which only required permits and fees if you have over a certain number of birds, show a good middle ground for how to permit chickens. That model allows for citizens to keep a certain number of chickens without added costs, while also creating revenue for enforcement and regulation when people choose to exceed that amount. Many cities are concerned over increased costs if chicken keeping is legalized, and this is one way to alleviate those concerns while still allowing citizens to keep chickens.

In some of the regulatory themes, such as in the examples above, the middle ground does provide a choice which can alleviate concerns while still allowing for the keeping of chickens. Other regulatory themes, such as the slaughtering of chickens, may come down to more of a yes or no answer, as was seen in many of the cities. In either case, if a city is going to adopt a pro-chicken ordinance, the most important part is to first allow for the keeping of chickens, with the understanding that the ordinance can be revisited and changed at a future time. Allowing for the keeping of chickens is the best way to see if the concerns surrounding chicken keeping ever come to fruition, and the ordinance can then be adjusted accordingly. In many cases, cities adopt a more restrictive ordinance as that is what will pass public approval and city council. Then as time passes with few complaints or nuisances, those regulations become more relaxed and tailored specifically to the needs of the city and its residents.

Conclusions

"It seems that if we want to be a town that does its part for sustainability, this is something we ought to consider. I think we want to allow folks to use their good judgment and move toward more sustainable food practices."
- Mayor John Engen, Missoula, MT⁸

Many cities and towns are now looking at how they can be more sustainable, and allowing urban chickens is one step towards that goal of increased sustainability. Not

⁸ Moore, Michael. Urban Chickens Scratching up a Controversy in Missoula. Available online at <http://www.missoula.com/news/node/226>

only can backyard chickens provide residents with a fresh and important food source, but they also bring about an increased awareness of our relationship to the food cycle. By forming a just and well thought out pro-chicken ordinance, cities can allow citizens the right to keep chickens while also addressing the concerns of other stakeholder groups. With that said, city councils should approach the issue of urban chicken keeping with a “how” rather than a “yes” or “no”, as a growing list of pro-chicken cities across the nation shows that it can be done successfully.

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(References for 25 City Ordinances: See Appendix B)

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Appendix A
25 Ordinances Analyzed

City/State	# of birds permitted	Roosters allowed	Permit/ permit cost	Enclosure required	Nuisance clause	Slaughter permitted	Property line restrictions	Details or unique regulations
Los Angeles, CA	unclear	only if 100 ft from neighbors	unclear	unclear	Yes	unclear	20 ft from owners home, 35 ft from neighbors	
Rogers, AK	4	No	\$5/yr	Yes	Yes	inside only	25 ft from neighbors house	
Keywest, FL	unclear	Yes	None	Yes	Yes	No	No	Can't use droppings as fertilizer, feed must be stored in rat proof containers
Topeka, KS	unclear	unclear	unclear	Yes	Yes	unclear	50 ft from neighbors house	
South Portland, ME	6	No	\$25/yr	Yes, building permit required	Yes	unclear	Yes	On trial basis till November 2008, only 20 permits issued till yearly evaluation
Madison, WI	4	No	\$6/yr	Yes	Yes	No	25 ft from neighbors house	
New York, NY	No limit	No	Yes	No	Yes	unclear	No	
Albuquerque, NM	15	1 per household	None	No	Yes	Yes	No	
Portland, OR	3 without permit	unclear	\$31 one time fee for 4 +	Yes	Yes	unclear	unclear	
Seattle, WA	3	unclear	unclear	unclear	Yes	unclear	10 ft from property line	1 additional chicken per 1,000 sq ft of property above minimum
Spokane, WA	1 per 2,000 sq ft of land	unclear	unclear	unclear	unclear	unclear	90 ft from property line	Chickens allowed in multi-family zoned areas
San Antonio, TX	property line dependent	unclear	unclear	unclear	unclear	unclear	20 ft minimum from another dwelling	5 birds allowed 20 ft from home, 12 birds at 50 ft, 50 birds at 150 ft
Honolulu, HI	2	unclear	unclear	unclear	unclear	unclear	unclear	
Oakland, CA	unclear	No	unclear	unclear	unclear	unclear	20 ft minimum from another dwelling	
St. Louis, MO	4 max. without permit	unclear	\$40 permit for more than 4 birds	unclear	unclear	unclear	unclear	
San Diego, CA	25	unclear	unclear	unclear	Yes	unclear	50 ft from neighbors house	Feed must be stored in rat proof container
San Jose, CA	dependent on coop to property line	only roosters < 4 months old	permit needed for 6 or more birds	Yes	unclear	unclear	Ranges from 0 to 50 ft, determines # of birds	<15 ft = 0 birds allowed, 15 to 20 ft = 4 birds, etc, up to 50 ft = 25 birds
Austin, TX	unclear	unclear	unclear	unclear	unclear	Yes	50 ft from neighbors house	
Memphis, TN	unclear	unclear	unclear	Yes	Yes	Yes	unclear	Feed must be stored in rat proof container
Ft. Worth, TX	based on lot size	unclear	No	Yes	Yes	unclear	50 ft from neighbors house	<1/2 acre = 12 birds, >1/2 acre = 25 birds
Baltimore, MD	4	unclear	Must register with animal control and Dept of Ag.	Yes	Yes	unclear	25 ft from neighbors house	Coops must be mobile to prevent waste build up, minimum 2 sq ft/bird,
Charlotte, NC	based on lot size	unclear	\$40/yr	Yes	Yes	unclear	25 ft from property line	minimum 4 sq. ft/bird, no more than 20/acre
Missoula, MT	6	No	\$15 permit	Yes	Yes	unclear	20 ft from neighbors house	Feed must be stored in rat proof container
Boise, ID	3	No	unclear	Yes	unclear	unclear	unclear	
San Francisco, CA	4	Unclear	No	Yes	Yes	unclear	20 feet from door or window of residence	

Appendix B
Sources for 25 Ordinances

City/State	Source for Ordinance
Los Angeles, CA	Los Angeles Animal Services. http://www.laanimalservices.org/permitbook.pdf
Rogers, AK	Ordinance No. 06-100 http://www.rogersarkansas.com/clerk/chkordinance.asp
Keywest, FL	Part 2, Title 5 Section 62 www.keywestchickens.com/city
Topeka, KS	Section 18-291 www.municode.com
South Portland, ME	Chapter 3 Article 2 Section 3 http://www.southportland.org/index.asp?Type=B_LIST&SEC={93286E1E-9FF8-40D2-AC30-8840DEB23A29}
Madison, WI	http://www.madcitychickens.com/ and www.municode.com
New York, NY	Just Food's City Chicken Project. City Chicken Guide. Information available online at http://www.justfood.org/cityfarms/chickens/
Albuquerque, NM	City ordinance chapter 9, article 2, part 4, § 9-2-4-3, c-3 http://www.amlegal.com/albuquerque_nm/
Portland, OR	Ordinance 13.05.015 http://www.portlandonline.com/Auditor/index.cfm?c=28228#cid_13497
Seattle, WA	Ordinance 122311 section 23 www.seattleurbanfarmco.com/chickens
Spokane, WA	Title 17 Chapter 17C.310 Section 17C.310.100 http://www.spokanecity.org/services/documents/smc/?Section=17C.310.100
San Antonio, TX	Municipal code 10-112, Keeping of farm animals www.sanantonio.gov/animalcare/healthcode.asp
Honolulu, HI	Chapter 7 Section 7-2.5 www.honolulu.gov/refs/roh
Oakland, CA	Ordinance 6.04.320 www.oaklandanimalservices.org
St. Louis, MO	Ordinance 62853-7 www.slpl.lib.mo.us/cc/code/data/t102001.htm
San Diego, CA	Ordinance 42.0709 http://docs.sandiego.gov/municode/municodechapter04/ch04art02division07.pdf
San Jose, CA	Ordinance 7.04.030, 140, & 150 www.sanjoseanimals.com/ordinances/sjmc7.04.htm
Austin, TX	Title 3 Chapter 3-2 www.amlegal.com/Austin-nxt/gateway.dll/Texas/austin
Memphis, TN	Title 9 Chapter 9-80-2, 9-68-7 http://municipalcodes.lexisnexis.com
Ft. Worth, TX	Section 11A-22a www.municode.com
Baltimore, MD	Baltimore City Health Code Title 2-106; Title 10, Subtitles 1 and 3 www.baltimorehealth.org/press/2007_02_02_AnimalRegs.pdf
Charlotte, NC	Section 3-102 http://www.charmeck.org/departments/animal+control/local+ordinances/permits/html and municode.com
Missoula, MT	Ordinance Chapter 6 Section 6-12 ftp://www.ci.missoula.mt.us/Packets/Council/2007/2007-12-17/Chicken_Ordinance.pdf
Boise, ID	Chapter 6 Section 14 http://www.cityofboise.org/city_clerk/citycode/0614.pdf and http://home.centurytel.net/thecitychicken/chickenlaws.html
San Francisco, CA	San Francisco Municipal Health Code Section 37 http://sfgov.org/site/acc_page.asp?id=5476

Appendix C
Example ordinance
Rogers, AK

ORDINANCE NO. 06- 100

AN ORDINANCE REGULATING THE CONTAINMENT OF FOWL AND OTHER ANIMALS WITHIN THE CORPORATE LIMITS OF THE CITY OF ROGERS; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:

Section 1: It shall be unlawful for any person to permit or allow any domesticated fowl to run at large within the corporate limits of the city. It shall be lawful to keep poultry flocks of any size in A-I zones of the city, so long as they are confined.

Section 2: It shall be lawful for any person to keep, permit or allow any fowl within the corporate limits of the city in all other zones, except A-I, under the following terms and conditions:

- a. No more than four (4) hens shall be allowed for each single-family dwelling. No birds shall be allowed in multi-family complexes, including duplexes.
- b. No roosters shall be allowed.
- c. There shall be no outside slaughtering of birds.
- d. All fowl must be kept at all times in a secure enclosure constructed at least two feet above the surface of the ground.
- e. Enclosures must be situated at least 25 feet from the nearest neighbor's residence.
- f. Enclosures must be kept in a neat and sanitary condition at all times, and must be cleaned on a regular basis so as to prevent offensive odors.
- g. Persons wishing to keep fowl within the city must obtain a permit from the Office of the City Clerk, after an inspection and approval by the Office of Animal Control, and must pay a \$5.00 annual fee.

Section 3: The above Section 2 is not intended to apply to the 'ducks and geese in Lake Atalanta Park, nor to indoor birds kept as pets, such as, but not limited to, parrots or parakeets, nor to the lawful transportation of fowl through the corporate limits of the city. Neither shall it apply to poultry kept in areas of the City which are zoned A-I.

Section 4: Fowl currently existing in the city shall not be "grandfathered" or permitted to remain after the effective date of this Ordinance; however, owners of the poultry will have 90 days from the effective date to come into compliance with this ordinance.

Source: <http://www.rogersarkansas.com/clerk/chkordinance.asp>

Article 7.17

KEEPING OF CHICKENS

Sections:

- 7.17.010 Short Title.
- 7.17.020 Definitions.
- 7.17.030 Keeping of Chickens.
- 7.17.040 Enclosures.
- 7.17.050 Inspection.
- 7.17.060 Permit Requirements.
- 7.17.070 Violation.

7.17.010 Short Title.

GRC Article 7.17 may be cited as the Gresham Chicken Code.
(Ord. No. 1683, Enacted, 02/04/2010)

7.17.020 Definitions.

For purposes of the Gresham Chicken Code, the following definitions apply:

Chicken: The common domestic fowl (Species: *gallus gallus*).

Coop: A small enclosure for housing chickens.

Dwelling: One or more rooms designed for residential occupancy by one family and having only one cooking facility.

Family: An individual, or two or more persons living together in a dwelling.

Rear Yard. A space extending the full width of the lot or parcel between the primary residence building and the rear lot or parcel line.

Run: An enclosed area where chickens may feed or exercise.

Single Family Dwelling: A detached building on a single lot or parcel designed for occupancy by one family.
(Ord. No. 1683, Enacted, 02/04/2010)

7.17.030 Keeping of Chickens.

(1) A person may keep three or fewer chickens with a permit on any one lot or parcel. On the lot or parcel where the three or fewer chickens are kept the person must have a single family dwelling in which the person resides.

(2) Only chickens greater than four months old count towards the total of three.

(3) No person may keep roosters.
(Ord. No. 1683, Enacted, 02/04/2010)

7.17.040 Enclosures.

(1) Chickens must be kept in an enclosed coop or run at all times. The coop and run shall be located in the rear yard of the lot or parcel.

(2) The coop and run must be kept in good repair, capable of being maintained in a clean and sanitary condition, free of vermin, and obnoxious smells and substances.

(3) Chickens must be kept in a covered, enclosed coop between 10 PM and 7 AM.

(4) The coop shall have at least two (2) square feet of floor space per grown chicken.

(5) The coop and run and chickens therein shall not violate the nuisance code or disturb neighboring residents due to noise, odor, damage, or threats to public health.

(6) The coop shall be located at least 25 feet from residences on a different lot or parcel and at least 10 feet from all property lines.

(7) The run shall be located at least 10 feet from all property lines.
(Ord. No. 1683, Enacted, 02/04/2010)

7.17.050 Inspection.

The manager is authorized to make inspection of property to effectuate the purposes and public benefits of the Gresham Revised Code and enforce GRC Article 7.17. Authorization to

inspect shall be pursuant to GRC 7.50.510 and GRC 7.50.520, irrespective of whether a permit has been granted.

(Ord. No. 1683, Enacted, 02/04/2010)

7.17.060 Permit Requirements.

(1) No person may keep chickens under the provisions of this Article without first obtaining a permit to keep chickens on their lot or parcel, and paying the permit fee prescribed.

(2) The permit shall be valid for a two-year period with the permit period commencing on the first day of the month a permit is issued and ends on the first day of the same month two years later.

(3) The permit may be revoked by the Manager for any violation of the provisions of this Article.

(4) The permit fee shall be established by Council resolution.

(5) The permit fee may be changed at any time by the City, and all permit fees required shall be payable in advance at the time of application or renewal.

(6) The permit fee is not refundable under any circumstance.

(7) Applications for a permit shall be made to the city on forms prescribed by the Manager. The application shall include a signed statement that the applicant will comply with the provisions of this article. The manager shall issue a permit when application has been approved and payment of the required fee has been received. The permit shall be exhibited to a police or other officer of the City upon demand.

(Ord. No. 1683, Enacted, 02/04/2010)

7.17.070 Violation.

(1) Violation of any section of this Article is a Class B violation. Each day a violation continues to exist shall constitute a separate

violation for which a separate fine or penalty may be assessed.

(2) In the event of a violation of this Article, the manager may initiate enforcement action pursuant to GRC Article 7.50.

(3) In addition to subsections (1) and (2) of this section, violation of any section of this Article shall also constitute a nuisance under GRC Article 7.15 and may be enforced as provided in GRC Article 7.50.

(4) Nothing herein shall prevent the manager from seeking any other means available at law or in equity in order to enforce the provisions of this Article.

(Ord. No. 1683, Enacted, 02/04/2010)

Additions are underlined

~~Deletions are struckthrough~~

Tualatin Development Code

Chapter 40

Low Density Residential Planning District (RL)

Sections:

40.020 Permitted Uses.

40.030 Conditional Uses.

Section 40.020 Permitted Uses.

- (1) Single-family dwellings, including manufactured homes.
- (2) Agricultural uses of land, such as truck gardening, horticulture, but excluding commercial buildings or structures and excluding the raising of animals other than normal household pets and chickens as provided in Tualatin Municipal Code Chapter 12-2 Keeping of Chickens in Residential Areas.
- (3) Home occupations as provided in TDC 34.030 to 34.050.
- (4) Public transit shelters.
- (5) Greenways and Natural Areas, including but not limited to bike and pedestrian paths and interpretive stations.
- (6) Residential homes.
- (7) Residential facilities for up to 15 residents, not including staff.
- (8) Family day care provider, provided that all exterior walls and outdoor play areas shall be a minimum distance of 400 feet from the exterior walls and pump islands of any automobile service station, irrespective of any structures in between.
- (9) Sewer and water pump stations and pressure reading stations.
- (10) Wireless communication facility attached, provided it is not on a single-family dwelling or its accessory structures.
- (11) Accessory dwelling units as provided in TDC 34.300 to 34.310.
- (12) Transportation facilities and improvements.

Section 40.030 Conditional Uses Permitted.

The following uses and their accessory uses are permitted as conditional uses when authorized in accordance with TDC Chapter 32:

- (1) Common-wall dwellings.
- (2) Condominium dwelling units provided they meet the following standards, notwithstanding other provisions of this Code, and meet the requirements of ORS 91.500.
 - (a) All units shall be on a primary lot with frontage on a public street or in accordance with TDC 36.470.

(b) Access to secondary lots and to all buildings on the primary lot from public streets shall be guaranteed physically and legally by restrictive covenants and homeowners' association bylaws prior to issuance of building permits for the project and after approval of the state pursuant to state statutes, or in accordance with TDC 36.470.

(3) Small-lot subdivisions conforming to the following standards:

(a) No small lot subdivision shall have less than ten lots.

(b) All subdivision improvements shall conform to TDC Chapter 36.

(c) All dwelling units constructed shall conform to the construction standards of the State of Oregon Uniform Building Code as adopted by the City of Tualatin.

(d) A tree survey shall be prepared and submitted as part of the conditional use application. This tree survey shall show the location of existing trees having a trunk diameter of eight inches or greater, as measured at a point four feet above ground level. The purpose of this survey shall be to show that, by utilizing the small lot subdivision provisions, a greater number of trees can be preserved than would be possible without use of the small lot subdivision provisions. As used in this section, the word "tree" means a usually tall, woody plant, distinguished from a shrub by having comparatively greater height and characteristically, a single trunk rather than stems.

(e) The small lots:

(i) Shall be no less than 5,000 and no more than 6,499 square feet.

(ii) When a small lot abuts an existing lot in a City approved and recorded subdivision or partition the small lot shall be no more than 500 square feet smaller than the size of the abutting lot. For example, a new small lot shall be no less than 5,500 square feet if it abuts an existing lot of 6,000 square feet; 5,600 square feet if it abuts an existing lot of 6,100 square feet; 5,700 square feet if it abuts an existing lot of 6,200 square feet; and so on, up to 5,999 square feet if it abuts an existing lot of 6,499 square feet.

(iii) When a small lot is directly across a local street from an existing lot in a City approved and recorded subdivision or partition the small lot shall be no more than 500 square feet smaller than the lot directly across the street.

(iv) When a Tract or easement is between a small lot and an existing lot in a City approved and recorded subdivision or partition the small lot shall be separated from the existing lot by at least 50 feet.

(v) For purposes of this subsection, a small lot is directly across the street if one or more of its lot lines, when extended in a straight line across the local street, intersect the property line of the lot across the street.

(vi) When a subdivision is constructed in phases, a small lot in a later phase may abut or be directly across a local street from an existing lot in an earlier phase.

(f) The small lots shall be part of a development that contains lots of at least 7,000 square feet that are necessitated by trees, steep terrain or other topographic constraints.

ATTACHMENT F: PTA10-03 DRAFT CODE LANGUAGE – KEEPING OF CHICKENS

August 23, 2010

Page 3 of 3

(g) The small lots shall not exceed 35 percent of the lots in the total subdivision.

(h) The number of lots having a minimum area of 7,000 square feet shall equal or be greater than the number of small lots in the subdivision.

(i) The average lot width shall be at least 30 feet.

(j) When a lot has frontage on a public street, the minimum lot width shall be 50 feet on a street and 30 feet around a cul-de-sac bulb.

(k) The maximum building coverage for lots 5,000 to 6,499 square feet shall be 45 percent and for lots greater than 6,499 square feet shall be 35 percent.

(l) For flag lots, the minimum lot width at the street shall be sufficient to comply with at least the minimum access requirements contained in TDC 73.400(7) - (12).

(4) Other uses as specified below:

(a) Cemeteries.

(b) Churches and accessory uses.

(c) Colleges.

(d) Community buildings (public).

(e) Child day care center, if all exterior walls and outdoor play areas are a minimum distance of 400 feet from the exterior walls and pump islands of any automobile service station, irrespective of any structures in between.

(f) Governmental structure or land use including public park, playground, recreation building, fire station, library or museum.

(g) Retail nursery.

(h) Hospital or sanitarium.

(i) School.

(j) Water reservoir.

(k) Any business, service, processing, storage or display essential or incidental to any permitted use in this zone and not conducted entirely within an enclosed building.

(l) Golf course, country club, private club.

(m) Agricultural animals, limited to cattle, horses and sheep, and agricultural structures such as barns, stables, sheds, but excluding feed lots, in areas designated on the Tualatin Community Plan Map. The City Council may limit the number of animals to be allowed on a specific parcel of property. Keeping of chickens is a permitted use as provided in TDC 40.020 and Tualatin Municipal Code Chapter 12-2 Keeping of Chickens in Residential Areas.

(n) Increased building height to a maximum of 75 feet, if all yards adjoining said building are not less than a distance equal to 1 1/2 times the height of the building.

(o) Nursing or convalescent home.

(p) Retirement housing conforming to the standards in TDC 34.160 - 34.170.

(q) Electrical substation and above ground natural gas pump station.



MEMORANDUM

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Doug Rux, Community Development Director *DR*
William Harper, Associate Planner *WH*

DATE: August 23, 2010

SUBJECT: CONDITIONAL USE PERMITS IN RESIDENTIAL PLANNING DISTRICTS—WORK SESSION IV (PTA-09-09)

ISSUE BEFORE THE COUNCIL:

Information for the Council to consider in a fourth Work Session discussion of the questions: Are there conditional uses allowed in the RL (Low-Density Residential)(Single-Family) and other Residential Planning Districts that are no longer suitable or compatible with residential development? What uses should be allowed in Residential Planning Districts as permitted or conditional? What uses should be removed from Residential Planning Districts and either eliminated or designated to other Planning Districts?

POLICY CONSIDERATIONS:

1. Are there uses currently listed as conditional uses in any of the residential zones that are not suitable or desirable and should be removed? If removed, should the uses be allowed in another Planning District such as Commercial or Institutional?
2. What effects are possible when revising allowed residential uses and removing land from the Tualatin residential land inventory in respect to compliance with housing requirements in the Statewide Land Use Planning Goal 10-Housing and the Metro Urban Growth Management Functional Plan (MUGMFP) Title 1–Table 1 Dwelling Unit Capacity?
3. How best to deal with existing development that would become non-conforming in a residential district and allowed only in another Planning District? If a use is allowed in a non-residential district, should there be ways to encourage an owner of a non-conforming use property to change designation?
4. Are there uses currently listed as conditional uses in any of the residential zones that should be permitted outright rather than listed as conditional?

BACKGROUND:

On October 12, 2009, the Council held a Work Session discussion of issues related to non-residential uses and development in residential areas. The Council requested the discussion in response to its concerns about the suitability and appropriateness of the conditional uses currently allowed in the RL Planning District and other residential districts and the Council's ability to address development issues in the conditional use process.

At the Work Session, Council members reviewed the list of conditional uses in Residential Planning Districts and requested Staff to provide information and evaluation of their recommendations. The recommendations ranged from:

1. Retaining the conditional use as currently listed;
2. Removing a conditional use in residential districts while retaining the use or allowing the use in another Planning District (such as Institutional, Commercial or Medical Center);
3. No longer allow the particular use.

The Council asked for better definition of or distinctions between certain uses, a review of certain uses in respect to State standards & requirements (such as nursing homes and care facilities) or the current need for or appropriateness for the use (keeping agricultural animals on designated properties, allowing "clubs" in residential areas). The minutes of the work sessions are included in Attachment A. The Council's recommendations on Conditional Uses are listed in the Discussion section below. No changes to the list of RL permitted uses were proposed by Council members at the October 12, 2009 Work Session.

On November 12, 2009, Staff provided the Tualatin Planning Advisory Committee (TPAC) an update of the Council's work on PTA-09-09 and the CUP questions. TPAC members had a discussion about a Country Club/Private Club use (referring to the Stafford Hills Racquet & Fitness Club development approved in CUP-09-01) and the idea that K-12 schools are integral to residential areas.

On February 8, 2010 the Council again discussed the CUP uses in residential and started down the list of uses. During this process it was determined that the issue was complicated and the Council concluded a special work session would be necessary. Minutes of that Work Session are included in Attachment B.

On July 12, 2010 the Council continued the discussion on CUP uses in residential planning districts. The Council asked staff to prepare information about allowed uses in other cities to consider at an upcoming work session. Minutes of the July 12 Work Session are included in Attachment C.

DISCUSSION:

The Council expressed individual ideas on the suitability of various non-residential uses currently allowed in the RL thru RH/HR (High Density/High Rise) residential planning districts and asked for another session to continue their discussions on the individual uses. For reference at this August 23 Work Session, a worksheet of conditional uses

allowed in Tualatin's residential planning districts that was reviewed at the February 8 Work Session (II) with Council Recommendations from October 12 Work Session (I) and considerations is provided as Attachment D. Staff also compiled the lists of uses allowed in the residential zones excerpted from the Development Codes of the nearby cities of Tigard, Wilsonville, Hillsboro, Gresham and Beaverton for comparison (Attachment E).

RECOMMENDATION:

Staff seeks direction from Council regarding the current conditional use provisions in the TDC.

- Attachments:**
- A. Council Work Session Minutes of October 12, 2009
 - B. Council Work Session Minutes of February 8, 2010
 - C. Council Work Session Minutes of July 12, 2010
 - D. Table of Conditional Uses in Residential Planning Districts
 - E. Lists of Allowed Uses in Residential Zones of Nearby Cities
 - F. Power Point Presentation-Examples of Existing CUP Uses in Residential Planning Districts



City of Tualatin

www.ci.tualatin.or.us

Approved By Tualatin City Council
Date 11-9-09
Recording Secretary M. Smith

TUALATIN CITY COUNCIL WORK SESSION MINUTES OF OCTOBER 12, 2009

PRESENT: Council President Chris Barhyte; Councilors Monique Beikman, Joelle Davis, Jay Harris, Donna Maddux, and Ed Truax; Sherilyn Lombos, City Manager, Mike McKillip, City Engineer; Brenda Braden, City Attorney; Dan Boss, Operations Director; Kent Barker, Police Chief; Paul Hennon, Community Services Director; Eric Underwood, Development Coordinator; Maureen Smith, Recording Secretary

ABSENT: Mayor Ogden* [* denotes excused]

[Unless otherwise noted, MOTION CARRIED indicates all in favor.]

A. CALL TO ORDER

Mayor Pro tem Barhyte called the work session to order at 5:00 p.m.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

Council reviewed the Consent Agenda with no changes.

1. Conditional Use Permits in Residential Planning Districts

Associate Planner Will Harper presented information regarding what uses are allowed in residential planning districts and whether they are suitable or compatible with residential development, particularly given the differences in the process that a conditional use goes through versus a plan map/text amendment, and the level of discretion by Council in each. The list of conditional uses in the current Tualatin Development Code (TDC) is similar to the list of conditions in earlier versions, dating back to the 60s and 70s.

The TDC allows various land uses as conditional uses in the Low Density Residential (RL) Planning District and also in the RML, RMH, RH and RH/HR Planning Districts. Council reviewed the list and discussion followed. The use of archaic terminology was mentioned, and staff said it is what the State uses. Among the list of uses, Council suggested cemeteries be taken out of the RL district and place in the Institutional (IN) district, or another appropriate district. Churches was also discussed and the problems with excluding a church in the RL, particularly with federal regulations. Council continued with the review of the list with suggested modifications.

Staff will come back with more information for Council review, from this discussion.

2. Public Hearing/Land Use Notification Requirements

The issue before Council is whether to amend sections of the TDC relating to public hearing/land use notification requirements, with regards to mailed notification of property owners within 300 feet of a property that is the subject of a land use application. Discussion



City of Tualatin

www.ci.tualatin.or.us

Approved By Tualatin City Council

Date 2-22-10

Recording Secretary M. Smith

TUALATIN CITY COUNCIL WORK SESSION MINUTES OF FEBRUARY 8, 2010

PRESENT: Mayor Lou Ogden; Councilors Chris Barhyte, Monique Beikman, Joelle Davis, Jay Harris, Donna Maddux, and Ed Truax; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Doug Rux, Community Development Director; Don Hudson, Finance Director; Dan Boss, Operations Director; Paul Hennon, Community Services Director; Larry Braaksma, Police Captain; Carina Christensen, Assistant to the City Manager; Eric Underwood, Development Coordinator; Stacy Crawford, Recording Secretary

ABSENT: None.

*[Unless otherwise noted, **MOTION CARRIED** indicates all in favor.]*

A. CALL TO ORDER

Mayor Ogden called the work session to order at 5:00 p.m. and recessed the work session at 5:01 p.m. to go into executive session pursuant to ORS 192.660(2)(e) to discuss real property transactions.

The Council Work Session reconvened at 6:05 p.m.

Council/Commission Meeting Agenda Review

Council reviewed the Agenda and removed Item B4 –Crime Report Update from the Council Meeting agenda.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. Conditional Uses in Residential Planning Districts

Associate Planner William Harper gave an update based on a previous work session where the Council went through the list of current conditional uses in Residential Planning Districts. A discussion occurred regarding the impacts and consequences of removing or leaving in an activity, particularly cemeteries, from the Residential Planning Districts. Council asked for additional information and discussed the cost of traffic impact analysis for a Plan Amendment and a Conditional Use. Councilor Barhyte suggested this topic be discussed further during a special work session.

C. CITIZEN COMMENTS – N/A

D. CONSENT AGENDA

Council reviewed the Consent Agenda at the beginning of the work session with changes made as noted above.

FEB 27

Official

3. *Basalt Creek Planning Area – Agreements with Washington County and City of Wilsonville*
City Manager Lombos said staff has been in discussions with Wilsonville on the area of land between the two cities. She noted Wilsonville's Assistant Community Development Director Stephan Lashbrook was present and intern Ben Bryant, shared with Wilsonville to begin concept planning on the Urban Growth Boundary (UGB) Expansion Area.

Community Development Director Doug Rux gave an overview of the Memorandums of Understanding (MOU) and what has taken place to date. The concept planning process will take approximately one and a half to two years to complete and Metro's requirement is to complete the work by September 2012.

Brief discussion followed. It was asked and explained in the MOU about the mention of cities and counties working together and what it is intended to accomplish.

4. *Neighborhood Traffic Mitigation Process*

City Engineer Mike McKillip and Civil Engineer Kaaren Hofmann presented information on a process to facilitate neighborhood requests for traffic mitigation measures. Ms. Hofmann presented a PowerPoint displaying a page on the City's website that will go into effect if Council approves. A petition application and form will be part of the information available to citizens, and Ms. Hofmann explained the proposed process. It was asked and explained this process does not include signalization requests at this time. Questions were asked and explained about how the process could work and how staff would address the surrounding areas. Ms. Hofmann said she spoke with some property owners and their favorable response to the proposed process and webpage. Discussion followed on how to best address the process with respect to the requestor. It was suggested to have the application and petition forms on the website to be stamped as "samples". Council agreed to have staff move forward with the newly revised process

5. *List of Conditional Uses Allowed in Residential Districts*

City Manager Lombos said this issue has been discussed in two separate work sessions. The second session brought back additional information and a considerable amount of time was spent discussing what conditional uses should be allowed in residential. It was explained by the mayor his thoughts on involving residents in the process. Mention was made of the some of the uses that are *currently* allowed in the RL district that don't seem to belong. Discussion followed on what would be appropriate uses and whether or not to have a special work session.

It was suggested by Council to survey what other cities allow in their RL Planning Districts and also bring back information that Council has previously discussed. It was suggested instead of a special work session to start an early regular work session to allow for continued discussion.

6. Community Development Director Doug Rux gave a brief update on the Tonquin Employment Area. He noted staff has had discussions with Sherwood on this issue, and have made some changes.
7. A brief update was given by Assistant to the City Manager Carina Christensen on the first Council "Meet 'n Greet" session held Saturday. Council mentioned some of the issues that were brought up by citizens. The next Meet 'n Greet is scheduled during the Crawfish Festival in August.

Attachment C

*Council Work Session
Minutes July 12, 2010*

**Council Work Session IV—Conditional Uses in
Residential Planning Districts**

Council Recommendation	List of Conditional Uses in Residential	Considerations when Revising Use
Retain as CUP in RL	40.030(1) Common-wall dwellings. (RL only)	None when Unchanged
Retain as CUP in RL	40.030(2) Condominium dwelling units. (RL only)	None when Unchanged
Retain as CUP in RL-RML	40.030(3) Small-lot subdivisions. (RL & RML only)	None when Unchanged
Remove from Residential/ Allow in Institutional.	40.030(4)(a) Cemeteries.	Existing Winona Cemetery becomes Non-Conforming. Removes land area from Residential Inventory-Impacts Compliance w/ State & Metro Housing Requirements
Remove from Residential/ Allow in Institutional.	40.030(4)(b) Churches and accessory uses.	Existing Churches in Residential become Non-Conforming. Removes land area from Residential Inventory-Impacts Compliance w/ State & Metro Housing Requirements
Remove from Residential/ Allow in Institutional.	40.030(4)(c) Colleges.	No current Colleges located in CUP. No effect.
Define-Incorporate with 40.030(4)(f).	40.030(4) (d) Community buildings (public).	Retain as CUP under 40.030(4)(f). No effect.
Review-consider size maximum.	40.030(4) (e) Child day care center.	Existing Child Day Care centers may/may not become Non-conforming, depending on proposed maximum size.
Review Definitions & List-Include "Community Buildings".	40.030(4) (f) Governmental structure or land use including public park, playground, recreation building, fire station, library or museum.	Effects depend upon definitions and any changes to list of 40.30(4)(f) uses.
Retain as CUP in RL	40.030(4) (g) Retail nursery.	Existing SW108th/Blake St. Retail Nursery not in City, but site is designated RL
Remove from Residential- Allow in	40.030(4) (h) Hospital or sanitarium.	No existing facility in RL. If no longer allowed in

**Council Work Session IV—Conditional Uses in
Residential Planning Districts**

Council Recommendation	List of Conditional Uses in Residential	Considerations when Revising Use
Institutional & Medical Center.		Residential, may impact compliance w/ State & Metro Housing requirements.
Remove from Residential- Allow in Institutional	40.030(4) (i) School.	Existing schools in Residential become Non-Conforming. Removes land area from Residential Inventory-Impacts Compliance w/ State & Metro Housing Requirements
Retain as CUP in Residential RL-RH/HR	40.030(4) (j) Water Reservoir.	None when Unchanged
Remove from Residential as an allowed use.	40.030(4) (k) Any business, service, processing, storage or display essential or incidental to any permitted use in this zone and not conducted entirely within an enclosed building.	This kind of use has not been established. No (approved or legal) existing application that will be impacted if removed.
Define "Club", "Private Club". Consider if something other than a traditional golf course/country club is an appropriate use in a Residential District	40.030(4) (l) Golf Course, Country Club, Private Club	Depending on changes to list & definitions, existing Tualatin County Club and approved Stafford Hills Racquet & Fitness Club facilities in RL may become non-conforming. If the properties are designated to a non-residential Planning District, land area is removed from Residential Inventory-Impacts Compliance w/ State & Metro Housing Requirements
Review properties shown as eligible for "Agricultural Animals by Conditional Use" shown on "Exhibit A" of PA-80-06.	40.030(4)(m) Agricultural animals, limited to cattle, horses and sheep, and agricultural structures such as barns, stables, sheds, but excluding feed lots, in areas designated on the Tualatin	See Map titled "Exhibit A" (Attached). Eligible properties include properties north of SW Hazelbrook Road, and undeveloped areas along

**Council Work Session IV—Conditional Uses in
Residential Planning Districts**

Council Recommendation	List of Conditional Uses in Residential	Considerations when Revising Use
	Community Plan Map.	Nyberg Creek east of I-5. No current CUPs active in City Limits.
Remove from RL - Consider retaining or eliminating as a CUP in other Residential Districts.	40.030(4)(n) Increased building height to a maximum of 75 feet.	If eliminated in RL or other Residential Districts, existing buildings with a height over 35 ft. (obtained thru a CUP) will be non-conforming.
Consider limitations on facility size or number of residents - review State definitions & regulations.	40.030(4) (o) Nursing or convalescent home.	No existing Nursing or Convalescent home uses in Residential Districts.
Retain as CUP in Residential RL-RH/HR.	40.030(4)(q) Electrical substation and above ground natural gas pump station.	None when Unchanged.

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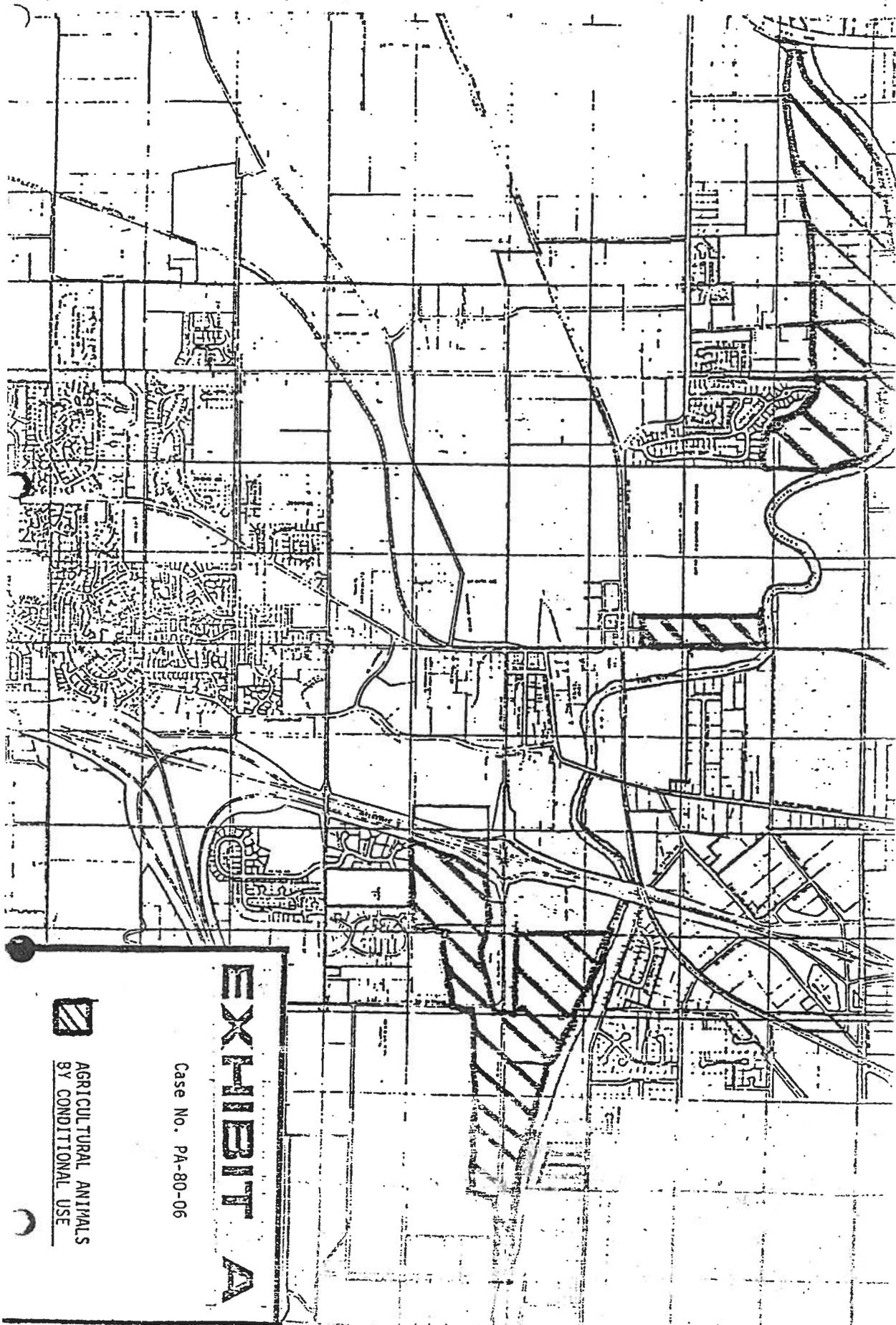


EXHIBIT A

Case No. PA-80-06



AGRICULTURAL ANIMALS
BY CONDITIONAL USE

BEAVERTON

20.05.20 LAND USES

The following Land Uses are classified in the following three categories: Permitted (P) including their accessory uses and structures, Conditional Uses (C), or Prohibited (N) uses as identified in the table below for Residential Zoning Districts. All superscript notations refer to applicable Use Restrictions Section 20.05.25.

Category and Specific Use Superscript Refers to Use Restrictions		R1	R2	R4	R5	R7	R10	
Residential		P: Permitted C: Conditional N: Prohibited						
1. Care	A. Care Facilities	P	P	P	P	P	P	
	A. Accessory Dwelling Units	P	P	P	P	P	P	
	B. Attached ¹	P	P	C ²	NC ³	N	N	
	C. Detached	P	P	P	P	P	P	
	D. Home Occupation	P	P	P	P	P	P	
	E. Manufactured and Mobile Homes ⁴	N	P ⁵	P	P	P	P	
	F. Manufactured and Mobile Homes Parks and Subdivisions	N	C	C ⁶	P	N	N	
2. Dwellings	G. Planned Unit Development	C	C	C	C	C	C	
	Commercial							
	3. Care	A. Hospitals	C	C	C	C	C	C
		B. Medical Clinics	C	C	C	C	C	C
		C. Child Care Facilities	C	C	C	C	C	C
		D. Residential Care Facilities	C	C	C	C	C	C
	4. Lodging	A. Temporary Living Quarters	C ⁷	C ⁷	C ⁷	N	N	N
5. Storage		A. Self Storage Facilities	C	C	C	N	N	N
	B. Storage Yards ⁸	C	C	C	C	C	C	

BEAVERTON

LAND USES

Residential

Category and Specific Use Superscript Refers to Use Restrictions		R1	R2	R4	R5	R7	R10
Civic		P: Permitted C: Conditional N: Prohibited					
6. Cemetery	A. Educational Institutions	C	C	C	C	C	C
	B. Commercial Schools	C	C	C	C	C	C
7. Education	A. Non-Profit Public Services in Public Buildings	N	N	N	N	N	N
	B. Commercial Schools	C	C	C	C	C	C
8. Places of Worship	A. Non-Profit Public Services in Public Buildings	P ⁹	N	N	N	N	N
	B. Public Buildings	C	C	C	C	C	C
	C. Public Sewer and Water and Utility Transmission Lines	P	P	P	P	P	P
	D. Public Sewer, Water Supply, Water Conservation and Flood Control Facilities Other than Transmission Lines	C	C	C	C	C	C
9. Public Buildings and Uses	A. Public Parks, Parkways, Playgrounds, and Related Facilities	C	C	C	C	C	C
	B. Public Recreational Facilities	C	C	C	C	C	C
10. Recreation	A. Utility Substations and Related Facilities Other than Transmission Lines	C	C	C	C	C	C
	B. Public Recreational Facilities	C	C	C	C	C	C
11. Utilities	A. Utility Substations and Related Facilities Other than Transmission Lines	C	C	C	C	C	C

Table 4.0120: Permitted Uses In The Residential Land Use Districts

USES	LDR-5	LDR-7	TLDR	TR	MDR-12	MDR-24	OFR
A. Detached dwellings	P	P	P	P	P (on a lot of record)	NP	P (on a lot of record)
B. Manufactured homes	P	P	P	P	P (on lot of record)	NP	P (on lot of record)
C. Manufactured dwelling parks	NP	NP	P	NP	P	NP	NP
D. Attached dwellings on a single lot	NP	NP	NP	NP	P	P	P
E. Single family attached dwellings	NP	NP	P5	P5	P5	P5	P5
F. Duplexes	L6	L6	P	L7	P	P	P
G. Accessory dwellings	P1	P1	P1	P1	NP	NP	NP
H. Community services	P	P	P	P	P	P	P
I. Accessory structures	P	P	P	P	P	P	P
J. Home occupations	P	P	P	P	P	P	P
K. Existing grazing, agriculture or horticulture uses	P	P	P	P	P	P	P
L. Poultry and livestock	P2	P2	P2	P2	P2	P2	NP
M. Temporary uses	P	P	P	P	P	P	P
N. Parking or storage of not more than five motor vehicles per dwelling unit	P	P	P	P	P	NP	NP
O. Residential Facility	NP	NP	NP	NP	P	P	P
P. Residential Home	P	P	P	P	P (On a lot of record)	NP	P (On a lot of record)
Q. Temporary Health and Hardship Dwellings	NP	NP	NP	NP	P3	L3	P3
R. Retail trade establishments engaged in selling goods or merchandise to the general public for personal or household consumption such as clothing, computer, and telephone stores	NP	NP	NP	NP	NP	NP	L4

Table 4.0120: Permitted Uses In The Residential Land Use Districts

USES	LDR-5	LDR-7	TLDR	TR	MDR-12	MDR-24	OFR
S. Retail service establishments providing services or entertainment to the general public such as eating and drinking places and banks	NP	NP	NP	NP	NP	NP	L4
T. Offices & Clinics	NP	NP	NP	NP	NP	NP	P
U. Other retail trade and retail service uses which, in the determination of the Manager are pedestrian-oriented	NP	NP	NP	NP	NP	NP	L4

Table 4.0120 Notes

- 1 See Section 4.0137.
- 2 If kept over 100 feet from any residence other than the dwelling on the same lot except as provided by Section 10.0900.
- 3 See Section 10.1300.
- 4 Limited retail trade, retail services or business services when found to be consistent with the requirements of Section 4.0134.
- 5 Single-family attached dwellings are required to meet density standards of the underlying land use district and applicable design review criteria of Section 7.0200.
- 6 See Section 4.0131(D).
- 7 Two-unit attached dwellings are allowed only on corner lots. Each unit of the two-unit attached dwelling must have its address and main entry door oriented toward a separate street frontage. Conversion of an existing house may provide one main entrance with internal access to both units.

[4.01]-5

**TABLE 18.510.1
USE TABLE**

USE CATEGORY	R-1	R-2	R-3.5	R-4.5	R-7	R-12	R-25	R-40
RESIDENTIAL								
Household Living	P	P	P	P	P	P	P	P
Group Living	R ^{1/C}							
Transitional Housing	N	N	N	N	N	C	C	C
Home Occupation	R ²							
HOUSING TYPES								
Single Units, Attached	N	N	N	R ⁸	R ^{9/C}	P	P	P
Single Units, Detached	P	P	P	P	P	P	P	P
Accessory Units	R ³							
Duplexes	N	N	C	C	P	P	P	P
Multifamily Units	N	N	N	N	N	P	P	P
Manufactured Units	P	P	P	P	P	P	P	P
Mobile Home Parks/Subdivisions	N	N	C	C	P	P	P	P
CIVIC (INSTITUTIONAL)								
Basic Utilities	C ⁴							
Colleges	C	C	C	C	C	C	C	C
Community Recreation	C	C	C	C	C	C	C	C
Cultural Institutions	N	N	C	C	C	C	N	N
Day Care	P/C ⁵							
Emergency Services	C	C	C	C	C	N	N	N
Medical Centers	N	N	C	C	C	C	C	C
Postal Service	N	N	N	N	N	N	N	N
Public Support Facilities	P	P	P	P	P	P	P	P
Religious Institutions	C	C	C	C	C	C	C	C
Schools	C ^{12,13}							
Social/Fraternal Clubs/Lodges	N	N	N	N	N	C	C	C
COMMERCIAL								
Commercial Lodging	N	N	N	N	N	N	N	N
Eating and Drinking Establishments	N	N	N	N	N	N	N	N
Entertainment-Oriented								
- Major Event Entertainment	N	N	N	N	N	N	N	N
- Outdoor Entertainment	N	N	N	N	N	N	N	N
- Indoor Entertainment	N	N	N	N	N	N	N	N
- Adult Entertainment	N	N	N	N	N	N	N	N
General Retail								
- Sales-Oriented	N	N	N	N	N	N	R ¹¹	R ¹¹
- Personal Services	N	N	N	N	N	N	R ¹¹	R ¹¹
- Repair-Oriented	N	N	N	N	N	N	R ¹¹	R ¹¹
- Bulk Sales	N	N	N	N	N	N	N	N
- Outdoor Sales	N	N	N	N	N	N	N	N
- Animal-Related	N	N	N	N	N	N	N	N

TABLE 18.510.1 (CON'T)

USE CATEGORY	R-1	R-2	R-3.5	R-4.5	R-7	R-12	R-25	R-40
Motor Vehicle Related								
- Motor Vehicle Sales/Rental	N	N	N	N	N	N	N	N
- Motor Vehicle Servicing/Repair	N	N	N	N	N	N	N	N
- Vehicle Fuel Sales	N	N	N	N	N	N	N	N
Office	N	N	N	N	N	N	N	N
Self-Service Storage	N	N	N	N	N	N	N	N
Non-Accessory Parking	N	N	N	N	N	C ¹⁰	C ¹⁰	C ¹⁰
INDUSTRIAL								
Industrial Services	N	N	N	N	N	N	N	N
Manufacturing and Production								
- Light Industrial	N	N	N	N	N	N	N	N
- General Industrial	N	N	N	N	N	N	N	N
- Heavy Industrial	N	N	N	N	N	N	N	N
Railroad Yards	N	N	N	N	N	N	N	N
Research and Development	N	N	N	N	N	N	N	N
Warehouse/Freight Movement	N	N	N	N	N	N	N	N
Waste-Related	N	N	N	N	N	N	N	N
Wholesale Sales	N	N	N	N	N	N	N	N
OTHER								
Agriculture/Horticulture	P ⁶	N	N	N				
Cemeteries	N	N	C	C	C	N	N	N
Detention Facilities	N	N	N	N	N	N	N	N
Heliports	N	N	N	N	N	N	N	N
Mining	N	N	N	N	N	N	N	N
Wireless Communication Facilities	P/R ⁷							
Rail Lines/Utility Corridors	C	C	C	C	C	C	C	C

P=Permitted R=Restricted C=Conditional Use N=Not Permitted

¹Group living with five or fewer residents permitted by right; group living with six or more residents permitted as conditional use.

²Permitted subject to requirements Chapter 18.742.

³Permitted subject to compliance with requirements in 18.710.

⁴Except water and storm and sanitary sewers, which are allowed by right.

⁵In-home day care which meets all state requirements permitted by right; freestanding day care centers which meet all state requirements permitted conditionally.

⁶When an agricultural use is adjacent to a residential use, no poultry or livestock, other than normal household pets, may be housed or provided use of a fenced run within 100 feet of any nearby residence except a dwelling on the same lot.

- A. Uses of structures and land not specifically listed as permitted or conditionally permitted in the zone, or substantially similar to those uses, are prohibited in all RA-H Zones.
- B. The use of a trailer, travel trailer, or mobile coach as a residence.
- C. Service stations for petroleum products.

(.09) Block and access standards:

- 1. Maximum block perimeter: 1,800 feet.
- 2. Maximum spacing between streets for local access: 530 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent street extensions meeting this standard. [Amended by Ordinance No. 538, 2/21/02.]
- 3. Maximum block length without pedestrian and bicycle crossing: 330 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent pedestrian and bicycle facility extensions meeting this standard.

Section 4.122. Residential Zone.

(.01) Purpose: The purpose of this zone is to provide for standards and a simplified review process for small-scale urban low and medium density residential development. Developments in the 'R' zone are not intended to be Planned Developments.

(.02) Residential Densities: Residential densities shall be governed by the density range designated by the City of Wilsonville Comprehensive Plan.

(.03) Lot Size Qualifications:

- A. The owner or the owner's authorized agent shall not hold or cause to be held any interest in any adjacent property with the intent to avoid PDR regulations.
- B. The lot or any part thereof shall not be an identified area of special concern as defined in the Comprehensive Plan.
- C. The development area must be two (2) acres or less in size. Development of larger properties shall be reviewed through planned development procedures.
- D. Not more than thirty percent (30%) of the lot shall be covered by buildings.



(.04) Principal Uses Permitted:

- A. Single-Family Dwelling Units.
- B. Attached-Family Dwelling Units.
- C. Apartments.
- D. Public parks, playgrounds, recreational and community buildings and grounds, tennis courts, and similar recreational uses, all of a non-commercial nature. Any

Section 4.122. Residential Zone.

principal building or public swimming pool shall be located not less than forty-five (45) feet from any other lot in a residential or RA-H zone.

- E. Manufactured homes. [Note: Section 4.115 Standards Applying to Manufactured Housing in All Zones Where Manufactured Housing is Permitted deleted per by Ord. 538, 2/21/02.]

(.05) Accessory Uses Permitted to Single Family Dwellings:

- A. Accessory uses, buildings and structures customarily incidental to any of the aforesaid principal permitted uses, located on the same lot therewith.
- B. Home occupations.
- C. A private garage or parking area.
- D. Temporary real estate signs, small announcement or professional signs, and subdivision signs, as provided in Section 4.156.
- E. Temporary buildings for uses incidental to construction work, which buildings shall be removed immediately upon completion or abandonment of the construction work. In no case shall such buildings remain on the premises longer than ten (10) days after the receipt of a Certificate of Occupancy or the expiration of construction permits.
- F. Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses are detached and located behind the rear most line of the main buildings, at least one-half (1/2) of the side yard setback. In no case shall a setback less than three (3) feet be permitted unless a Reduced Setback Agreement has been approved and properly recorded, as provided in Section 4.113.
- G. Livestock and farm animals shall be permitted subject to the provisions of Section 4.162.

(.06) Accessory Uses Permitted for Attached Family Dwelling Units and Apartments:

- A. Accessory uses, buildings and structures customarily incidental to any of the aforesaid principal permitted uses, located on the same lot therewith.
- B. Home occupations.
- C. A private garage or parking area.
- D. Temporary buildings for uses incidental to construction work, which buildings shall be removed immediately upon completion or abandonment of the construction work. In no case shall such buildings remain on the premises longer than ten (10) days after the receipt of a Certificate of Occupancy or the expiration of construction permits.
- E. Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses are detached and located behind the rear most line of the main building, at least one-half (1/2) of the side yard setback is required.

Section 4.124. Standards Applying To All Planned Development Residential Zones.

F. Livestock and farm animals shall be permitted, subject to the provisions of Section 4.162.

(.07) Other Standards:

- A. Minimum lot width at building line: Sixty (60) feet.
- B. Minimum street frontage of lot: Thirty (30) feet; however, no street frontage is required when the lot fronts on an approved, platted private road.
- C. Minimum lot size: 5000 square feet.
- D. Minimum lot depth: Seventy (70) feet.
- E. Maximum building or structure height: Thirty-five (35) feet.
- F. Maximum lot coverage: Twenty percent (20%) for all residential dwelling units; thirty percent (30%) for all buildings.
- G. Block and access standards:
 - 1. Maximum block perimeter in new land divisions: 1,800 feet.
 - 2. Maximum spacing between streets for local access: 530 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent street extensions meeting this standard.
 - 3. Maximum block length without pedestrian and bicycle crossing: 330 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent pedestrian and bicycle facility extensions meeting this standard.

[Section 4.122(.07) amended by Ordinance No. 538, 2/21/02.]

Section 4.124. Standards Applying To All Planned Development Residential Zones.

(.01) Examples of principal uses that are typically permitted:

- A. Open Space.
- B. Single-Family Dwelling Units.
- C. Multiple-Family Dwelling Units, subject to the density standards of the zone.
- D. Public parks, playgrounds, recreational and community buildings and grounds, tennis courts, and similar recreational uses, all of a non-commercial nature, provided that any principal building or public swimming pool shall be located not less than forty-five (45) feet from any other lot.
- E. Manufactured homes, subject to the standards of Section 4.115 (Manufactured Housing).

(.02) Permitted accessory uses to single family dwellings:

Section 4.124. Standards Applying To All Planned Development Residential Zones.

- A. Accessory uses, buildings and structures customarily incidental to any of the principal permitted uses listed above, and located on the same lot.
- B. Living quarters without kitchen facilities for persons employed on the premises or for guests. Such facilities shall not be rented or otherwise used as a separate dwelling unless approved as an accessory dwelling unit or duplex.
- C. Accessory Dwelling Units, subject to the standards of Section 4.113 (.11).
- D. Home occupations.
- E. A private garage or parking area.
- F. Keeping of not more than two (2) roomers or boarders by a resident family.
- G. Temporary real estate signs, small announcement or professional signs, and subdivision signs, as provided in the provisions of Section 4.156.
- H. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.
- I. Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses do not exceed 120 square feet or ten (10) feet in height, and they are detached and located behind the rear-most line of the main buildings, the side and rear yard setbacks may be reduced to three (3) feet.
- J. Livestock and farm animals, subject to the provisions of Section 4.162.

(.03) Permitted accessory uses for multiple-family dwelling units:

- A. Accessory uses, buildings and structures customarily incidental to any of the aforesaid principal permitted uses, located on the same lot therewith.
- B. Home occupations.
- C. A private garage or parking area.
- D. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.
- E. Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses do not exceed 120 square feet or ten (10) feet in height, and they are detached and located behind the rear-most line of the main buildings, the side and rear yard setbacks may be reduced to three (3) feet.
- F. Livestock and farm animals, subject to the provisions of Section 4.162.

(.04) Uses permitted subject to Conditional Use Permit requirements:

- A. Public and semi-public buildings and/or structures essential to the physical and economic welfare of an area, such as fire stations, sub-stations and pump stations.
- B. Public or private clubs, lodges or meeting halls. Public or private parks, playground, golf courses, driving ranges, tennis clubs, community centers and similar recreational uses.



- C. Churches, public, private and parochial schools, public libraries and public museums.
- D. Neighborhood Commercial Centers limited to the provisions of goods and services primarily for the convenience of and supported by local residents, and not requiring a zone change to a commercial designation:
 1. The site of a Neighborhood Commercial Center was proposed at the time of the original application.
 2. Such centers are of a scale compatible with the surrounding residential structures.
 3. Such centers shall be compatible with the surrounding residential uses.
 4. The site of a Neighborhood Commercial Center shall be at least one-quarter (1/4) mile from any other sites zoned for commercial uses.
 5. The site of a Neighborhood Commercial Center shall not exceed five percent (5%) of the total area or one (1) acre, whichever is less.
 6. The site of a Neighborhood Commercial Center shall have direct access to a street of a collector classification and shall have direct pedestrian access to the residential areas.
 7. The site of a Neighborhood Commercial Center shall not include more than one quadrant of an intersection and shall not result in traffic of a nature which causes a substantial adverse impact on the residential character of the planned development.
- E. Commercial Recreation which is compatible with the surrounding residential uses and promotes the creation of an attractive, healthful, efficient and stable environment for living, shopping or working. All such uses except golf courses and tennis courts shall conform to the requirements of subsection "D" (Neighborhood Commercial Centers), above.

(.05) Appropriate PDR zone based on Comprehensive Plan Density:

Comprehensive Plan Density	Zoning District
0-1 u/acre	PDR-1
2-3 u/acre	PDR-2
4-5 u/acre	PDR-3
6-7 u/acre	PDR-4
10-12 u/acre	PDR-5
16-20 u/acre	PDR-6
20 + u/acre	PDR-7

Table 1: PDR Zone based on Comprehensive Plan Density

[Section 4.124(.05) amended by Ordinance No. 538, 2/21/02.]

(.06) Block and access standards:

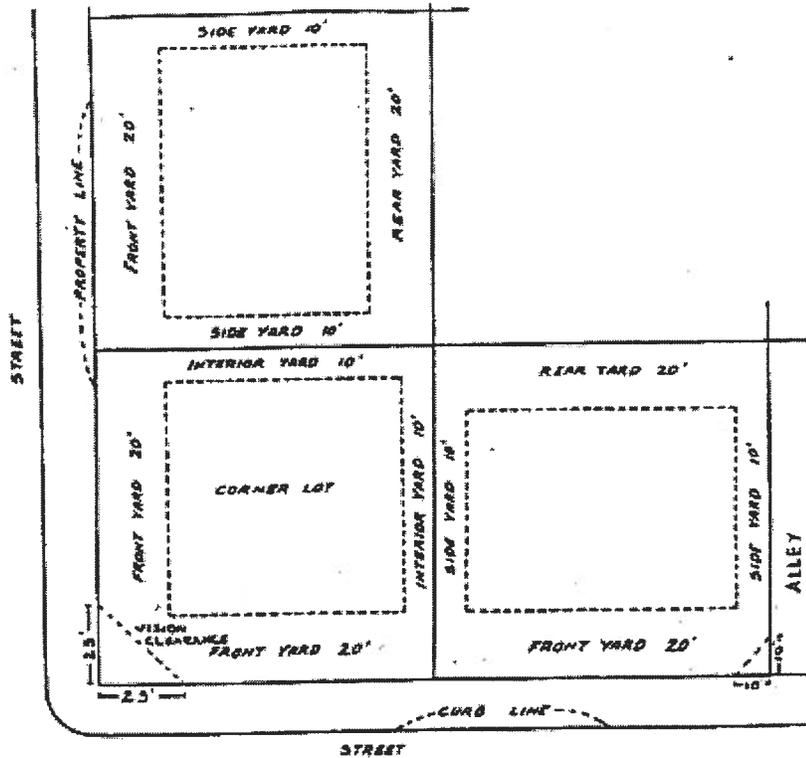
1. Maximum block perimeter in new land divisions: 1,800 feet.

Section 7. Uses Permitted Outright. In a R-10 zone the following uses and their accessory uses are permitted outright:

- (1) Single-family dwelling.
- (2) Agricultural use of land, such as truck gardening, orchards and horticulture, but excluding commercial buildings or structures. The raising of animals other than normal household pets is allowable, but only in compliance with Section 131. (Amended by Ord. No. 3294/1-82.)
- (3) Duplex dwellings on not to exceed 20% of the lots in a newly platted, or replatted, subdivision, when such lots are so designated at the time of preliminary subdivision or resubdivision approval or reapproval. The minimum size for a subdivision proposing designation of up to 20% of the lots therein for duplexes is twenty lots. (Amended by Ord. No. 3240/5-81.)
- (4) Home occupation, as defined in Section 3 (35) hereof, subject to the requirements of Section 128A. (Added by Ord. No. 3029/8-79 and Amended by Ord. No. 4856/8-00.)
- (5) A duplex lot, established in conformance with subsection (3) above, otherwise meeting the requirements of the Zoning Ordinance, may be divided for the purpose of allowing two single-family attached dwelling units. (Added by Ord. No. 3395/10-83.)
- (6) A manufactured home complying with the placement standards contained in Section 77E. (Added by Ord. No. 4213/3-94.)
- (7) Light Rail Facility. (Added by Ord. No. 4300/12-94.)
- (8) Accessory Dwelling. (Added by Ord. No. 4902/5-00.)
- (9) Residential Homes and Facilities (Added by Ord. No. 5667/9-06.)

Section 8. Conditional Uses Permitted. In a R-10 zone the following uses and their accessory uses are permitted when in accordance with Sections 78 to 83:

- 
- (1) Church.
 - (2) Governmental structure or use including public park, playground, recreation building, fire station, library, or museum.
 - (3) School: primary, elementary, junior high or senior high, college or university, publicly owned. Accessory uses such as tennis courts, grounds or playground lighting, covered walkways, surface or subsurface improvements, accessory buildings of less than 450 square feet, landscaping, shall be allowed as a part of such use without additional application or submission to the City of Hillsboro. (Amended by Ord. No. 2466/10-77 and 5168/7-02.)
 - (4) Utility substation or pumping station with no equipment storage.
 - (5) Residential recreation center. (Added by Ord. No. 2733/10-75, and Amended by Ord. No. 3599/2-86.)



R-10 SINGLE FAMILY RESIDENTIAL ZONE	
Minimum Front and Rear Yards.....	20 Feet
Minimum Side Yard.....	10 Feet
Minimum Interior Yard (corner lots).....	10 Feet
Minimum Lot Size.....	10,000 square feet
Minimum Width at Building Line.....	70 Feet
Minimum Lot Depth.....	90 Feet
Maximum Lot Coverage.....	40 percent of interior lot
	45 percent of corner lot
Minimum Density.....	3 Dwelling Units Per Net Acre
Maximum Building Height.....	35 Feet or 2 1/2 stories

Residential Zone R-10

- 
- (6) Condominium or unit ownership of duplex units allowed pursuant to Section 7 (3) hereof. (Added by Ord. No. 3029/8-79.)
 - (7) Group living structure, limited to the number of dwelling units allowable. (Added by Ord. No. 3029/8-79 and 5667/9-06.)
 - (8) Radio transmission facilities. (Added by Ord. No. 3194/12-80.)
 - (9) Light Rail Construction Area. (Added by Ord. No. 4300/12-94.)
 - (10) Transit Park and Ride. (Added by Ord. No. 4300/12-94.)
 - (11) Bed and Breakfast Inn , as defined in Section 3 (6) subject to the requirements of Section 128A. (Added by Ord. No. 4856/8-00.)
 - (12) Child Care Facility. (Added by Ord. No. 5168/7-02.)

Section 8A. Minimum and Maximum Densities. In the R-10 zone, the minimum density standard is 3.50 dwelling units per net residential acre. The maximum density standard is 4.35 dwelling units per net residential acre. (Added by Ord. No. 4902/5-00, Amended by Ord. No. 5778/8-07, and 5821/12-07)

Section 9. Signs. (Deleted by Ord. No. 5676/10-06. See Municipal Code Chapter 15.20.)

Section 10. Lot Size. In a R-10 zone the lot size shall be as follows:

- (1) The minimum average lot area shall be 10,000 sq. ft. with a maximum of one single-family residence (or duplex) per lot. However, in a newly platted or replatted subdivision of eight lots or more lot areas and widths shall be varied as specified in the Lot Dimension and Setback Variation Requirements adopted under Subdivision Ordinance Article VII.
- (2) The minimum lot widths at the front building line shall average 70 feet.
- (3) The minimum lot depths shall average 90 feet.
- (4) Notwithstanding the dimensional and area standards set forth in subsections (1) through (3) above, approved duplex lots may be split in order to allow for dual ownership, provided that the parent parcel meets or exceeds the minimum average lot areas and widths specified in Subsections 1 and 2. The dwelling units shall have a common wall at the zero lot line. (Added by Ord. No. 3395/10-83.)

(Section 10 Amended by Ord. No. 5778/8-07)

Section 11. Setback Requirements. Except as provided in Sections 88 and 93, in a R-10 zone the yards shall be as follows:

- (1) The front yard shall be a minimum of 20 feet, except as provided in Subsection 7 of this Section. (Amended by Ord. No. 2350/4-70)

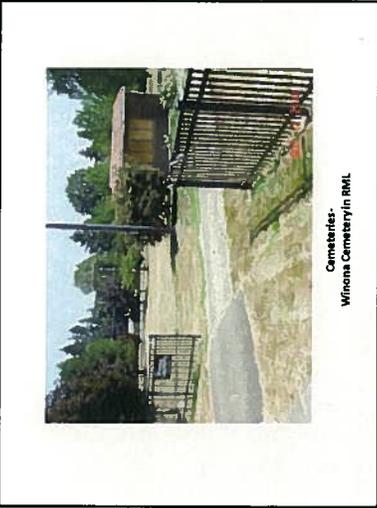
- (2) The side yard shall be a minimum of 10 feet, except as provided in Subsection 7 of this Section.
- (3) The rear yard shall be a minimum of 20 feet.
- (4) All corner lots shall have interior yards of not less than 10 feet, except as provided in Subsection 7 of this Section. (Added by Ord. No. 2350/4-70.)
- (5) All corner lots shall have front yards of not less than 20 feet, except as provided in Subsection 7 of this Section. (Added by Ord. No. 2350/4-70.)
- (6) All duplex lots shall meet the setback requirements established in Subsections (1) through (5) above, except that the setback for the zero lot line shall be waived. (Added by Ord. No. 3395/10-83.)
- (7) In a newly platted or replatted subdivision of eight lots or more, front yards shall be varied, and side yards may be varied, as specified in the Lot Dimension and Setback Variation Requirements adopted under Subdivision Ordinance Article VII. (Added by Ord. No. 5778/8-07)
- (Section 11 Amended by Ord. No. 5778/7-07)

Section 12. Height of Buildings. In a R-10 zone buildings shall not exceed a height of 35 feet or two and a half stories, whichever is less.

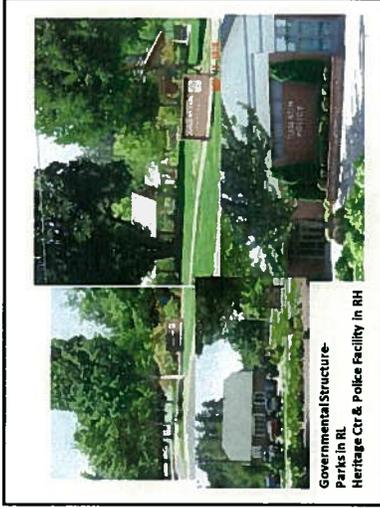
Section 13. Lot Coverage. In the R-10 zone buildings shall not occupy more than 40 percent of the lot area of an interior lot nor 45 percent of a corner lot. (Amended by Ord. No. 4902/5-00.)

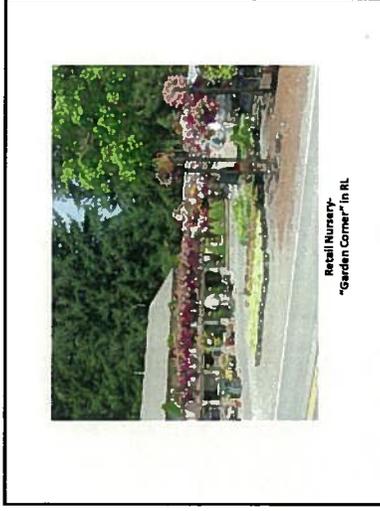
**PTA-09-09
Review of Conditional Uses in
Residential Planning Districts –
Examples of Existing
Conditional Use Facilities/Activities**

August 23, 2010 Work Session
Photo Examples PowerPoint



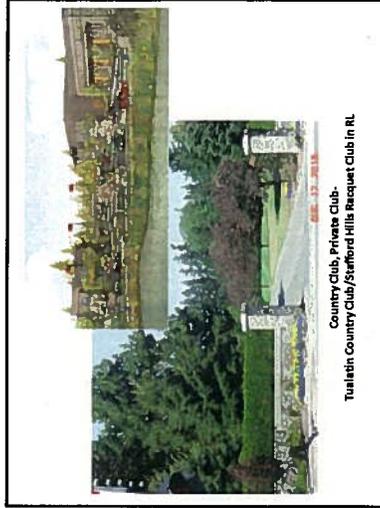


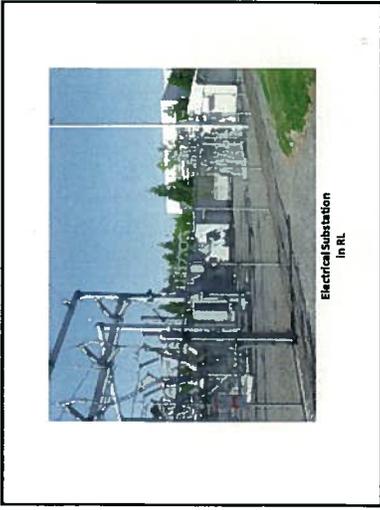














MEMORANDUM

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager 

FROM: Doug Rux, Community Development Director 

DATE: August 23, 2010

SUBJECT: TPAC/TRANSPORTATION SYSTEM PLAN (TSP) AD HOC COMMITTEE SOLICITATION AND SELECTION PROCESS

ISSUE BEFORE THE COUNCIL:

What is the appropriate solicitation and selection process to identify possible participants on the Tualatin Planning Advisory Committee (TPAC)/Transportation System Plan Ad Hoc Committee?

POLICY CONSIDERATIONS:

- Is the Ad Hoc Tualatin Tomorrow Steering Committee solicitation and selection process the appropriate model to establish a TPAC/TSP Ad Hoc Committee?
- Is there another process to solicit and select community members that would be more advantageous?

BACKGROUND:

The City Council began the discussion on the formation of a possible transportation committee at their Work Session on April 26, 2010. A copy of the unofficial minutes are included as Attachment A. Councilors Barhyte and Davis were tasked with meeting with TPAC to discuss various options. TPAC on May 13 and June 10 discussed possible models for a Transportation Committee with input provided by Councilor Barhyte. On June 14, 2010, TPAC provided a recommendation to the City Council (Attachment B). City Council subsequently asked TPAC to develop a recommendation on how a solicitation and selection process could be structured. A copy of the meeting minutes are included as Attachment C.

DISCUSSION:

TPAC met on July 6, 2010 and began the process of evaluating a model for possible solicitation and selection of community members to have a seat on an Ad Hoc Transportation Committee for the Transportation System Plan (TSP) update. Mayor Ogden attended this meeting to provide his insight and observations. The Transportation

MEMORANDUM: Transportation Committee

August 23, 2010

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Committee will be under the umbrella of TPAC, as noted in Attachment B. TPAC asked staff to return at its August meeting with additional information on how the solicitation and selection process for Tualatin Tomorrow Ad Hoc Steering Committee members occurred.

During the evolution of the Tualatin Tomorrow Ad Hoc Committee member selection process, it morphed several times. City Council had determined that for the Tualatin Tomorrow program we would use the IAP2 model for engagement using an Involve/Collaborate approach with the community. A copy of the IAP2 model is included as Attachment D. Additional information on IAP2 can be found at <http://www.iap2.org>. This overarching approach set the stage for how public engagement and interaction would occur. Of special note, the City won an award from IAP2 in 2007 for its 2007 Core Value Awards, Special Recognition Project of the Year for its public participation program associated with Tualatin Tomorrow.

Initially names were provided to City Council with the intent of 6-8 community members along with 2-3 Council members in the fall of 2005. As the discussions evolved, the size of the group increased. It also had a step envisioned where the City Council would help short list the applicants for the Community Involvement Committee (sub-committee of the Council) for final selection. In the end, the Council directed that a broad outreach occur within the community to solicit the largest number possible for participation on the Tualatin Tomorrow Ad Hoc Committee.

In response, staff solicited community wide for possible members through various recruitment venues (City Newsletter, press releases, City web site, newspaper articles, outreach to other City committees, word of mouth, etc.). In total, 72 community members submitted applications that were compiled by staff and forwarded to the City Council for consideration. The City Council then reviewed the applications at a Special Work Session on January 9, 2006 and identified 17 individuals to be on the Tualatin Tomorrow Ad Hoc Steering Committee. Staff utilized GIS technology to reflect where the applicants resided or conducted business in the community on large maps, applications were provided for the 72 individuals for Council review, a summary table of applicants was developed for quick review, and factors to consider in the selection, process developed such as:

- Representing all main areas of Tualatin
- Broad representation of community interests (residents, business, seniors, Latino community, youth, etc.)
- Unique skills, experience, abilities
- Unique community affiliations
- Mix of longer-term and new residents

Copies of materials used in this process are included in Attachment E.

At its July 6 meeting, TPAC identified that the TPAC/TSP Ad Hoc Committee:

- Consist of 15-17 members plus the 9 TPAC members.
- Represent citizens and businesses.
- Solicitation should occur through the City Newsletter (plus other media) to the broader public with the hope that 70-100 individuals would respond.

MEMORANDUM: Transportation Committee

August 23, 2010

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- Needs to have geographic distribution, age variation, gender representation, businesses, new residents, long-term residents, youth, etc.
- Should outreach to existing standing City committees (URAC, ARB, ART, Library, Parks, etc.) to determine if any of these citizens want to be considered for a seat on the TPAC/TSP Committee?
- Require that applicants have to submit a written form (application) stating why they would like to serve on this committee.
- Selection would be under the authority of the City Council to select the 15-17 members.
- Solicitation should include the number of meetings envisioned and the length of time commitment.

TPAC at its August 3 meeting discussed the Tualatin Tomorrow process and several alternative solicitation and selection processes materialized.

1. Citizen Involvement Ad Hoc Committee – Could or should this be the mechanism to solicit membership on the TPAC/TSP Ad Hoc Committee? Should the Citizen Involvement Ad Hoc Committee be the group that selects membership on the TPAC/TSP Ad Hoc Committee or should that responsibility reside with the City Council? TPAC thought it would be beneficial to reach out to the Citizen Involvement Ad Hoc Committee and have a representative attend the September 7th TPAC meeting to discuss what that group is engaged in and how it might provide assistance or value in structuring a solicitation and selection process for the TPAC/TSP Ad Hoc Committee. Jan Giunta has agreed to attend the TPAC meeting and provide her insights from the Citizen Involvement Ad Hoc Committee.
2. Sub-committee of Council and TPAC – Three members from each body function as a selection committee from a pool of interested community members. The process of solicitation was left undefined.
3. Council as Selection Committee – If this model is selected, at least three TPAC members should be involved in the selection process. The process of solicitation was left undefined.

One topic that was not fully vetted is the role of the TPAC/TSP Ad Hoc Committee. At the June 10 TPAC meeting what was discussed is that TPAC/TSP Ad Hoc Committee would act as the advisory committee for the TSP. Additionally, a separate CIC should be created to deal with citizen involvement and soliciting ways to get information out. A technical group of practitioners would advise the TPAC/TSP Committee. Staff suggests City Council further discuss the role issue at a future work session. To assist this discussion, a graphic is provided in Attachment F on a possible structure.

RECOMMENDATION:

Staff recommends that City Council consider the TPAC information generated to date and provide feedback.

MEMORANDUM: Transportation Committee

August 23, 2010

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- Attachments:**
- A. City Council minutes of April 26, 2010
 - B. June 14, 2010 City Council Memorandum from TPAC
 - C. City Council minutes of June 14, 2010
 - D. IAP2 Spectrum of Public Participation
 - E. Tualatin Tomorrow Solicitation Materials
 - F. Draft Organizational Chart and Roles



City of Tualatin

www.ci.tualatin.or.us

TUALATIN CITY COUNCIL WORK SESSION MINUTES OF APRIL 26, 2010

PRESENT: Mayor Lou Ogden; Councilors Chris Barhyte, Monique Beikman, Joelle Davis, Jay Harris, Donna Maddux, and Ed Truax; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Doug Rux, Community Development Director; Mike City Engineer McKillip, Don Hudson, Finance Director; Paul Hennon, Community Services Director; Dan Boss, Operations Director; Carina Christensen, Assistant to the City Manager; Eric Underwood, Development Coordinator; Maureen Smith, Recording Secretary

ABSENT: None.

[Unless otherwise noted, MOTION CARRIED indicates all in favor.]

A. CALL TO ORDER

Mayor Ogden called the work session to order at 5:00 p.m.

Council reviewed the Consent Agenda with no changes.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. Tree Preservation Changes

Assistant Planner Colin Cortes presented ongoing information on tree preservation regulations and research staff conducted on other cities regulations. Council briefly reviewed and discussed the memorandum submitted by staff and asked for information to be brought back in one year for further review.

2. Urban Growth Boundary Expansion Discussion

Community Development Director Rux gave a brief presentation on information from Metro on the urban growth boundary expansion. Brief discussion followed on the expansion process that is done by Metro.

3. Regional Transportation Plan (RTP) Update

City Manager Sherilyn Lombos distributed a letter with comments from the "North Tualatin Friends" group. If getting comments tonight from Council will finalize and get signatures and send on to Metro. Ms. Lombos said the change is, the main issue is the draft is "while Tualatin road over the Tualatin River and.....and as it currently stands,.....North Tualatin didn't like the proposed language and wanted it to say not "as it currently stands....".

Council discussed the varying language proposed for the letter to Metro regarding Tualatin's position on the RTP. Other parts of the letter were in agreement by Council. Council made adjustments to the Metro letter and asked to receive copies of the final version from staff.

Extensive discussion by Council followed. It was suggested looking at the City's transportation system with a type of advisory committee that could review transportation-related issues and provide advice to Council. It was mentioned previous discussion was held on how the City currently addresses advisory committees and the importance of getting information to the advisory committees. Having the committee come before Council on a regular basis was suggested, and that the committee could also jointly meet with the Tualatin Planning Advisory Committee (TPAC).

Discussion continued by Council on the merits of having a separate standing committee. It was suggested to have TPAC be the standing group to deal with day-to-day transportation issues, giving them a full agenda and allow for TPAC to become more involved. A separate committee that was something similar to the "Tualatin Tomorrow" process was suggested that could work with TPAC on various issues, not just transportation-related issues.

Gathering a sufficient amount of citizens was mentioned of which Council believes is possible, and it was also suggested that councilors be part of the committee. Having enough diversity was also mentioned. Putting together a process in the next few months and taking a look at the broader issue of empowering the current committees was mentioned. Starting out as a "steering committee" was the suggested way to proceed.

It was suggested one or two councilors attend an upcoming TPAC meeting to explain what Council is looking to accomplish, the parameters of a steering committee, and the idea of a permanent Council liaison on TPAC.

3. *Discussion Regarding Possible Charter Amendment*

City Manager Lombos distributed a petition initiative that was filed on a proposed Charter amendment entitled "Protection of City Owned Parks and Open Spaces" which would require voter approval of any

Council discussed the initiative and Councilor Maddux' believes the initiative is too broad, and she noted her opposition to the initiative process because it forces voters to make decisions that are not fully known.

City Manager Lombos explained how the process would be done to place the initiative on the ballot. The group is looking to get on the November 2, 2010 ballot and will need to turn in the signature petitions in August to allow for verification of signatures to meet the deadlines for the November election.

It was mentioned that the petitioners have two years to turn in their petition. Community Services Director Paul Hennon explained and City Attorney Brenda Braden added that the petition is proposing if there is any change needed to a park, such as right-of-way that would be needed, voters would need to approve such a change. The question is whether there is interest by Council in referring the issue to the ballot. Council discussed the possible ramifications if the proposed amendment were passed.

Council discussed options that could take place. One is for Council to refer the initiative to the ballot and save on signature gathering. Councilor Truax said he will not vote to refer the initiative to the ballot, while Council President Barhyte commented he believes there will be a sufficient amount of signatures to put this on the ballot.

Councilor Harris said he would be in favor of referring it, but he needs a comprehensive definition of "parks" such as pedestrian walkways, etc.



MEMORANDUM

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager
Doug Rux, Community Development Director 

FROM: Tualatin Planning Advisory Committee

DATE: June 14, 2010

SUBJECT: TRANSPORTATION COMMITTEE INFORMATION

At its meeting on Thursday, June 10, 2010 as well as at the May 13th meeting, at Council's request, TPAC discussed options for the formation of a Transportation Advisory Committee to review the TSP. Options included:

- 1) Set up a standing Transportation Advisory Committee.
- 2) Create an Ad-Hoc Committee to deal with the TSP and that process.
- 3) TPAC would deal with the TSP and be the advisory committee as another role.
- 4) TPAC oversees the TSP work but also have an Ad-Hoc Committee of citizens.
- 5) To create a super group including representative from current City committees.

As a result of these discussions and with input from Councilor Barhyte, TPAC developed the following recommendation:

- 1) TPAC act as the advisory committee for the TSP.
- 2) TPAC, in TSP Advisory capacity, should be expanded in membership by some number and by some selected people to have a broader representation.
- 3) TPAC TSP role would occur first on TPAC agendas; then TPAC would hold their regular TPAC meeting.
- 4) A separate CIC would be created to deal with citizen involvement and soliciting ways to get information out to the public.
- 5) Coordination between TPAC and the CIC would need to occur.
- 6) CIC role is not to be the TSP Advisory Committee.
- 7) A technical group of practitioners would advise TPAC TSP group.
- 8) TPAC is OK giving up CIC role but is aware that they have a CIC responsibility as it relates to land use, and a coordination component is necessary with the CIC.
- 9) TPAC supports the formation of a CIC in some form to be determined.

It was then discussed if a working group were to be established and with the 10 goals listed, in six months they have to come up with solutions for those goals and that could be nearly impossible within that time frame. Councilor Maddux expressed her concern that we are going down the same path we've been on before. We need to stop and do a bit more empowerment of the citizens to find solutions and bring them to Council.

After further brief discussion, Council agreed they do want a working group. Councilor Truax asked what exactly the working group would do. Councilor Beikman thought the working group needs to look to other cities to see what models exist and would work; don't reinvent the wheel. Councilor Davis felt there are citizens that have experience with citizen involvement working groups and would want to be involved. Councilor Beikman feels that we need to figure out a way to overcome the potential apathetic attitude of citizens when an issue doesn't directly affect their neighborhood. Councilor Maddux said we need to make sure those who wish to be involved and informed are involved and informed. Discussion followed.

Councilors Barhyte, Truax, and Maddux volunteered to serve on the committee/working group; Councilor Davis agreed to be an alternate. Brief discussion followed on how to get citizens to serve on the committee.

Kathy Newcomb, SW Cheyenne Way, Tualatin, asked if the committee membership could be set up to represent geographic locations of the City. Ms. Newcomb asked if we are supposed to stick with existing ordinance (how neighborhood associations are formed). Mayor Ogden said for this working group, we would start with a clean slate, not following the current neighborhood association process. He said to begin with, a working group would be formed and potentially a standing committee may be established. Councilor Truax thought it could be advertised as the City does for other committees. We could solicit applications and then map out where they are in the City and recruit if needed from locations not represented after a review of locations; Councilor Maddux concurred. Mayor Ogden suggested that the solicitation message for the working group could be worked on by staff and then brought back to Council at the next meeting. The "word" can start to get out to the public that Council will be bringing this to the citizens.

[A 10 minute BREAK was taken at 5:36 p.m.]

Tualatin Planning Advisory Committee (TPAC) Discussion on a Transportation Committee

Community Development Director Doug Rux stated that he and Mike Riley, TPAC representative, are here at Council's request. Two meetings have been held regarding formation of a transportation committee. Mr. Riley said most of the discussion at the two meetings had been about how TPAC did not want to give up TSP. After lengthy discussion during the two meetings, it was recommended that TPAC would serve as a technical (not engineering) advisor. Also discussed was TPAC's historical role as outreach in the City. It was recognized that there is a mechanism to disseminate the information. It was realized that they haven't done general citizen outreach; they didn't feel it was their charge. He said the new working group could help with feedback from citizenry and feedback on how they are doing. They also had discussed how to have an emphasis on publicity. TPAC understands this is a large undertaking. They would look to other stakeholders, such as Tigard-Tualatin School District, TVF&R, etc.; those people have a role to play in most projects and need to be involved early on.

Councilor Davis asked how TPAC intended to identify additional members; Mr. Riley said that had not specifically been decided. Community Development Director Rux noted that some of the discussion had centered on how they would get more people to serve, that potentially they could draw upon people serving on existing committees. Mr. Riley commented that one of the big things they want to do differently is include those stakeholders. Councilor Truax said he felt the "average neighborhood citizen" needs to be involved from the beginning; it won't work if they are dropped into the process midway. We have to go into this being very conscious about what it takes to get through this process. You don't want to establish a transportation committee that is doubling up on existing work being done by others.

City Manager Lombos commented that the Council is, ultimately, the steering committee for this process. Mayor Ogden wanted to know how we can involve enough people with a high concern for the entire process; not just at the very beginning or at the very end. There needs to be specific "touch back" points along the way, not just at the end. Discussion followed.

Councilor Barhyte suggested that not every member would need to be at each and every meeting; but you need to make sure the appropriate members are in attendance. Councilor Maddux reiterated that TPAC would be the "core" that handles the TSP through a transportation/technical committee. That information would then get to the citizen involvement committee to disseminate to the public, then gather opinions/ideas and bring that information back to TPAC. Mayor Ogden asked how TPAC would constitute that group; it was noted that TPAC will discuss and come back to Council with that information. Community Development Director Rux stated that there would be a presentation for Council on August 9.

Storm Water Management (SWM) Audit

City Engineer Mike McKillip gave a PowerPoint presentation that covered the SWM history, status, rule changes, etc. He stated there are a few issues that have come up; staff is looking for concurrence from Council. We have gone through our billing system for SWM fees (monthly fee) and updated all impervious surface accounts (non residential). The City has not taken a comprehensive look at the SWM information in the utility data base since this program was started in 1990. At that time, a number of people came back and disputed the areas the City had calculated; the City would review on a case-by-case basis and correct if necessary. Since that time, people have not been coming in with disputes. This was chosen as the time to make reviews because the Engineering and Building Department is updating storm drain data so that the Storm Water Master Plan can be updated; water quality is an important piece of the Master Plan. Also, the City is now setting its own rates on the local portion of the monthly SWM fee, and Clean Water Services (CWS) is currently reviewing the SWM program (rates, methodology, etc.).

Over the years, CWS made changes to the rules. This is the first time the City has revisited the data base to implement the changes. There are approximately 700 accounts with impervious surface. Categories were established: \$0-\$2.99 change/month, \$3-\$99.99/month increase, Over \$100/month increase, and \$3-over \$100/month decrease.

City Engineer recommendation \$0-\$2.99 change/month:

- Leave everything in the past alone,
- Notify the customers of the changes by letter, and
- Change account information for the next bill.

IAP2 Spectrum of Public Participation



Increasing Level of Public Impact 

Public participation goal

Inform

To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.

Consult

To obtain public feedback on analysis, alternatives and/or decisions.

Involve

To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.

Collaborate

To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.

Empower

To place final decision-making in the hands of the public.

Promise to the public

We will keep you informed.

We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.

We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.

We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.

We will implement what you decide.

Example techniques

- Fact sheets
- Web sites
- Open houses

- Public comment
- Focus groups
- Surveys
- Public meetings

- Workshops
- Deliberative polling

- Citizen advisory committees
- Consensus-building
- Participatory decision-making

- Citizen juries
- Ballots
- Delegated decision

Tualatin Tomorrow Community Visioning

Public Involvement: Steering Committee Membership

On pages 2 and 3 is a preliminary list of potential members for the ***Tualatin Tomorrow Steering Committee***. These names are provided as a starting point for discussion; Councilors will have neighborhood and community leaders of their own to suggest. Staff has provided additional spaces for Councilors to add more names as they wish. These names were identified in a staff brainstorming session.

MEMBERSHIP

The Tualatin Tomorrow project proposal calls for this 9-member committee to contain 2 or 3 Councilors and 6 to 8 community members.

ROLE

This committee will remain active throughout the entire visioning process. This committee's primary role will be to work collaboratively together to help guide and manage the process in meeting its objectives and achieving successful outcomes. It is specifically designed as an overview group, not a working committee containing every interest group in the City. A similar steering committee approach proved successful in the 2003 Facilities Visioning process, providing overall project guidance but not substituting for deep-rooted community involvement.

SELECTION

Council will select the Steering Committee members. This process will include selection of potential members, review of applications submitted, interviews and final selection. The Citizen Involvement Committee (the 3-member Council sub-committee), could accomplish this or the full Council. Staff needs Council to decide which option they prefer. Council also needs to decide how the Steering Committee Chair will be selected: either by Council or by the Committee itself.

In addition to considering members from a list generated by Council and City staff, staff recommends use of the City newsletter and website to solicit potential Steering Committee membership from the community at large. This can engage the community and gain awareness and momentum for this project.

TIMELINE

To meet our target project starting date of late January / early February, the member selection process will need to be completed by January 16, 2006.

NEXT STEPS

Once Council has identified potential steering committee members and provided staff with direction (who participates in member interview and selection and how the committee chair will be selected), staff will move forward with the committee creation process and update the project schedule accordingly.

Tualatin Tomorrow Community Visioning
Steering Committee: Preliminary List of Potential Community Members

First Name	Last Name	Affiliation	Notes
Allyson	Anderson	Meridian Park Hospital	
Conde	Bartlett		Board member TTSD
George	Bowlsby		
Steve	Chrisman		Former City Councilor
Kevin	Dull		Budget Committee Member
Xavier	Falconi		
David	Farrell		
Jarvis	Gomes		
Merily	Haas	TUHS Association Principal	
Richard	Hager		Former City Councilor
Bruce	Halvik		
Pam	Halvik		
Cindy	Halvorson	Meridian Park Hospital	
Hope	Howard	Chamber of Commerce	Could also be contacted for other potential names
Sue	Lamb	City of Tualatin Employee	Former City Councilor
Charlie	LaTourette		
Kathy	LaTourette		
Neil	LaTourette		
Dennis	Lively		
Linda	Loffer		
Loyce	Martinazzi	Tualatin Historical Society	
Larry	McClure	Tualatin Historical Society	
Rick	McMahon	JAE	
Kathy	Newcomb	Citizens for Safe Water ?	Has spoken on behalf of this group; affiliation unconfirmed.
Scott	Peterson		
Steve	Rhodes		Former City Manager
Ron	Sarazin		Former City Councilor
Charlie	Sitton	Century Hotel	
Ginny	Snodgrass		
Skip	Stanaway		
Steve	Stoize		Former Mayor; Chair, Facility Visioning Committee ('03)
Chip	Terhune	Parks Advisory Committee	
Patrice	Titus		
Mira	Vowles		

MEMORANDUM

TO: Mayor and City Councilors

VIA: Steve Wheeler, City Manager
Doug Rux, Community Development Director

FROM: Elizabeth Stepp, Senior Planner

RE: Draft Proposal for Tualatin Tomorrow Community Visioning

DATE: October 24, 2005

In response to Council direction given at the September 26, 2005 Council worksession on Community Visioning, staff has updated the Tualatin Tomorrow project proposal for your review and consideration.

PROPOSED ACTION

Council review of, and decision on, the updated proposal for Tualatin Tomorrow Community Visioning RFP Proposal Summary (Attachment 1), and provide direction to staff on the following items in order to finalize the proposal: **ARE WE STILL ON THE RIGHT TRACK!**

1. Committees

There are two committees proposed to serve different functions. Staff needs Council approval or modification of the proposed Committee membership in order to finalize the proposal.

A short-term **Consultant Interview Committee** will participate in the ranking of responding consultants in the RFP process. This committee will provide a recommendation to Council, and dissolve once Council's selection is made. Staff is proposing that this committee consist of three City staff members, two or three Councilors and two citizens.

A **Steering Committee** will remain active throughout the visioning process. The Steering Committee will be specifically designed as an overview group, not a working committee containing every interest group in the City. A similar steering committee approach proved successful in the 2003 Facilities Visioning process, providing overall project guidance but not substituting for deep-rooted community involvement. This committee's primary role will be to work collaboratively together to help guide and manage the process in meeting its objectives and achieving successful outcomes.

Tualatin Tomorrow Community Visioning

Roles and Structure

CONSULTANT INTERVIEW COMMITTEE

City Council selects members. This short-term Committee oversees the consultant interview and ranking process, makes a recommendation to Council, and then disbands.
Council would review the recommendation and make a selection of project consultant(s).

Committee comprised of 3 City staff, 2 or 3 Councilors, and 2 citizens.
Could include TPAC member(s) (in a "Community Visioning" capacity).

STEERING COMMITTEE

City Council selects members. Chairperson reports to Council with frequent updates.
Nine-member Committee comprised of 2 or 3 Councilors and 6 to 8 community members.
2 or 3 business/employer representatives and 4 or 6 citizens, one being a youth representative.
Could include TPAC member(s) (in "Community Visioning" capacity).

The Steering Committee is the key citizen involvement component for the Tualatin Tomorrow project.
Their primary role will be to work collaboratively together to help guide and manage the visioning process in meeting its objectives and achieving successful outcomes.
They will develop recommendations for City Council to consider.

INVOLVE / COLLABORATE

Partnership with the Public in Creating Alternatives and Solutions

PROMISE TO THE PUBLIC:

We will work with you to ensure that your concerns and aspirations are considered in the alternatives developed.
We will provide feedback on how public input influenced the decision.
We will look to you for direct advice and innovation in formulating solutions.

PUBLIC INVOLVEMENT & OUTREACH ACTIVITIES

Examples of activities and methods include:

Fact Sheets
Multi-Media approaches
Deliberate Polling
Interactive website

Provide a wide range of public comment opportunities
Workshops, Open Houses, Town Hall Meetings
Focus Groups
Surveys
Small "Coffee Klatch" gatherings

Participatory decision-making
Citizen Advisory Committee(s)
Consensus-building
Other effective, innovative activities,
including engaging non-participatory community members

MEMORANDUM

TO: Mayor and City Councilors

VIA: Steve Wheeler, City Manager
Doug Rux, Community Development Director

FROM: Elizabeth Stepp, Senior Planner

SUBJECT: Tualatin Tomorrow Visioning Project Update and Program Schedule

DATE: November 4, 2005

Since the October 24, 2005 Council worksession on this subject, staff has created a schedule of activities to launch the Tualatin Tomorrow Community Visioning project. The city advertised with an ad in the Daily Journal of Commerce soliciting Requests For Proposals (RFP) from qualified consultants that ran twice over consecutive weeks (November 1 and November 8).

The anticipated starting date for Tualatin Tomorrow is January 30, 2006. Activities scheduled during the November – January timeframe include interview and selection of steering committee members, publicity (banner on community sign, ad in the Tualatin Times, TV (TVCTV) informational interview, City Newsletter articles, website development, etc.) and consultant interviews, culminating with consultant selection by Council.

Listed below is an updated overview of scheduled dates for key activities within this important “start-up” phase. Those Councilors who will be involved with consultant interviews, Steering Committee interviews and other activities, please set aside the applicable dates and times for your participation.

November 29	Deadline for RFP Submittals
December 1 (Thur.)	RFP submittals received distributed to Consultant Interview Committee (Mayor Ogden, Councilor Barhyte are participating on this committee).
December 8 (Thur.) Time to be determined	Consultant Interview Committee meets to review, discuss RFP submittals, create interview list, and receive overview of interview process. Second Floor, Council Building.
December 14 (Wed.), 9:30 – 5:00 Place to be determined	Consultant interviews, Interview Committee develops recommendation for Council consideration.
December 19 (Mon.), 8:30 – 5:00	<u>Alternate Date</u> for Consultant Interviews

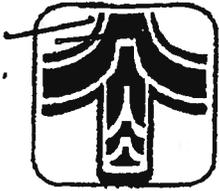
Tualatin Tomorrow Community Visioning Steering Committee Members Wanted

Are you enthusiastic and interested about Tualatin
and its future?

Are you a good listener and team player, who's willing to
work together with others towards a common goal?

The City is seeking Tualatin citizens, business owners or
employers and youth and Latino community members
who are interested in participating on the
Tualatin Tomorrow Steering Committee
to shape Tualatin's future.

Have questions or want to find out more?
Visit <http://www.tualatintomorrow.org>
or contact Elizabeth at
503-691-3028 or at estepp@ci.tualatin.or.us
by December 23rd.



City of Tualatin

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Tualatin, Oregon 97062-7092
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TDD 503.692.0574
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Tualatin, OR 97062-0130



FOR IMMEDIATE RELEASE

December 20, 2005

CONTACT:

Elizabeth Stepp

E-mail: estepp@ci.tualatin.or.us

Web: www.tualatintomorrow.org

Phone: 503-691-3028

Tualatin City Council Invites Citizens to be on the Community Visioning Committee

DEADLINE EXTENDED TO JANUARY 4, 2006

Tualatin, OR – Mayor Lou Ogden and the Tualatin City Council have extended an invitation to Tualatin residents, youth, seniors, business owners, employers and other community members to participate on the Tualatin Tomorrow Steering Committee, a citizen advisory committee for the up-coming City-wide visioning project.

In February 2006, Tualatin will launch a 15-month visioning project to start a community-wide conversation that begins with asking the questions: What is Tualatin, and what do we want it to be? Through extensive engagement with the entire community, Tualatin will identify community issues and analyze trends, articulate Tualatin's community values, develop a Vision Statement that reflects those values, and develop strategic action items based on the vision statement.

The *Tualatin Tomorrow Steering Committee* will work together to help guide and manage the process in meeting its objectives and achieving successful outcomes, serve as leaders for the visioning process and prepare recommendations for City Council to consider. The City is seeking Tualatin citizens, business owners, employers and youth and Latino community members who are willing to work collaboratively with others to help shape Tualatin's future.

The Tualatin City Council has identified as a top priority the need to engage the community in identifying Tualatin's community values and to articulate Tualatin's community vision for the future.

For further information, or to receive a steering committee application, please visit the website <http://www.tualatintomorrow.org> or contact Elizabeth at 503-691-3028 or at estepp@ci.tualatin.or.us . To be considered, applications must be received by 5:00 p.m. on January 4th, 2006.

-END-



CITY OF TUALATIN

18880 SW MARTINAZZI AVENUE
TUALATIN, OREGON 97062-7092
(503) 692-2000
TDD 692-0574

MEMORANDUM

TO: Mayor and City Councilors

VIA: Steve Wheeler, City Manager *SW*
Doug Rux, Community Development Director *DR*

FROM: Elizabeth Stepp, Senior Planner *ES*

RE: Tualatin Tomorrow Steering Committee

DATE: January 9, 2006

As part of the selection process for the Tualatin Tomorrow Steering Committee (TTSC), Council will be reviewing and discussing all of the TTSC applications and selecting those applicants that will be sent onto the Tualatin Citizen Involvement Committee (CIC) for their consideration. During the weeks of January 23rd and 30th, the CIC will meet to interview candidates and develop a recommendation for TTSC appointments for Council's consideration. On February 13th, the CIC's recommendation regarding TTSC appointments will go before City Council.

As of the close of the application period, 5:00 p.m. on January 4th, the City had received a total of 72 applications. We will be accepting any applications that are received via US mail with a postmark date of January 4th. Any we receive will be brought to the January 9th work session for distribution. As described below, a complete set of applications and a summary table is attached for your review.

PROPOSED ACTION

First, Council review and discussion of the applications received for the Tualatin Tomorrow Steering Committee, and Council selection of applicants to send to the CIC for their consideration. Second, set the number of member slots available for the Tualatin Tomorrow Steering Committee.

- List any abilities, experience, accomplishments, interests, activities, training, education, skills or any other information you'd like to share about yourself (optional).
- **Copies of all Applications Received.**
For more complete information and reference, staff is including a complete set of all TTSC Applications received (Attachment 2).
- **Map Displaying Applicant Distribution.**
A map of Tualatin showing where each applicant lives or owns a business will be displayed on January 9th. On this map, the numbers shown will represent each applicant.

These numbers will coincide with an applicant's name shown on the attached summary table noted above, and displayed in large format on the wall at the January 9th work session, so that a cross-reference can be easily made between location and individual applicant.

- **Factors to Consider in Member Selection.**
To aid in the selection of a broad array of community interests, staff is offering a list of factors to consider, which will also be displayed on the wall for quick reference at the January 9th work session. It was developed from the structure of the application itself and from committee member solicitation materials. For example:
 - Members representing all main areas of Tualatin;
 - A broad representation of Tualatin's community interests, such as residents, business owners, seniors, Latino community representative(s), youth, etc.;
 - Members that have particular or unique skills, experience or abilities;
 - Members that have particular or unique community affiliations; and
 - Consider having a mix of longer-term and new residents.

NEXT STEPS

Upon resolution of the key issues (number of Tualatin Tomorrow Steering Committee member slots and which applicants to send onto the CIC for interviews) at the Council worksession on January 9th, staff will forward Council's list of potential TTSC members on to the CIC. On February 13th, Council will consider and act upon CIC's recommendation by appointing TTSC members.

Attachments: 1. Summary Table: Tualatin Tomorrow Steering Committee Applicants.
 2. Complete Set of TTSC Applications Received.

Tualatin Tomorrow Steering Committee Application

Name:

Gulzar Ahmed

Home Address:

9775 SW Pawnee Path Tualatin OR 97062

Day Phone:

503-692-0287

Evening Phone:

503-612-9152

Mobile Phone:

503-381-3899

E-mail Address:

csi@crescentsystemsinc.com

Occupation:

Engineer

Employed by:

Are you a resident of Tualatin?

Yes

If yes, how long?

24 years

Have you ever applied for a committee position before?

No

If yes, when?

What committee?

If yes, please briefly describe your experience on that committee:

Why are you interested in serving on the Tualatin Tomorrow Steering Committee?

I would like to see a better Tualatin in the future. I would like to explore alternative energy sources for the city, for cleaner environment and less dependence on others. My vision is to see Tualatin as a diverse city where many different faiths co-exist in peace and harmony.

Do you believe its important to have a community vision for Tualatin?

Yes

Please briefly explain your answer:

In order to better plan for a future that we all look forward to we must have a community vision program to allow to think, understand and act.

What makes Tualatin special to you?

I have lived in Tuatalin for over 20 years. Two of my children are graduates of the school

Citizen Involvement Role:

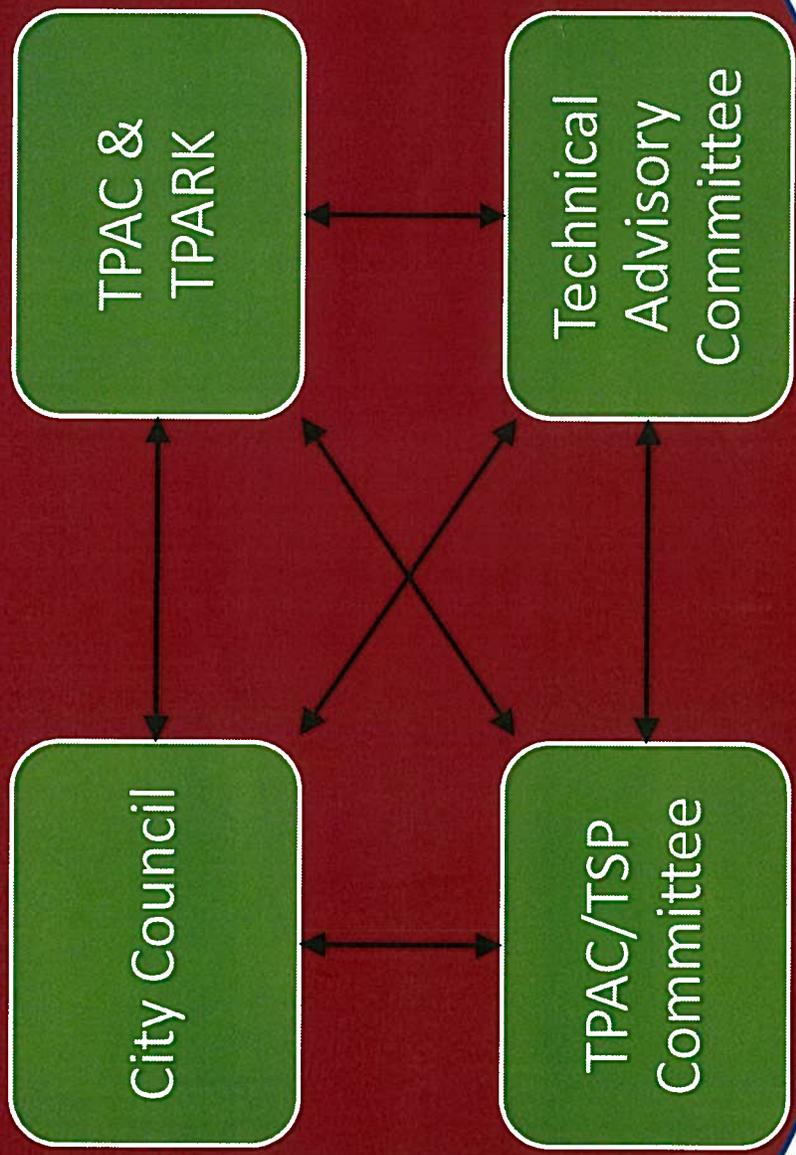
TPAC/TPARK Role:

Council Role:

TAC Role:

TPAC/TSP Role:

CITIZEN INVOLVEMENT



WORK SESSION ITEMS

PowerPoint?

1.

2.

3.

4.

5.

PRESENTATIONS / ANNOUNCEMENTS / SPECIAL REPORTS

PowerPoint?

1.

2.

3.

CONSENT CALENDAR ITEMS

1. Meeting Minutes

2. Award Gateway Artist Contract (TDC) (Comm. Dev.)

3.

4.

PUBLIC HEARINGS – Legislative, Quasi-Judicial or Other

PowerPoint?

1. PTA SW Concept Plan (**Legislative**) (Comm. Dev.) (*tentative*)

2. PMA SW Concept Plan (**Legislative**) (Comm. Dev.) (*tentative*)

3. PTA-09-03 Historic Regs (**Legislative**) (Comm. Dev.) (*tentative*)

GENERAL BUSINESS ITEMS (not consent)

PowerPoint?

1. Resolution Awarding Gateway Artist Contract (Comm. Dev.)

2.

3.

4.

5.

EXECUTIVE SESSION ITEMS

1.