

ORDINANCE NO. 1340-12

AN ORDINANCE CREATING THE TUALATIN PLANNING COMMISSION TO REPLACE THE TUALATIN PLANNING ADVISORY COMMITTEE; AND AMENDING CHAPTER 11-1 OF THE TUALATIN MUNICIPAL

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TMC 11-1-010 is amended to read as follows:

11-1-010 ~~Establishment of Committee~~ Planning Commission.

The Tualatin Planning Advisory ~~Committee~~ Commission is established and created.

Section 2. TMC 11-1-020 is amended to read as follows:

11-1-020 ~~Membership of Committee~~ Commission.

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

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

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

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

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

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

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

Section 3. TMC 11-1-030 is amended to read as follows:

11-1-030 Organization of Committee Commission.

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

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

**Section 4. TMC 11-1-040 is amended to read as follows:**

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

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

Section 5. TMC 11-1-050 is amended to read as follows:

11-1-050 Expenditure of Funds.

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

Section 6. TMC 11-1-060 is amended to read as follows:

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

The Committee Commission shall have the following powers and duties:

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

(a) Land use, including Plan Text and Plan Map Amendments (PTA and PMA);

(b) Economic development:

(i) Housing;

(ii) Commercial and industrial;

(c) Public facilities:

(i) Transportation;

(ii) Water supply;

(iii) Sewerage;

(iv) Drainage;

- (v) Parks and open space; and
- (vi) Institutions; and
- (d) Historic Resources.
- (2) Recommend and make suggestions to the Council regarding preparation and revision of community development ordinances, including but not limited to the following:
  - (a) Tualatin Development Code;
  - (b) Tualatin Sign Ordinances; and
  - (c) Tree planting regulations.
- (3) Study and propose in general such measures as may be advisable for promotion of the public interest, health, morals, safety, comfort, convenience and welfare of the City and of the area within the City's Urban Growth Boundary.
- (4) Serve as the City of Tualatin Committee for Citizen Involvement in accordance with the State of Oregon Land Conservation and Development Goal No. 1, with the following responsibilities.
  - (a) Evaluate the effectiveness of the citizen involvement program during March and October of each calendar year.
  - (b) Recommend and make suggestions to the City Council regarding revisions in the citizen involvement program, as the Committee Commission deems appropriate.
- (5) The Planning Commission shall hear and decide the following land use applications using the quasi-judicial evidentiary hearing procedures set forth in TDC 31.077:
  - (a) Industrial Master Plan (IMP);
  - (b) Reinstatement of Use;
  - (c) Sign Variance (SVAR);
  - (d) Transitional Use Permit (TRP); and
  - (e) Variance (VAR).
- (6) Requests for Review of Planning Commission decisions shall be to the City Council and follow the Requests for Review process set forth in TDC 31.078.

Section 7. TMC 11-1-070 is amended to read as follows:

11-1-070 Coordination of Planning Review.

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

Section 8. TMC 11-1-080 is amended to read as follows:

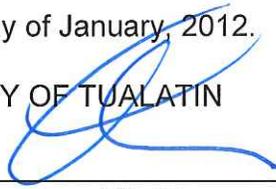
11-1-080 Annual Report of ~~Committee~~ Commission.

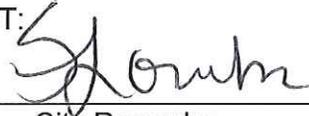
Not later than April 1 of each year the ~~Committee~~ Commission shall file its annual report of the activities of the ~~Committee~~ Planning Commission with the City Council. The annual report shall include a survey and report of the ~~Committee's~~ Commission's activities during the preceding year,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

any other matters deemed appropriate by the ~~Committee~~ Commission for recommendation and advice to the Council.

INTRODUCED AND ADOPTED this 23rd day of January, 2012.

CITY OF TUALATIN

By  \_\_\_\_\_  
Mayor

ATTEST:  
By  \_\_\_\_\_  
City Recorder

APPROVED AS TO LEGAL FORM

  
\_\_\_\_\_  
CITY ATTORNEY



# STAFF REPORT

## CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL  
Date 1-23-12  
Recording Secretary M&S

**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Brenda Braden, City Attorney *BB*  
**DATE:** 01/23/2012  
**SUBJECT:** An Ordinance Relating to Noxious Vegetation and Amending TMC 6-4-010, 6-4-060 and 6-4-090

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### ISSUE BEFORE THE COUNCIL:

The Council will consider whether to amend the noxious vegetation ordinance to change certain mowing requirements for undeveloped, grass-covered meadows or fields.

### RECOMMENDATION:

Staff recommends that Council adopt the ordinance.

### EXECUTIVE SUMMARY:

On November 28, 2011 staff presented a report to the City Council regarding the enforcement of the existing noxious vegetation ordinance. The current ordinance defines "noxious vegetation" as including grass over 10" high.

There are a number of undeveloped commercial properties in Tualatin that have been graded and planted with grasses that are maintained as meadows or fields. During the very wet, cool spring of 2011 the grass on these parcels quickly grew to more than 10", which resulted in the City receiving a number of complaints. The property owners objected to mowing the properties while they were so wet because it was less safe to mow with saturated grounds and it would cause ruts to form and the ground to sink. In addition, mowing would displace the nesting birds in the fields. Council directed staff to prepare an ordinance that would require ten-foot-wide, mowed corridor along any public right-of-way for these undeveloped grass-covered fields in commercial zones and require that the whole property be mowed annually after August 1st. These properties would still not be allowed to become overrun with blackberries, poison oak or ivy, or knotweeds, or to become fire or traffic hazards.

The Council also directed that the word "overall" be added to the restriction against grass or weeds over 10" so that it would be clear that the prohibition was intended to apply to the property as a whole, rather than to a few random weeds.

### OUTCOMES OF DECISION: