



## PLAN TEXT AMENDMENT APPLICATION PROCESS SUMMARY

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Welcome to the Community Development Department's Citizen Summary of the Plan Text Amendment (PTA) process.

### GENERAL INFORMATION

#### What is a Plan Text Amendment?

A PTA is a proposal by the City or a property owner to change the text of the Tualatin Development Code or one of the maps, except the Plan Map (Figure 9-1). For example, the City could propose decreasing the number of required parking spaces for retail stores.

#### Where can I read the City's Code requirements for Plan Text Amendments?

The PTA requirements are in Chapter 1 of the Tualatin Development Code (TDC) which is in the Library and online at [www.ci.tualatin.or.us](http://www.ci.tualatin.or.us). At the homepage scroll down to Quick Links on the left, click City Codes, click Development Code, click Chapter 1 and then Sections 1.030, 1.031 & 1.032.

#### Who makes the decision on Plan Text Amendments?

Before a PTA is allowed, the City Council must hold a public hearing, apply the criteria in TDC 1.032 and then approve it or deny it.

#### What is the focus of a Plan Text Amendment?

The focus for a PTA depends on the proposed change. In the example above of decreasing required parking spaces, one issue would be to ensure sufficient spaces are required to accommodate the expected customers.

### THE APPLICATION PROCESS

#### Is the applicant required to conduct a pre-application meeting with City staff?

Yes, per TDC, 1.030(2). At the pre-application meeting the applicant shows the City staff the plans of the proposed amendment. They discuss the applicable City requirements and how the proposal meets the requirements. Typically, a lot of contact occurs before the meeting and there are a lot of follow-up discussions after the meeting to resolve issues identified at the meeting.

### Is the applicant required to conduct a pre-application neighborhood meeting with the surrounding property owners?

Yes, if the proposed change affects a specific property per TDC, 1.030(2). The applicant mails invitations to owners of properties and City approved Neighborhood Associations within 1,000 feet of the subject property. If the 1,000-foot area includes lots within a platted residential subdivision the area shall extend to include the entire subdivision of which the lots are part and the applicant shall identify these subdivisions for staff. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name the notice area need not include the additional phases. At the meeting the applicant should explain the proposal and listen to the neighborhood's concerns. Although the concerns are not required to be mentioned, addressed or incorporated into the application, the approval process may be easier if they are.

### How is a Plan Text Amendment Application submitted?

After the Neighborhood Meeting the applicant submits the application and fee to the Community Development Department. The application must explain how the proposed use meets the approval criteria in the TDC, Section 1.032. The focus for a PTA depends on the proposed change. In the example above of decreasing re:

- (1) Granting the amendment is in the public interest.
- (2) The public interest is best protected by granting the amendment at this time.
- (3) The proposed amendment is in conformity with the applicable objectives of the Tualatin Community Plan.
- (4) The ten factors listed in (4) were consciously considered.
- (5) The criteria in the Tigard-Tualatin School District Facility Plan for school facility capacity have been considered.
- (6) Granting the amendment is consistent with the applicable State of Oregon Planning Goals and applicable Oregon Administrative Rules.
- (7) Granting the amendment is consistent with the Metropolitan Service District's Urban Growth Management Functional Plan.
- (8) Granting the amendment is consistent with the TDC transportation Level of Service standards.

### What happens once the application is submitted?

A planner in the Community Development Department is assigned the application. When all the materials are included, the planner determines the application is complete and circulates copies to other City departments and to applicable regional and State agencies for their review and comment. The planner schedules a Tualatin Planning Advisory Committee (TPAC) meeting about 5 weeks later. TPAC meets at 7:00 p.m. on the 1<sup>st</sup> Tuesday of each month at the Council Chambers (18880 SW Martinazzi Ave.). The planner also schedules a City Council public hearing about 4 weeks after the TPAC meeting. The City Council meets at 7:30 p.m. on the 2<sup>nd</sup> and 4<sup>th</sup> Mondays of each month at the Council Chambers.

### What happens at the Tualatin Planning Advisory Committee meeting?

TPAC conducts a public meeting, not a hearing, which anyone can attend. They make a recommendation to the City Council. There is no notice to surrounding property owners of the TPAC meeting.

## THE PUBLIC HEARING

### Who gets notice of the City Council public hearing?

If there is a specific subject property, a notice is mailed at least 20 days prior to the public hearing to the owners of properties within 1,000 feet of the subject property and to the City approved Neighborhood Association whose boundary includes the site. If the 1,000-foot area includes lots within a platted residential subdivision the area shall extend to include the entire subdivision of which the lots are part and the applicant shall identify these subdivisions for staff. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name the notice area need not include the additional phases. The notice is published in the Tualatin Times two weeks prior to the hearing. Parties with questions or written comments should contact the planner as soon as possible so the comments can be addressed in, and attached to, the City Council staff report. Comments must be specific to one or more of the criteria so the planner and Council will know what the concern is and can address it.

### Does the City Council get any information before the hearing?

Yes. The City Councilors receive their meeting packets, including the staff report, at least one week prior to the hearing so they can read the staff report, its recommendation and any written comments. The staff report is available to all parties one week prior to the hearing.

### What happens at the City Council public hearing?

At the Council meeting the Mayor opens the public hearing and the planner enters the staff report, the staff recommendation and any written comments into the hearing record and provides an oral summary of the report. Next, the applicant testifies followed by supporters and then opponents testify. The applicant may then rebut. The Mayor and Councilors ask questions of staff and the testifiers. Once all the information is in the record, the hearing is closed and Council deliberates to a decision which is in the form of an oral motion to approve or deny the application.

### Is there a deadline when the City Council must make a decision?

If there is a specific property, State law requires a decision be made within 120 days of the application being complete.

### Can the City Council's decision be appealed?

Yes. An Ordinance, the final written decision, is passed by Council at the next meeting. Once the Ordinance is passed, staff mails copies to the parties that appeared at the hearing or entered information into the record. A party can appeal the decision to the Land Use Board of Appeals (LUBA). The "Notice of Intent to Appeal" must be received by LUBA within 21 days of the decision becoming final (the date the Resolution was passed).

### How do I contact the Mayor or a Councilor prior to the public hearing?

As the decision maker, Council is a quasi-judicial body and must be impartial. Councilors must make their decision based only on information entered into the hearing record and the approval criteria. To ensure impartiality, they should not have "ex-parte contacts," i.e., discuss the application outside the hearing with any party, except staff. This is to ensure all parties are aware of all the information each Councilor is relying on to make their decision and giving the parties an opportunity to respond.

If you have questions, please contact the Community Development Department Office Coordinator at (503) 691-3026 and you will be directed to the appropriate planner.