



City of Tualatin

TUALATIN CITY COUNCIL

Monday, March 23, 2015

JUANITA POHL CENTER

8513 SW Tualatin Road

Tualatin, OR 97062

WORK SESSION begins at 5:30 p.m.

BUSINESS MEETING begins at 7:00 p.m.

Mayor Lou Ogden

Council President Monique Beikman

Councilor Wade Brooksby

Councilor Frank Bubenik

Councilor Joelle Davis

Councilor Nancy Grimes

Councilor Ed Truax

Welcome! By your presence in the City Council Chambers, you are participating in the process of representative government. To encourage that participation, the City Council has specified a time for your comments on its agenda, following Announcements, at which time citizens may address the Council concerning any item not on the agenda or to request to have an item removed from the consent agenda. If you wish to speak on a item already on the agenda, comment will be taken during that item. Please fill out a Speaker Request Form and submit it to the Recording Secretary. You will be called forward during the appropriate time; each speaker will be limited to three minutes, unless the time limit is extended by the Mayor with the consent of the Council.

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are available for review on the City website at www.tualatinoregon.gov/meetings, the Library located at 18878 SW Martinazzi Avenue, and on file in the Office of the City Manager for public inspection. Any person with a question concerning any agenda item may call Administration at 503.691.3011 to make an inquiry concerning the nature of the item described on the agenda.

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, you should contact Administration at 503.691.3011. Notification thirty-six (36) hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

Council meetings are televised *live* the day of the meeting through Washington County Cable Access Channel 28. The replay schedule for Council meetings can be found at www.tvctv.org. Council meetings can also be viewed by live *streaming video* on the day of the meeting at www.tualatinoregon.gov/meetings.

Your City government welcomes your interest and hopes you will attend the City of Tualatin Council meetings often.

PROCESS FOR LEGISLATIVE PUBLIC HEARINGS

A **legislative** public hearing is typically held on matters which affect the general welfare of the entire City rather than a specific piece of property.

1. Mayor opens the public hearing and identifies the subject.
2. A staff member presents the staff report.
3. Public testimony is taken.
4. Council then asks questions of staff, the applicant, or any member of the public who testified.
5. When the Council has finished questions, the Mayor closes the public hearing.
6. When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either *approve*, *deny*, or *continue* the public hearing.

PROCESS FOR QUASI-JUDICIAL PUBLIC HEARINGS

A **quasi-judicial** public hearing is typically held for annexations, planning district changes, conditional use permits, comprehensive plan changes, and appeals from subdivisions, partitions and architectural review.

1. Mayor opens the public hearing and identifies the case to be considered.
2. A staff member presents the staff report.
3. Public testimony is taken:
 - a) In support of the application
 - b) In opposition or neutral
4. Council then asks questions of staff, the applicant, or any member of the public who testified.
5. When Council has finished its questions, the Mayor closes the public hearing.
6. When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either *approve*, *approve with conditions*, or *deny the application*, or *continue* the public hearing.

TIME LIMITS FOR PUBLIC HEARINGS

The purpose of time limits on public hearing testimony is to provide all interested persons with an adequate opportunity to present and respond to testimony. All persons providing testimony **shall be limited to 3 minutes**, subject to the right of the Mayor to amend or waive the time limits.

EXECUTIVE SESSION INFORMATION

An Executive Session is a meeting of the City Council that is closed to the public to allow the City Council to discuss certain confidential matters. An Executive Session may be conducted as a separate meeting or as a portion of the regular Council meeting. No final decisions or actions may be made in Executive Session. In many, but not all, circumstances, members of the news media may attend an Executive Session.

The City Council may go into Executive Session for certain reasons specified by Oregon law. These reasons include, but are not limited to: ORS 192.660(2)(a) employment of personnel; ORS 192.660(2)(b) dismissal or discipline of personnel; ORS 192.660(2)(d) labor relations; ORS 192.660(2)(e) real property transactions; ORS 192.660(2)(f) information or records exempt by law from public inspection; ORS 192.660(2)(h) current litigation or litigation likely to be filed; and ORS 192.660(2)(i) employee performance of chief executive officer.



A. CALL TO ORDER
Pledge of Allegiance

B. ANNOUNCEMENTS

1. Proclamation Declaring April 5 - April 11, 2015 Arbor Week in the City of Tualatin
2. Proclamation Declaring April 5 - April 11, 2015 as Volunteer Appreciation Week in the City of Tualatin.

C. CITIZEN COMMENTS

This section of the agenda allows anyone to address the Council regarding any issue not on the agenda, or to request to have an item removed from the consent agenda. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

D. CONSENT AGENDA

The Consent Agenda will be enacted with one vote. The Mayor will ask Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. If you wish to request an item to be removed from the consent agenda you should do so during the Citizen Comment section of the agenda. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under, Items Removed from the Consent Agenda. The entire Consent Agenda, with the exception of items removed from the Consent Agenda to be discussed, is then voted upon by roll call under one motion.

1. Consideration of Approval of the Minutes for the City Council Work Session and Regular Meeting of March 9, 2015 and City Council Work Session Special Meeting Minutes of January 9-10, 2015
2. Consideration of Recommendations from the Council Committee on Advisory Appointments
3. Consideration of Approval of a New Liquor License Application for Grampy's Inc.
4. Consideration of Approval of a New Liquor License Application for Three Mermaids Tavern
5. Consideration of Approval of 2015 Liquor License Renewals Late Submittals
6. Consideration of 2014 Annual Report of the Tualatin Library Advisory Committee

E. SPECIAL REPORTS

1. 2014 Annual Report of the Tualatin Planning Commission
2. 2014 Annual Report of the Tualatin Park Advisory Committee

F. GENERAL BUSINESS

If you wish to speak on a general business item please fill out a Speaker Request Form and you will be called forward during the appropriate item. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

1. Consideration of **Ordinance No. 1379-15** Allowing Marijuana Facilities In Light Manufacturing, General Manufacturing, and Manufacturing Business Park Planning Districts with Certain Restrictions; Allowing Homegrown Marijuana Outdoors with Certain Restrictions; Amending Tualatin Development Code Chapters 31, 60, 61, and 64; Creating New Chapter 80; and Adding New Provisions (PTA-15-01)
2. Consideration of an Intergovernmental Agreement between City and Metro to fund planning and public involvement efforts related to the Southwest Corridor

G. ITEMS REMOVED FROM CONSENT AGENDA

Items removed from the Consent Agenda will be discussed individually at this time. The Mayor may impose a time limit on speakers addressing these issues.

H. COMMUNICATIONS FROM COUNCILORS

I. ADJOURNMENT

City Council Meeting

Meeting Date: 03/23/2015

ANNOUNCEMENTS: Arbor Week Proclamation

ANNOUNCEMENTS

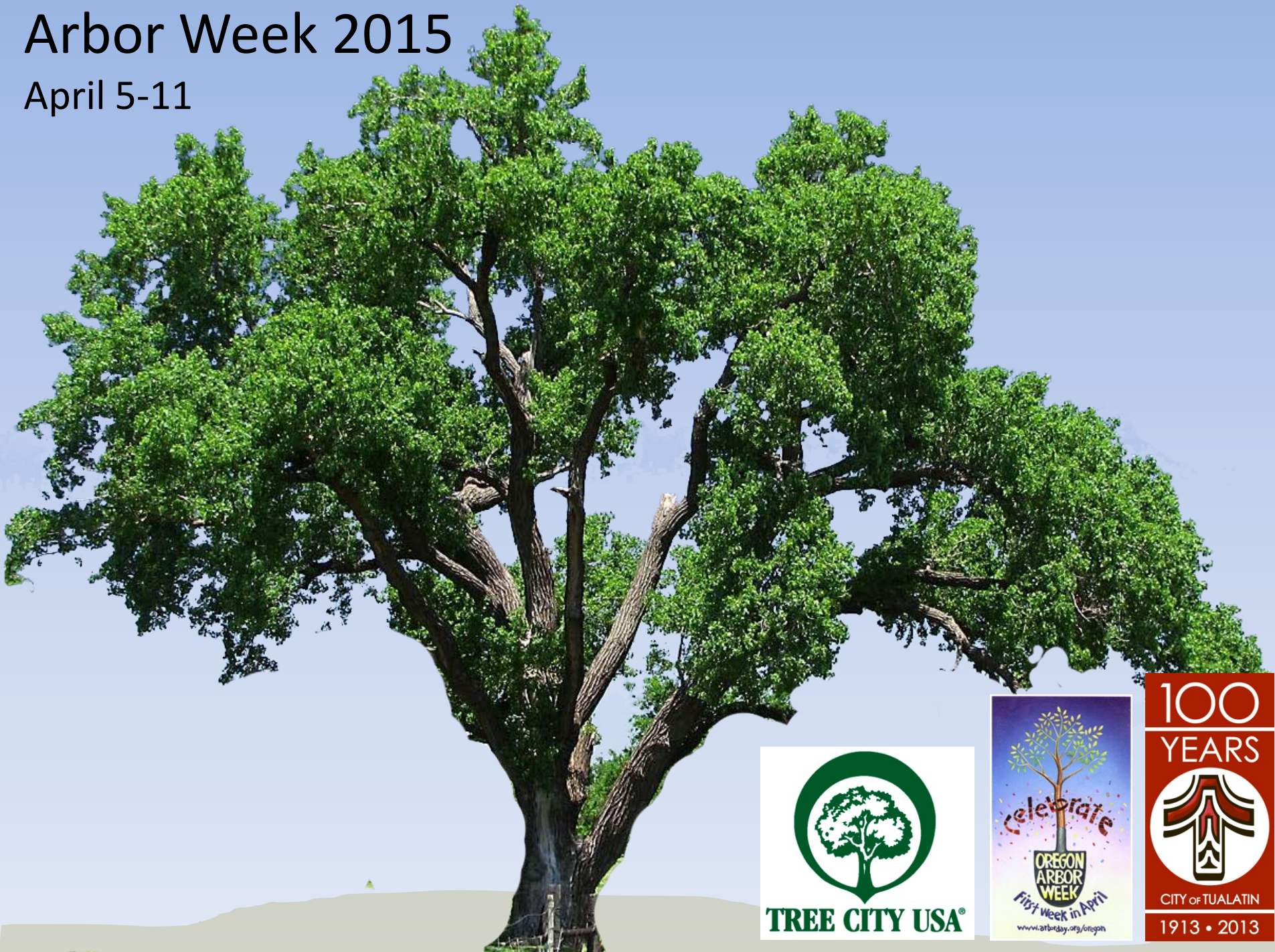
Proclamation Declaring April 5 - April 11, 2015 Arbor Week in the City of Tualatin

[Arbor Week 2015 Announcement](#)

[Arbor Week 2015 Proclamation](#)

Arbor Week 2015

April 5-11



Purpose of Arbor Week

Tualatin recognizes the first full week in April as **Arbor Week** to celebrate the many contributions that trees make to our lives and community.

A few of the many benefits of trees include:

- Environmental Benefits
- Economic Benefits
- Social Benefits
- Community Benefits



Arbor Week Events

Community:

- 5th Grade Poster Contest
- “Tualatin Trees” Photo Contest
- Arbor Week Proclamation
- Bird and Nature walk starting at the Tualatin Heritage Center
- Nature walk starting in Tualatin Community Park
- Hoyt Arboretum and Redwood Trail walking trip with JPC
- Tree themed story time at the Tualatin Public Library
- Flying of Tree City USA Flags at City offices and schools
- Putting Down Roots tree planting event – April 11
- Naturalist Elaine Murphy will do a presentation with the theme “We All Need Trees” during the tree planting event

Ideas for celebrating at home:

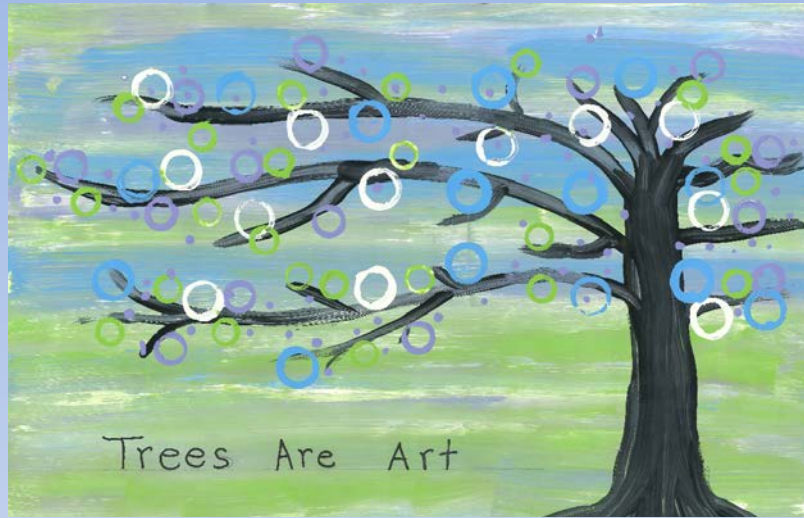
- Plant a tree
- Read a book about trees.
- Learn to identify trees in your yard and neighborhood.
- Enjoy the outdoors. Visit a local park or take a nature hike.
- Attend a class on tree and plant care.



Arbor Week – April 5-11, 2015

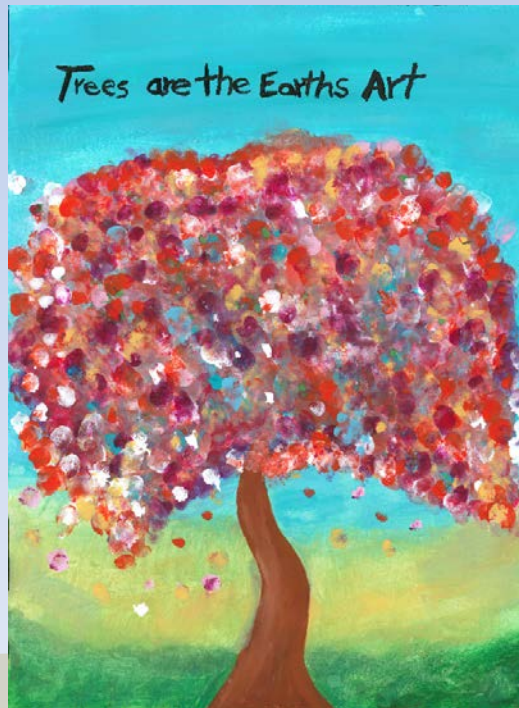


5th Grade Poster Contest: "Trees are _____"



Overall 1st Place Winner
Quentin, Tualatin Elementary

Overall 2nd Place Winner
Rylie, Bridgeport Elementary



Overall 3rd Place Winner
Lexy, Bridgeport Elementary

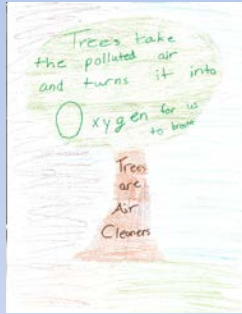
5th Grade Poster Contest: "Trees are _____"

Bridgeport Elementary School

1st Place
Simone



2nd Place
Jessie



3rd Place
Tayler

Tualatin Elementary School

1st Place
Cate



2nd Place
Summer



3rd Place
Jamie

Byrom Elementary School



1st Place
Emilie



1st Place
Agnes

Mitch Charter School



2nd Place
Julia



3rd Place
Maya

Photo Contest “ Tualatin Trees”

Winner: Casey Raz

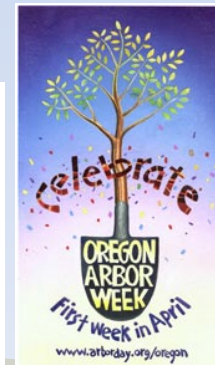
Photo taken at Ibach
Basketball Courts



Tree City USA

- Awarded by the National Arbor Day Foundation in cooperation with the National Association of State Foresters, US Forest Service, US Conference of Mayors, and the National League of Cities.
- Recognizes communities that have proven their commitment to an effective, ongoing community forestry program.

Tree City USA for a 28th consecutive year.





Proclamation Declaring
April 5 – April 11, 2015
Arbor Week in the City of Tualatin



Proclamation

Proclamation Declaring April 5 – April 11, 2015 Arbor Week in the City of Tualatin

WHEREAS Arbor Day is a celebration observed throughout the nation and the world in which individuals and groups are encouraged to plant, care for, and celebrate the many values of trees, and Arbor Day is observed in the State of Oregon during the first full week of April, which this year will be April 5 - 11, 2015; and

WHEREAS healthy trees reduce the erosion of topsoil by wind and water, moderate the temperature, calm traffic, clean the air, produce oxygen, provide habitat for wildlife, and are a renewable resource giving us paper and countless other wood products; and

WHEREAS trees beautify our community, increase property values, and enhance the economic vitality of business areas in Tualatin, and thousands of trees and shrubs are planted by volunteers on Tualatin's parklands every year; and

WHEREAS 2015 marks the 28th consecutive time the City of Tualatin has been certified as a Tree City USA by the National Arbor Day Foundation for following best-practices in urban forestry management and Tualatin has received the Tree City USA Growth Award 12 times for outstanding achievement in strengthening its tree care program.

BE IT PROCLAIMED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, that:

Section 1. All citizens are urged to support efforts to protect and plant trees to gladden the hearts and promote the well being of present and future generations.

Section 2. The citizens of the City of Tualatin support the Oregon Department of Forestry and the National Arbor Day Foundation in their recognition of the value of trees and forests by proclaiming April 5 - 11, 2015, as Arbor Week in Tualatin.

INTRODUCED AND ADOPTED this 23th day of March, 2015.

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder

City Council Meeting

Meeting Date: 03/23/2015

ANNOUNCEMENTS: Proclamation Declaring April 5 - April 11, 2015 as Volunteer Appreciation Week in the City of Tualatin

ANNOUNCEMENTS

Proclamation Declaring April 5 - April 11, 2015 as Volunteer Appreciation Week in the City of Tualatin.

Volunteer Appreciation Week Proclamation

Proclamation

Proclamation Proclaiming April 5-April 11, 2015 as "Volunteer Appreciation Week" in the City of Tualatin

WHEREAS the entire community can inspire, equip and mobilize people to take action that changes the world; and

WHEREAS in 2014, 3,733 volunteers contributed 28,898 hours of their time, an equivalent of about 14 full time employees, to the betterment of our community; and

WHEREAS volunteers give freely of their time, talents, and energy, and ask only for a than you for their countless hours of service; and

WHEREAS it has been a long standing tradition in our community for individuals and families to volunteer to make a difference in our community; and

WHEREAS it is fitting to recognize our volunteers for their dedicated service;

NOW, THEREFORE, BE IT PROCLAIMED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, that:

Section 1. The week of April 5-April 11, 2015, to be proclaimed "Volunteer Appreciation Week" in the City of Tualatin.

Section 2. The City of Tualatin takes great pleasure in honoring the volunteers of our community and conveying our sincere gratitude and appreciation for their committed, selfless, and compassionate efforts; they are an essential piece of our community!

INTRODUCED AND ADOPTED this 23 day of March, 2015.

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Nicole Morris, Deputy City Recorder

DATE: 03/23/2015

SUBJECT: Consideration of Approval of the Minutes for the City Council Work Session and Regular Meeting of March 9, 2015 and City Council Work Session Special Meeting Minutes of January 9-10, 2015

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes for the City Council Work Session and Regular Meeting of March 9, 2015 and City Council Work Session Special Meeting Minutes of January 9-10, 2015.

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

Attachments: [City Council Work Session Minutes of March 9, 2015](#)
[City Council Meeting Minutes of March 9, 2015](#)
[City Council Work Session Minutes of January 9-10, 2015](#)



OFFICIAL MINUTES OF TUALATIN CITY COUNCIL WORK SESSION FOR MARCH 9, 2015

Present: Council President Monique Beikman; Councilor Frank Bubenik; Councilor Joelle Davis- 6:40 pm; Councilor Nancy Grimes

Absent: Mayor Lou Ogden; Councilor Wade Brooksby; Councilor Ed Truax

Staff Present: City Manager Sherilyn Lombos; City Attorney Sean Brady; Police Chief Kent Barker; Deputy City Recorder Nicole Morris; Information Services Manager Lance Harris; Economic Development Manager Ben Bryant; Assistant City Manager Alice Cannon; Human Resources Manager Janet Newport

CALL TO ORDER

Council President Beikman called the work session to order at 6:17 p.m.

1. *Update from Metro.*

Metro Councilor Dirksen presented an update from Metro. He briefed the Council on the transportation crisis and transportation funding issues. He stated the Oregon Transportation Forum has presented a proposal to the legislature that meets the expectations and values of Oregonians. The proposal would serve to provide state funding to help support projects at a state level. The proposal includes changes to the gas tax that would increase funding for road maintenance, transit for the elderly and disabled, and restore funding for Connect Oregon. An "Orphan" highways tax is included in the proposal that would ensure improvements to these roadways. Metro Council and JPACT endorse the proposal presented by the Oregon Transportation Forum. Councilor Dirksen asked the Council to formally support the proposal.

City Manager Lombos asked about the viability of the proposal in the legislature. Councilor Dirksen stated the proposal is broken into several sections making it easier for individual items to be considered.

Councilor Bubenik asked if it were possible for the state kicker tax to be redistributed into these types of programs. Councilor Dirksen stated he had not heard any talks of this being a possibility.

Councilor Dirksen briefed the Council on the progress of the Southwest Corridor project. He noted the steering committee is narrowing down modes and alignments and hope to have a draft preferred option to take to the public in December. The Powell-Division transit project was briefly discussed. This project will provide bus rapid transit from Portland east to outer Portland and Gresham. A specific alignment has yet to be decided.

Councilor Dirksen spoke to the status of the 2015 Growth Management Decision. A

recent remand of the Urban Rural Reserves has delayed the decision. Metro is looking at several options for resolving this issue.

Councilor Dirksen briefly gave status updates on the Climate Smart project, Willamette Falls project, the Parks and Natural Areas System Plan, Nature in Neighborhoods Restoration Grants, and the Solid Waste Road Map. He also noted Metro has a new auditor, Brian Evans. A brief update on Oregon Zoo construction was given. He noted by 2020 45% of the zoo will be brand new.

2. *Recommendations for 2014 Outstanding Volunteers.*

Human Resources Director Janet Newport presented nominations for the 2014 Volunteer of the Year awards. Director Newport stated there were 11 total nominations across 3 categories. A nomination committee met and reviewed the nominations presented tonight. The Council agreed on award recipients.

Director Newport invited the Council to attend the Volunteer Appreciation event on April 7, 6:00 pm, at Horizon Christian School.

3. *Council Meeting Agenda Review, Communications & Roundtable.*

ADJOURNMENT

The work session adjourned at 6:58 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Lou Ogden, Mayor

DRAFT



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR MARCH 9, 2015

Present: Mayor Lou Ogden via phone; Council President Monique Beikman; Councilor Wade Brooksby via phone; Councilor Frank Bubenik; Councilor Joelle Davis; Councilor Nancy Grimes

Absent: Councilor Ed Truax

Staff Present: City Manager Sherilyn Lombos; City Attorney Sean Brady; Police Chief Kent Barker; Community Services Director Paul Hennon; Planning Manager Aquilla Hurd-Ravich; Deputy City Recorder Nicole Morris; Information Services Manager Lance Harris; Associate Planner Cindy Hahn; Teen Program Specialist Julie Ludemann; Economic Development Manager Ben Bryant; Assistant City Manager Alice Cannon

A. CALL TO ORDER

Pledge of Allegiance

Council President Beikman called the meeting to order at 7:04 p.m.

B. ANNOUNCEMENTS

1. Tualatin Youth Advisory Council Update for March 2015

Members of the Tualatin Youth Advisory Council (YAC) presented a PowerPoint on their latest activities and upcoming events. YAC will be holding their annual anti-bullying workshop, Project FRIENDS, on April 24. Bridgeport, Byram, and Tualatin Elementary School 5th graders will be participating this year. The YAC and the Tualatin Library Youth Advisory Council met and discussed the Elected Leaders Social. Findings from that meeting will be presented to Council in the near future. Other upcoming events include the Tualatin Tryathon, Teen Kaleidoscope Run, and Summer Movies on the Commons.

2. Tualatin Library Foundation Vine2Wine 2015

Hamish Corstophine announced the 5th Annual Vine2Wine event to be held on April 18, 7 p.m., at the Tualatin Library. Proceeds from the event benefit the Tualatin Library Foundation. Tickets are available at the library or through the Tualatin Library Foundation website.

3. Introduction of Meals on Wheels New CEO Susan Washington

Community Services Director Paul Hennon introduced new Meals on Wheels CEO Susan Washington. The Council welcomed her to her new position.

4. Proclamation Declaring April 6-11, 2015 as National Community Development Week

Councilor Bubenik read the proclamation declaring April 6-11, 2015 as National Community Development Week.

C. CITIZEN COMMENTS

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Susan Novak, representative of Meals on Wheels, thanked the community for helping to raise over \$4,000 at their Boot Scootin' Boogie BBQ fundraiser. The funds raised will help to provide over 1,000 meals to homebound senior citizens. She also thanked the City and the Chamber of Commerce for their support of the Meals on Wheels program.

D. CONSENT AGENDA

The Consent Agenda will be enacted with one vote. The Mayor will ask Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. If you wish to request an item to be removed from the consent agenda you should do so during the Citizen Comment section of the agenda. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under, Items Removed from the Consent Agenda. The entire Consent Agenda, with the exception of items removed from the Consent Agenda to be discussed, is then voted upon by roll call under one motion.

MOTION by Councilor Nancy Grimes, SECONDED by Councilor Joelle Davis to approve the consent agenda.

Aye: Council President Monique Beikman, Councilor Frank Bubenik, Councilor Joelle Davis, Councilor Nancy Grimes

Other: Mayor Lou Ogden via phone (Absent), Councilor Wade Brooksby via phone (Absent), Councilor Ed Truax (Absent)

MOTION CARRIED

1. Consideration of Approval of the Minutes for the City Council Work Session and Regular Meeting of February 23, 2015

E. PUBLIC HEARINGS – Legislative or Other

1. Consideration of Plan Text Amendment (PTA) 15-01 amending the Tualatin Development Code (TDC) Chapters 31, 60, 61, 64 and a New Chapter 80 to Establish Reasonable Time, Place and Manner Regulations for Marijuana Facilities.

Mayor Ogden and Councilor Brooksby were called in at 7:24 to participate in the public hearing.

Council President Beikman introduced the public hearing for consideration of Plan Text Amendment (PTA) 15-01 amending the Tualatin Development Code (TDC) chapters 31, 60, 61, 64 and a new chapter 80 to establish reasonable time, place and manner regulations for marijuana facilities.

Planning Manager Aquilla Hurd-Ravich and Associate Planner Cindy Hahn introduced the staff report for PTA 15-01 into the record. Manager Hurd-Ravich noted the proposed ordinance will be considered during a public hearing on tonight's agenda. Staff is returning with proposed changes from the February 23 work session. Manager Hurd-Ravich covered definitions that will be added to chapters 31 and 80. Changes in development standards as requested by Council included defining business hours, location, storage, and odor levels. Additional changes would allow facilities in light and general manufacturing as well as manufacturing business parks. A 3,000 buffer zone from school, city parks, libraries, and residential planning districts will be enforced. Developmental standards for edible marijuana, butane extraction, and homegrown marijuana standards were presented.

Tualatin Planning Commission Chair Alan Aplin presented comments from the commission. He stated the commission is generally in favor of the proposals.

PUBLIC COMMENT

Sherry Ralston presented information on other city codes being passed throughout Oregon. She encouraged the Council to revisit the 3,000 buffer zone.

Grant Yokum, past Tualatin Chamber of Commerce president, presented a letter to the City Council on behalf of the Chamber in opposition to the ordinance.

COUNCIL QUESTIONS

None

COUNCIL DELIBERATIONS

None

MOTION by Mayor Lou Ogden via phone, SECONDED by Councilor Nancy Grimes to adopt Plan Text Amendment (PTA) 15-01 amending the Tualatin Development Code (TDC) Chapters 31, 60, 61, 64 and a New Chapter 80 to establish reasonable time, place and manner regulations for marijuana facilities.

Aye: Mayor Lou Ogden via phone, Council President Monique Beikman, Councilor Wade Brooksby via phone, Councilor Nancy Grimes

Nay: Councilor Frank Bubenik, Councilor Joelle Davis

Other: Councilor Ed Truax (Absent)

MOTION CARRIED

F. GENERAL BUSINESS

If you wish to speak on a general business item please fill out a Speaker Request Form and you will be called forward during the appropriate item. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

- 1. Consideration of **Ordinance No. 1379-15** Allowing Marijuana Facilities In Light Manufacturing, General Manufacturing, and Manufacturing Business Park Planning Districts with Certain Restrictions; Allowing Homegrown Marijuana Outdoors with Certain Restrictions; Amending Tualatin Development Code Chapters 31, 60, 61, and 64; Creating New Chapter 80; and Adding New Provisions (PTA-15-01)

MOTION by Mayor Lou Ogden via phone, SECONDED by Councilor Wade Brooksby via phone for first reading by title only.

Aye: Mayor Lou Ogden via phone, Council President Monique Beikman, Councilor Wade Brooksby via phone, Councilor Nancy Grimes

Nay: Councilor Frank Bubenik, Councilor Joelle Davis

Other: Councilor Ed Truax (Absent)

MOTION CARRIED

G. ITEMS REMOVED FROM CONSENT AGENDA

Items removed from the Consent Agenda will be discussed individually at this time. The Mayor may impose a time limit on speakers addressing these issues.

H. COMMUNICATIONS FROM COUNCILORS

None.

I. ADJOURNMENT

Council President Beikman adjourned the meeting at 7:46 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Lou Ogden, Mayor



**OFFICIAL MINUTES OF THE SPECIAL WORK SESSION OF THE TUALATIN CITY
COUNCIL FOR JANUARY 9-10, 2015**

Present: Mayor Lou Ogden; Council President Monique Beikman; Councilor Joelle Davis; Councilor Wade Brooksby; Councilor Frank Bubenik; Councilor Nancy Grimes; Councilor Ed Truax

Staff Present: Sherilyn Lombos, Sean Brady, Kent Barker, Alice Cannon, Paul Hennon, Don Hudson, Sara Singer, Lance Harris, Janet Newport, Jerry Postema

Attendees: Jim Oswald

Mayor Ogden called the Special City Council Work Session to order at 10am on Friday, January 9, 2015.

The City Council and staff provided introductions. The group then discussed “Headlines of the Future” to highlight what they want to see in and about Tualatin in the future. Staff made a presentation highlighting progress on the Strategic Management Plan, including completed priorities, ongoing priorities and upcoming priorities. The group then spent time discussing the most compelling, pressing issues facing Tualatin. Top priorities for the next two years were identified and discussed, including conducting a framing exercise, discussing key milestones, key considerations, public involvement and a pre-mortem for each of the top priorities.

The meeting concluded at 5pm and reconvened on Saturday, January 10, 2015 at 9am.

The group reviewed the work from the previous day’s discussions. The Council discussed the development of a decision-making framework that will help guide and support Council decisions. The Council also discussed the components of a Credimus (Council agreements).

The meeting adjourned at 3:00p.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Nicole Morris, Deputy City Recorder

DATE: 03/23/2015

SUBJECT: Consideration of Recommendations from the Council Committee on Advisory Appointments

ISSUE BEFORE THE COUNCIL:

Consideration of reappointments to the Tualatin Arts Advisory Committee.

RECOMMENDATION:

Staff recommends the City Council approve the recommendations from the Council Committee on Advisory Appointments (CCAA) and reappoint the below listed individuals.

EXECUTIVE SUMMARY:

The Council Committee on Advisory Appointments met and interviewed citizens interested in participating on City advisory committees and boards. The Committee recommends appointing the following individuals:

<i>Individuals</i>	<i>Board</i>	<i>Term</i>
Mason Hall	Tualatin Arts Advisory Committee	Reappointment Term Expiring 3/31/18
Arthur Barry	Tualatin Arts Advisory Committee	Reappointment Term Expiring 3/31/18
Brett Hamilton	Tualatin Arts Advisory Committee	Reappointment Term Expiring 3/31/18

Attachments:



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Nicole Morris, Deputy City Recorder

DATE: 03/23/2015

SUBJECT: Consideration of Approval of a New Liquor License Application for Grampy's Inc.

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve a new liquor license application for Grampy's Inc.

RECOMMENDATION:

Staff respectfully recommends that the Council approve endorsement of the liquor license application for Grampy's Inc.

EXECUTIVE SUMMARY:

Grampy's Inc. has submitted a new liquor license application under the category of limited on-premises sales. This would permit them to sell factory-sealed containers of malt beverages, wine, and cider for on-site consumption. The business is located at 7935 SW Nyberg Road. The application is in accordance with provisions of Ordinance No.680-85 which established a procedure for review of liquor licenses by the Council. Applicants are required to fill out a City application form, from which a review by the Police Department is conducted, according to standards and criteria established in Section 6 of the ordinance. The Police Department has reviewed the new liquor license application and recommended approval. According to the provisions of Section 5 of Ordinance No. 680-85 a member of the Council or the public may request a public hearing on any of the liquor license requests. If such a public hearing request is made, a hearing will be scheduled and held on the license. It is important that any request for such a hearing include reasons for said hearing.

FINANCIAL IMPLICATIONS:

A fee has been paid by the applicant.

Attachments: [Attachment A - Vicinity Map](#)
[Attachment B- License Types](#)
[Attachment C- Application](#)



OREGON LIQUOR CONTROL COMMISSION

LICENSE TYPES

FULL ON-PREMISES SALES

- **Commercial Establishment**
Sell and serve distilled spirits, malt beverages, wine, and cider for consumption at that location (*this is the license that most “full-service” restaurants obtain*). Sell malt beverages for off-site consumption in securely covered containers provided by the customer. Food service required. Must purchase distilled liquor **only** from an Oregon liquor store, or from another Full On- Premises Sales licensee who has purchased the distilled liquor from an Oregon liquor store.
- **Caterer**
Allows the sale of distilled spirits, malt beverages, wine, and cider by the drink to individuals at off-site catered events. Food service required.
- **Passenger Carrier**
An airline, railroad, or tour boat may sell and serve distilled spirits, malt beverages, wine, and cider for consumption on the licensed premises. Food service required.
- **Other Public Location**
Sell and serve distilled spirits, malt beverages, wine, and cider for consumption at that location, where the predominant activity is not eating or drinking (for example an auditorium; music, dance, or performing arts facility; banquet or special event facility; lodging fairground; sports stadium; art gallery; or a convention, exhibition, or community center). Food service required.
- **Private Club**
Sell and serve distilled spirits, malt beverages, wine, and cider for consumption at that location, but only for members and guests. Food service required.

LIMITED ON-PREMISES SALES

Sell and serve malt beverages, wine, and cider for onsite consumption. Allows the sale of malt beverages in containers (kegs) for off-site consumption. Sell malt beverages for off-site consumption in securely covered containers provided by the customer.

OFF-PREMISES SALES

Sell factory-sealed containers of malt beverages, wine, and cider at retail to individuals in Oregon for consumption off the licensed premises. Eligible to provide sample tastings of malt beverages, wine, and cider for consumption on the premises. Eligible to ship manufacturer-sealed containers of malt beverages, wine, or cider directly to an Oregon resident.

BREWERY PUBLIC HOUSE

Make and sell malt beverages. Import malt beverages into and export from Oregon. Distribute malt beverages directly to retail and wholesale licensees in Oregon. Sell malt beverages made at the business to individuals for consumption on or off-site.

WINERY

Must principally produce wine or cider in Oregon. Manufacture, store, and export wine and cider. Import wine or cider *If bottled, the brand of wine or cider must be owned by the licensee*. Sell wine and cider to wholesale and retail licensees in Oregon. Sell malt beverages, wine, and cider to individuals in Oregon for consumption on or off-site.



CITY OF TUALATIN

LIQUOR LICENSE APPLICATION

Return Completed form to:
City of Tualatin
Attn: Deputy City Recorder
18880 SW Martinazzi Ave
Tualatin, OR 97062

Date _____

IMPORTANT: This is a three-page form. You are required to complete all sections of the form.
If a question does not apply, please indicate N/A. Please include full names (last, first middle) and full dates of birth (month/day/year). Incomplete forms shall receive an unfavorable recommendation.

Thank you for your assistance and cooperation.

REC'D
CITY OF TUALATIN

FEB 23 2015

SECTION 1: TYPE OF APPLICATION

- Original (New) Application - \$100.00 Application Fee.
- Change in Previous Application - \$75.00 Application Fee.
- Renewal of Previous License - \$35.00 Application Fee. Applicant must possess current business license. License # _____
- Temporary License - \$35.00 Application Fee.

MAYOR _____ COUNCIL _____ POLICE _____ ADM _____
FINANCE _____ COMMISSIONER _____ LEGAL _____ OTHER _____

SECTION 2: DESCRIPTION OF BUSINESS

Name of business (dba): Grampys

Business address 19303 Willamette Dr. #242 City West Linn State OR Zip Code 97068
1953 SW Myberg Rd. City Tualatin

Mailing address 19303 Willamette Dr. #242 City West Linn State OR Zip Code 97068

Telephone # 503 722 7540 Fax # 503 722 7541

Name(s) of business manager(s) First Chris Middle Frank Last Somers

Date of birth [redacted] Social Security # [redacted] DL# [redacted] M F

Home address [redacted] City West Linn State OR Zip Code 97068
(attach additional pages if necessary)

Type of business Deli / Lottery

Type of food served Sandwiches, soups, pot pie, snacks, bagels

Type of entertainment (dancing, live music, exotic dancers, etc.) Video poker

Days and hours of operation 7 days/week Sun-Thurs 8:00 - Midnight Fri 8:00 - 2:30 am Sat 8:00 - 1:00 am

Food service hours: Breakfast _____ Lunch 8:00 - Midnight Dinner _____

Restaurant seating capacity 30 Outside or patio seating capacity 0

How late will you have outside seating? n/a How late will you sell alcohol? until closing

How many full-time employees do you have? 2 Part-time employees? 2

SECTION 3: DESCRIPTION OF LIQUOR LICENSE

Name of Individual, Partnership, Corporation, LLC, or Other applicants Grampy's Inc.

Type of liquor license (refer to OLCC form) Limited On Premises Sales

Form of entity holding license (check one and answer all related applicable questions):

INDIVIDUAL: If this box is checked, provide full name, date of birth, and residence address.
Full name _____ Date of birth _____
Residence address _____

PARTNERSHIP: If this box is checked, provide full name, date of birth and residence address for each partner. If more than two partners exist, use additional pages. If partners are not individuals, also provide for each partner a description of the partner's legal form and the information required by the section corresponding to the partner's form.
Full name _____ Date of birth _____
Residence address _____
Full name _____ Date of birth _____
Residence address _____

CORPORATION: If this box is checked, complete (a) through (c).
(a) Name and business address of registered agent.
Full name Grampy's Inc.
Business address 19363 Willamette Dr #242 West Linn OR 97068

(b) Does any shareholder own more than 50% of the outstanding shares of the corporation? If yes, provide the shareholder's full name, date of birth, and residence address.
Full name n/a Date of birth _____
Residence address _____

(c) Are there more than 35 shareholders of this corporation? Yes No If 35 or fewer shareholders, identify the corporation's president, treasurer, and secretary by full name, date of birth, and residence address.
Full name of president: Chris Somers, Christopher Frank Date of birth: [REDACTED]
Residence address: [REDACTED] West Linn OR 97068
Full name of treasurer: _____ Date of birth: _____
Residence address: _____
Full name of secretary: Christopher F. Somers Date of birth: [REDACTED]
Residence address: [REDACTED] West Linn, OR 97068

LIMITED LIABILITY COMPANY: If this box is checked, provide full name, date of birth, and residence address of each member. If there are more than two members, use additional pages to complete this question. If members are not individuals, also provide for each member a description of the member's legal form and the information required by the section corresponding to the member's form.
Full name: _____ Date of birth: _____
Residence address: _____

Full name: _____ Date of birth: _____
Residence address: _____

OTHER: If this box is checked, use a separate page to describe the entity, and identify with reasonable particularity every entity with an interest in the liquor license.

SECTION 4: APPLICANT SIGNATURE

A false answer or omission of any requested information on any page of this form shall result in an unfavorable recommendation.

Signature of Applicant _____ Date 2-23-15

For City Use Only

Sources Checked:

DMV by JWC LEADS by JWC TuPD Records by JWC
 Public Records by _____

Number of alcohol-related incidents during past year for location. 0

Number of Tualatin arrest/suspect contacts for 0

It is recommended that this application be:

Granted

Denied

Cause of unfavorable recommendation: _____

Signature _____ Date 3/2/15

Kent W. Barker
Chief of Police
Tualatin Police Department



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Nicole Morris, Deputy City Recorder

DATE: 03/23/2015

SUBJECT: Consideration of Approval of a New Liquor License Application for Three Mermaids Tavern

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve a new liquor license application for Three Mermaids Tavern

RECOMMENDATION:

Staff respectfully recommends that the Council approve endorsement of the liquor license application for Three Mermaids Tavern

EXECUTIVE SUMMARY:

Three Mermaids Tavern has submitted a new liquor license application under the category of full on-premises and off premises sales. This would permit them to sell factory-sealed malt beverages, wine, and cider at retail to individuals in Oregon for consumption on and off the licensed premises. They would also be eligible to provide sample tastings of malt beverages, wine, and cider for consumption on the premises. The business is located at 18041 SW Lower Boones Ferry Road, Suite 1B. The application is in accordance with provisions of Ordinance No.680-85 which established a procedure for review of liquor licenses by the Council. Applicants are required to fill out a City application form, from which a review by the Police Department is conducted, according to standards and criteria established in Section 6 of the ordinance. The Police Department has reviewed the new liquor license application and recommended approval. According to the provisions of Section 5 of Ordinance No. 680-85 a member of the Council or the public may request a public hearing on any of the liquor license requests. If such a public hearing request is made, a hearing will be scheduled and held on the license. It is important that any request for such a hearing include reasons for said hearing.

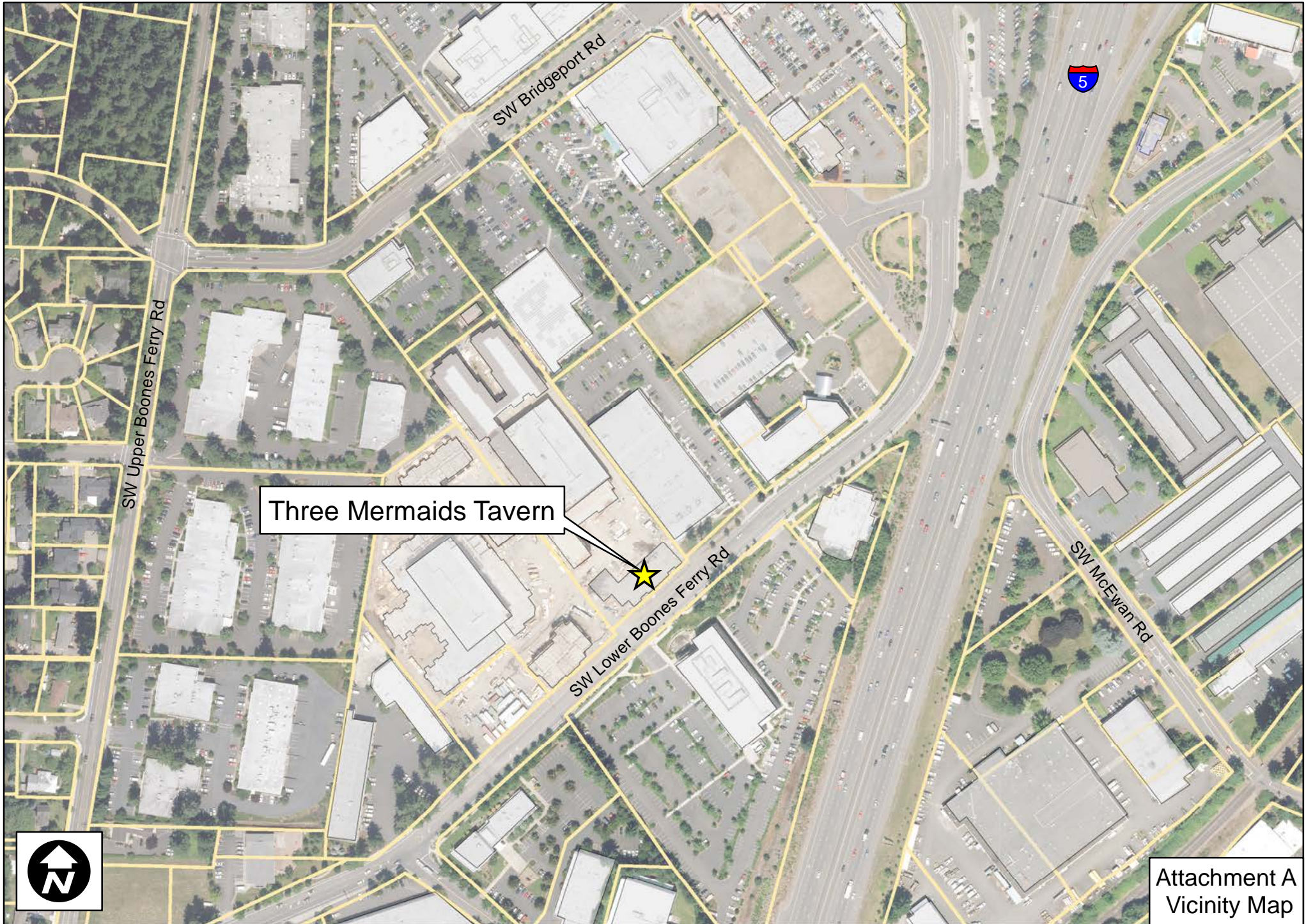
FINANCIAL IMPLICATIONS:

A fee has been paid by the applicant.

Attachments: [Attachment A - Vicinity Map](#)

Attachment B- License Types

Attachment C- Application



OREGON LIQUOR CONTROL COMMISSION

LICENSE TYPES

FULL ON-PREMISES SALES

- **Commercial Establishment**
Sell and serve distilled spirits, malt beverages, wine, and cider for consumption at that location (*this is the license that most “full-service” restaurants obtain*). Sell malt beverages for off-site consumption in securely covered containers provided by the customer. Food service required. Must purchase distilled liquor **only** from an Oregon liquor store, or from another Full On- Premises Sales licensee who has purchased the distilled liquor from an Oregon liquor store.
- **Caterer**
Allows the sale of distilled spirits, malt beverages, wine, and cider by the drink to individuals at off-site catered events. Food service required.
- **Passenger Carrier**
An airline, railroad, or tour boat may sell and serve distilled spirits, malt beverages, wine, and cider for consumption on the licensed premises. Food service required.
- **Other Public Location**
Sell and serve distilled spirits, malt beverages, wine, and cider for consumption at that location, where the predominant activity is not eating or drinking (for example an auditorium; music, dance, or performing arts facility; banquet or special event facility; lodging fairground; sports stadium; art gallery; or a convention, exhibition, or community center). Food service required.
- **Private Club**
Sell and serve distilled spirits, malt beverages, wine, and cider for consumption at that location, but only for members and guests. Food service required.

LIMITED ON-PREMISES SALES

Sell and serve malt beverages, wine, and cider for onsite consumption. Allows the sale of malt beverages in containers (kegs) for off-site consumption. Sell malt beverages for off-site consumption in securely covered containers provided by the customer.

OFF-PREMISES SALES

Sell factory-sealed containers of malt beverages, wine, and cider at retail to individuals in Oregon for consumption off the licensed premises. Eligible to provide sample tastings of malt beverages, wine, and cider for consumption on the premises. Eligible to ship manufacturer-sealed containers of malt beverages, wine, or cider directly to an Oregon resident.

BREWERY PUBLIC HOUSE

Make and sell malt beverages. Import malt beverages into and export from Oregon. Distribute malt beverages directly to retail and wholesale licensees in Oregon. Sell malt beverages made at the business to individuals for consumption on or off-site.

WINERY

Must principally produce wine or cider in Oregon. Manufacture, store, and export wine and cider. Import wine or cider *If bottled, the brand of wine or cider must be owned by the licensee*. Sell wine and cider to wholesale and retail licensees in Oregon. Sell malt beverages, wine, and cider to individuals in Oregon for consumption on or off-site.



MAR 03 2015

CITY OF TUALATIN

LIQUOR LICENSE APPLICATION

MAYOR _____ COUNCIL _____ POLICE _____ ADM _____
FINANCE _____ COMMDEV _____ LEGAL _____ OPER _____
COMMSVCS _____ ENG&BDG _____ LIBRARY _____

Date 02/24/15

IMPORTANT: This is a three-page form. You are required to complete all sections of the form.
If a question does not apply, please indicate N/A. Please include full names (last, first middle) and full dates of birth (month/day/year). Incomplete forms shall receive an unfavorable recommendation.
Thank you for your assistance and cooperation.

SECTION 1: TYPE OF APPLICATION

- Original (New) Application - \$100.00 Application Fee.
- Change in Previous Application - \$75.00 Application Fee.
- Renewal of Previous License - \$35.00 Application Fee. Applicant must possess current business license. License # _____
- Temporary License - \$35.00 Application Fee.

SECTION 2: DESCRIPTION OF BUSINESS

Name of business (dba): Three Mermaids Tavern

Business address 18041 SW Lower Boones Ferry Rd Suite 1B City Tigard State OR Zip Code 97224

Mailing address 18041 SW Lower Boones Ferry Rd Suite 1B City Tigard State OR Zip Code 97224

Telephone # 503-481-5261 Fax # _____

Name(s) of business manager(s) First William Middle S. Last McAuliffe

Date of birth _____ Social Security # _____ ODL# _____ M F _____

Home address _____ City Beaverton State OR Zip Code 97007
(attach additional pages if necessary)

Type of business Taphouse

Type of food served Small Plates

Type of entertainment (dancing, live music, exotic dancers, etc.) None / Recorded Music

Days and hours of operation Tues - Sunday 11 A.M. - 10 P.M.

Food service hours: Breakfast _____ Lunch X Dinner X

Restaurant seating capacity ≈ 50 Outside or patio seating capacity ≈ 10

How late will you have outside seating? 10 P.M. How late will you sell alcohol? 10 P.M.

How many full-time employees do you have? 1 Part-time employees? 4

SECTION 3: DESCRIPTION OF LIQUOR LICENSE

Name of Individual, Partnership, Corporation, LLC, or Other applicants McAuliffe Family Enterprises

Type of liquor license (refer to OLCC form) Limited ON-premises, off-premises

Form of entity holding license (check one and answer all related applicable questions):

INDIVIDUAL: If this box is checked, provide full name, date of birth, and residence address.
Full name _____ Date of birth _____
Residence address _____

PARTNERSHIP: If this box is checked, provide full name, date of birth and residence address for each partner. If more than two partners exist, use additional pages. If partners are not individuals, also provide for each partner a description of the partner's legal form and the information required by the section corresponding to the partner's form.
Full name _____ Date of birth _____
Residence address _____
Full name _____ Date of birth _____
Residence address _____

CORPORATION: If this box is checked, complete (a) through (c).
(a) Name and business address of registered agent.
Full name McAuliffe Family Enterprises
Business address 8332 SW 181st Ave Beaverton OR 97007

(b) Does any shareholder own more than 50% of the outstanding shares of the corporation? If yes, provide the shareholder's full name, date of birth, and residence address.
Full name _____ Date of birth _____
Residence address _____

(c) Are there more than 35 shareholders of this corporation? Yes No If 35 or fewer shareholders, identify the corporation's president, treasurer, and secretary by full name, date of birth, and residence address.
Full name of president: William J. McAuliffe Date of birth: [REDACTED]
Residence address: [REDACTED] Beaverton OR 97007
Full name of treasurer: Shannon Koca Date of birth: [REDACTED]
Residence address: [REDACTED] Beaverton OR 97007
Full name of secretary: Katie McAuliffe Date of birth: [REDACTED]
Residence address: [REDACTED] Beaverton OR 97007

LIMITED LIABILITY COMPANY: If this box is checked, provide full name, date of birth, and residence address of each member. If there are more than two members, use additional pages to complete this question. If members are not individuals, also provide for each member a description of the member's legal form and the information required by the section corresponding to the member's form.
Full name: _____ Date of birth: _____
Residence address: _____

Full name: _____ Date of birth: _____
Residence address: _____

OTHER: If this box is checked, use a separate page to describe the entity, and identify with reasonable particularity every entity with an interest in the liquor license.

SECTION 4: APPLICANT SIGNATURE

A false answer or omission of any requested information on any page of this form shall result in an unfavorable recommendation.

Signature of Applicant _____ Date 02/24/15

For City Use Only

Sources Checked:

DMV by [Signature] LEDS by [Signature] TuPD Records by [Signature]
 Public Records by [Signature]

Number of alcohol-related incidents during past year for location.
 Number of Tualatin arrest/suspect contacts for _____

It is recommended that this application be:

Granted
 Denied

Cause of unfavorable recommendation: _____

Signature _____ Date 3/17/15

Kent W. Barker
Chief of Police
Tualatin Police Department



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Nicole Morris, Deputy City Recorder

DATE: 03/23/2015

SUBJECT: Consideration of Approval of 2015 Liquor License Renewals Late Submittals

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve liquor license renewal applications for 2015. The businesses listed below submitted their 2015 renewal application too late to be included in the renewals approved at the February 23, 2015 Council meeting. Copies have not been included with this staff report but are available at the City Offices for review.

RECOMMENDATION:

Staff respectfully recommends that the Council approve endorsement of the following liquor license application renewals for 2015:

76 of Tualatin
7-eleven
Baja Fresh Mexican Grill
Buffalo Wild Wings
Celia's Mexican Restaurant
Chipotle Mexican Grill
Club Sport
E.B. Smokeys
Famous Daves
Fiorano Restorante
Fuddruckers
Island Greens
King Estate Winery
Millers Homestead
Nacho Mama's
New York Ruben's
Outback Steakhouse
Pieology Pizzeria
Pizza Hut
Safeway # 1047
Sushi Train

Sushiville
The Grand Hotel
The Tualatin Elks Lodge #2780
Tualatin Indoor Soccer
Island Greens
Nacho Mama's
New York Ruben's
Outback Steakhouse
Pizza Hut
Sushi Train
Sushiville
The Tualatin Elks Lodge #2780
The Grand Hotel

EXECUTIVE SUMMARY:

Annually the Oregon Liquor Control Commission (OLCC) requires all liquor licenses be renewed. According to the provisions of City Ordinance No. 680-85, establishing procedures for liquor license applicants, applicants are required to fill out a City application form, from which a review by the Police Department is conducted, according to standards and criteria established in Section 6 of the ordinance. The liquor license renewal applications are in accordance with all ordinances and the Police Department has conducted reviews of the applications.

According to the provisions of Section 5 of Ordinance No. 680-85 a member of the Council or the public may request a public hearing on any of the liquor license renewal requests. If such a public hearing request is made, a hearing will be scheduled and held on the license. It is important that any request for such a hearing include reasons for said hearing.

FINANCIAL IMPLICATIONS:

A renewal fee of \$35 has been paid by each applicant.

Attachments:

City Council Meeting

Meeting Date: 03/23/2015

CONSENT Tualatin Library Advisory Committee Annual Report

AGENDA:

CONSENT AGENDA

Consideration of 2014 Annual Report of the Tualatin Library Advisory Committee

SUMMARY

The Tualatin Library Advisory Committee (TLAC) was established by Ordinance 758-88, adopted by Council on October 10, 1988, and incorporated into the Tualatin Municipal Code as Chapter 11-4. The enabling ordinance requires the TLAC to file an annual report with the Council including a summary of the committee's activities during the preceding year and other matters and recommendations the committee deems appropriate.

[2014 TLAC Annual Report](#)



2014 ANNUAL REPORT

Tualatin Library Advisory Committee

1. BACKGROUND

The Tualatin Library Advisory Committee (TLAC) was established by Ordinance 758-88, adopted by Council on October 10, 1988, and incorporated into the Tualatin Municipal Code as Chapter 11-4. The enabling ordinance requires the TLAC to file an annual report with the Council including a summary of the committee's activities during the preceding year and other matters and recommendations the committee deems appropriate.



Members of the TLAC during 2014-15 include Thea Wood, Jan Westfall, Sonya Ambuehl (Chair), Victoria King, Alan Feinstein (Vice Chair), Angel Ramirez (teen representative), and Marcus Young (not pictured). Former members included teen representative Reem Alkaatan, who resigned from TLAC in September 2014, and Len Runion, whose term ended in October 2014.

2. ROLES OF THE COMMITTEE

- A. Consult with and advise the Library Manager on all matters affecting operational policies of the City Library.
- B. Make recommendations to the City Council with respect to services, facilities and all other matters pertaining to the maintenance and improvement of the City Library.
- C. Hear and consider complaints about City Library policies or materials.

3. ACTIONS AND ACCOMPLISHMENTS IN SUPPORT OF ROLES IN 2014

- A. CONSULT WITH AND ADVISE THE LIBRARY MANAGER ON ALL MATTERS AFFECTING OPERATIONAL POLICIES OF THE CITY LIBRARY
 1. TLAC considered & provided recommendations on: Library Rules of Conduct, the use of Library by tutors, smoking on the Library plaza, DVD loan periods, use of PINs at self-checkout machines.

B. MAKE RECOMMENDATIONS TO THE CITY COUNCIL WITH RESPECT TO SERVICES, FACILITIES, AND ALL OTHER MATTERS PERTAINING TO THE MAINTENANCE AND IMPROVEMENT OF THE CITY LIBRARY.

1. TLAC received presentations from a number of library partners and recommended activities to strengthen these partnerships. Presentations included:
 - a. Teen Library Committee
 - b. Tualatin Library Foundation
 - c. Friends of Tualatin Library
 - d. Volunteer Services
 - e. Washington County Cooperative Library Services
2. TLAC provided comments and advice to the Library management and City staff regarding the Seneca Street extension and Library parking lot design, adding a drive-up book return, the Civic Facility Study, Standards for Oregon Public Libraries, the Tualatin River Greenway Trail Gap Completion project, ebook services, Tualatin Tomorrow, and Capital Improvement Plan.
3. TLAC members participated in the Civic Facilities Study Task Force and public involvement meetings on the Civic Facilities Study and Seneca Street extension / Library parking improvements.

C. HEAR AND CONSIDER COMPLAINTS ABOUT CITY LIBRARY POLICIES OR MATERIALS.

1. TLAC holds open meetings and members of the public are invited to attend.
2. TLAC members review comment cards received by the City regarding the Library each month, and provide input on the topics raised.

4. ACTION PLAN FOR 2015

A. CIVIC FACILITY STUDY

As the City engages in a comprehensive long-range Civic Facilities Study, TLAC will provide citizen feedback to the City Council with respect to the needs of Library users and Library facilities.

B. LONG-RANGE PLANNING

TLAC will be actively involved and provide citizen feedback in the development of a strategic plan for the Library, including technology planning, and the update of the City's Parks and Recreation Master Plan.

C. REVIEW OPERATIONAL POLICIES

TLAC will continue to be actively involved and educated in the operations and roles of the Library. TLAC will provide citizen feedback as Library management reviews and updates operational policies.

City Council Meeting**Meeting Date:** 03/23/2015**ANNOUNCEMENTS:** Tualatin Planning Commission 2014 Annual Report

ANNOUNCEMENTS

2014 Annual Report of the Tualatin Planning Commission

SUMMARY

The Planning Commission reviewed and approved the 2014 Annual Report at their regularly scheduled meeting on February 19, 2015. They recommended that the City Council accept the report.

The Municipal Code Chapter 11-1 directs the Planning Commission to file a report of its activities with the City Council every year no later than April 1st. The annual report shall include a survey and report of activities of the Planning Commission of the previous year. Last year in 2014, the Planning Commission reviewed and made recommendations on a Plan Text Amendment and a Plan Map Amendment. Additionally, they reviewed and approved a Sign Variance and a Height Variance. The 2014 Annual Report is attached and has more details about their activities.

101. Tualatin Planning Commission 2014 Annual Report



City of Tualatin

2014 ANNUAL REPORT

TUALATIN PLANNING COMMISSION

March 23, 2015

Planning Commissioners:

Alan Aplin, Chair
Bill Beers, Vice Chair
Adam Butts
Jeff DeHaan
Nic Herriges
Cameron Grile
Jan Giunta

2014 ANNUAL REPORT OF THE TUALATIN PLANNING COMMISSION

BACKGROUND

The Tualatin Planning Commission, formerly the Tualatin Planning Advisory Committee established, was established on July 26, 1976 (Ord. 1339-12 and Ord. 342-76). The Planning Commission's membership, organization and duties are prescribed in Tualatin Municipal Code Chapter 11-1. The Planning Commission is the official Committee for Citizen Involvement in accordance with Statewide Land Use Planning Goal 1, Citizen Involvement. This annual report covers activities conducted by the Planning Commission in 2014.

This report will address a section of the Tualatin Municipal Code Chapter 11-1.

11-1-080: Not later than April 1 of each year, the Commission shall file its annual report of the activities of the Commission with the City Council. The annual report shall include a survey and report of the activities of the committee 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. The report may include any other matters deemed appropriate by the Committee for recommendation and advice to the Council.



2014 Tualatin Planning Commissioners Jeff DeHaan, Alan Aplin Chair, Jan Giunta, Bill Beers Vice Chair, Cameron Grile, Adam Butts

CITIZEN INVOLVEMENT AND INPUT

The Planning Commission is the official Committee to fulfill Goal 1: Citizen Involvement of Oregon's statewide land use planning program. The purpose of Goal 1 is to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the land use planning process.

Goal 1 is specific to land use and involving citizens in land use making decisions. The Planning Commission serves two functions in Tualatin's land use planning program. Their first and original function is to serve as an advisory committee to the City Council by reviewing and making recommendations on comprehensive plan amendments. Plan amendments implement policy direction and are essentially legislative decisions. The second function of the Planning Commission, a more recent addition, is decision making authority over a specified set of quasi-judicial land use decisions. In other words, the Planning Commission has the authority to approve or deny projects tied to specific properties.

Goal 1 allows for varying degrees of citizen involvement that is appropriate to the scale of the planning effort. For example in 2014 the Planning Commission recommended approval of Plan Text Amendment (PTA) 14-01 that implemented Linking Tualatin a city wide effort that was part of the City's Year of Transportation efforts. In this instance there were Task Force meetings, working group meetings and an intensive three day workshop to gather public input. Staff consistently updated the Planning Commission and asked for feedback on the plan over the course of two years. The level of effort was warranted because the changes affected multiple properties in different Planning Districts across the City.

In contrast, a property owner requested a Plan Map Amendment (PMA) 14-01 to several contiguous properties changing the designation from Recreational Commercial (CR) and General Commercial (CG) to High Density Residential (RH). In this case, minimal public involvement was warranted due to the limited nature of the proposed change. The applicants held a neighborhood developer meeting where property owners and citizens within 1,000 feet of the property were invited to meet the developer and discuss the proposal, identify any impacts and resolve and potential conflicts.

In both cases, citizens had a chance make comments either in writing or verbally at the public meeting prior to the Planning Commission making a recommendation to the City Council.

Oregon state law sets minimum notification standards for quasi-judicial decisions such as the two variances considered by the Planning Commission in 2014. Applicants for the variances were required to host neighborhood developer meetings and staff notified property owners within 1,000 feet of a public hearing at the Planning Commission 20 days in advance of the meeting. Anyone who submitted comments or testified during the public hearing was then notified of the decision and given 14 calendar days to file an appeal to City Council to review the decision.

All Planning Commission meetings regardless of the agenda items are published on the City website and notices of the meetings are posted in two different locations in City buildings.

Additionally, the Community Development staff meets with the Citizen Involvement Organization Land Use Officers on a quarterly basis or as topics arise. The purpose of the meetings is to provide updates on land use items such as projects under construction, upcoming decisions and long range planning. These meetings are held directly before the Planning Commission meetings, and they provide a forum for CIO officers to ask questions and get more information about community development processes.

COMMUNICATIONS FROM THE PUBLIC NOT ON AN AGENDA

At each meeting, there is an allotted time for the public to make comments about any topic not related to an agenda item. This opportunity has given members of the public a time to ask TPC to consider other community concerns.

Two topics were presented by citizens in 2014:

- The CCIO brought forward zoning and land use issues in Oak Tree Business Park also known as Blocks 28 and 29 of the Central Urban Renewal District.
- Members of a newly formed City Task Force on Aging introduced themselves and announced the task force formation. Their purpose in talking to the Planning Commission was to make them aware of this new group and to ask that needs of an aging population be considered when making decisions about land use and transportation issues.

PLANNING COMMISSION ACTION ITEMS

In January 2012, the City Council changed the Tualatin Planning Advisory Committee to the Tualatin Planning Commission. The Planning Commission met for the first time in February 2012 and has purview over certain quasi-judicial land use applications including:

- Industrial Master Plans
- Reinstatement of Use
- Sign Variance
- Variance
- Transitional Use Permit

The Planning Commission retains the duties of the Advisory Committee, which is to make recommendations to City Council on comprehensive plan amendments including map and text changes. The Planning Commission reviewed and decided on two quasi-

judicial decisions and made recommendations on two comprehensive plan amendments in 2014. They met a total of nine times during the calendar year. Three meetings were cancelled due to a lack of agenda items.

PTA-14-01 Amending Chapters 60, 61, and 62 of the Tualatin Development Code— Amendment to allow small-scale mixed uses and modifications to Chapters 34 and 69 to implement recommendations from Linking Tualatin. Recommended Approval 6-0.

PMA-14-01 Amending Community Plan Map 9-1 – Amendment to change the designation of two tax lots totaling 9.41 acres from General Commercial and Recreational Commercial to High Density Residential located at 17865 SW Pacific Highway. Recommended Approval 6-0.

VAR-14-01 For a Wireless Communication Facility – Request to allow an increase in height above the maximum allowed for a Verizon Wireless Communication Facility in the Institutional (IN) Planning District. Approved 6-0.

SVAR-14-01 Cabela's Sign Variance – Request to allow Cabela's store in the Office Commercial (CO) and Central Commercial (CC) Planning district to have two signs that exceeded the allowed maximum standards in the Planning Districts. Approved 6-0.

STAFF UPDATES TO THE PLANNING COMMISSION

Staff presented several topics for discussion including:

- The SW Corridor Transit Alignment Options and Draft Recommendations.
- Basalt Creek Concept Plan including a review of the Partnering Agreement, Public Involvement Plan, Draft Guiding Principles and Existing Conditions Report. Additionally two presentations were made to update the Commission on project status and discussions had by Council at work sessions.
- A review and update of Metro's Climate Smart Communities Project.
- TriMet staff presented an update on the agency's Service Enhancement Plan.
- The City of Tualatin's 2016-2020 Capital Improvement Plan.

COMMISSIONER TRAININGS

- Mr. Butts attended a Planning Commissioner Training hosted by the Oregon City Planning Directors Association in September.

City Council Meeting

Meeting Date: 03/23/2015

SPECIAL Annual Report of the Tualatin Park Advisory Committee
REPORTS:

SPECIAL REPORTS

2014 Annual Report of the Tualatin Park Advisory Committee

2014 TPARK Annual Report



2014 ANNUAL REPORT of the Tualatin Park Advisory Committee (TPARK)

1. BACKGROUND

Tualatin Park Advisory Committee (TPARK) was established by Ordinance 418-77, adopted by Council on November 28, 1977, and incorporated into the Tualatin Municipal Code as Chapter 11-2. TPARK also serves as the Tree Board for the purpose of the Tree City USA program pursuant to Resolution 2013-87, adopted by Council on July 27, 1987.

Section 11-2-090 of the Tualatin Municipal Code calls for an annual report summarizing TPARK's activities during the preceding calendar year, outlining future activities of the committee, and identifying any other matters deemed appropriate by the committee for recommendation and advice to the Council.

The members of TPARK in 2014 were Kay Dix, Bruce Andrus-Hughes, Connie Ledbetter, Dana Paulino, Valerie Pratt (Vice Chair), Stephen Ricker and Dennis Wells (Chair).

2. ROLES OF THE COMMITTEE

The Tualatin Park Advisory Committee has the duty to:

- A. Recommend and make suggestions to the City Council regarding all matters relating to public parks, playground-related activities and programs. This shall include, but not be limited to:
 - a. the budget process,
 - b. immediate and long-range planning,
 - c. citizen participation; and
- B. Formulate comprehensive and community-wide park and recreation systems and programs to serve the horticultural, environmental, historical, recreational, cultural and leisure needs of all City residents; and
- C. Consider the provisions of any comprehensive plan, project plan or agency plan of the City of Tualatin Development Commission, the Urban Renewal Agency of

the City of Tualatin, and other government agencies having plans or projects affecting the City of Tualatin; and

- D. As the City's Tree Board TPARK makes recommendations to staff and Council on Urban Forestry related issues.

3. ACTIONS AND ACCOMPLISHMENTS IN SUPPORT OF ROLES IN 2014

A. RECOMMEND AND MAKE SUGGESTIONS TO THE CITY COUNCIL REGARDING ALL MATTERS RELATING TO PUBLIC PARKS, PLAYGROUND-RELATED ACTIVITIES AND PROGRAMS

TPARK made a number of recommendations to staff and Council in 2014. Most of the recommendations were informed by receiving public involvement. Citizens and other interested parties shared their thoughts on a wide range of planning, policy and capital projects including Tualatin River Greenway Trail Gap Connection grant and design, Pohl Center Community Development Block Grant, development projects and the capital improvement projects plan.

1. Supported the City of Tualatin's Community Development Block Grant application and the Connect V grant application.

TPARK provided input, opportunity for public involvement and support of the City's applications for grant funds to install a fire sprinkler system at the Juanita Pohl Center and to develop a three quarters of a mile long section of the Tualatin River Greenway. On a monthly basis, committee members reviewed and provided insight and comments on the grant applications and project plans.

2. Received the 2013 Tualatin Heritage Center Annual Report and forwarded to the Council.

Per the 2005 *Agreement for Operation of the Tualatin Heritage Center*, the Tualatin Historical Society provides annual reports summarizing the operation, activities, attendance, financial status, participant evaluations and surveys, staffing changes, marketing efforts, building and maintenance concerns, and other relevant issues to TPARK and the Tualatin City Council. TPARK received the report on March 11, 2014, and recommended that Council accept the Tualatin Heritage Center Report, which they did on March 24, 2014.

3. Tualatin's Local Share Project List for Metro's 2006 Natural Areas Bond Measure

Committee members reviewed the 2006 Natural Areas Bond Measure for \$220 million to protect wildlife habitat, preserve water quality and enhance public access to nature. The City of Tualatin's Local Share Project amount was \$786,506 with \$88,860 of funds remaining in the Local Legacy Program. The 2006 Resolution 4487-06 approved the use of Tualatin's Local Legacy Program funds to further the goals of the Tualatin River Greenway through land acquisition, within the boundaries of the Tualatin River Greenway. On

December 9, 2014 TPARK recommended to council that the City of Tualatin approve “the use of Tualatin’s Local Legacy Program funds for land acquisition and construction of the Tualatin River Greenway Trail, and its connections.” On January 26, 2015 the Council concurred and approved Resolution No. 5225-15, approving an Amendment to the City of Tualatin’s Local Share Project List for Metro’s 2006 Natural Areas Bond Measure.



B. FORMULATE COMPREHENSIVE AND COMMUNITY-WIDE PARK AND RECREATION SYSTEMS AND PROGRAMS TO SERVE THE HORTICULTURAL, ENVIRONMENTAL, HISTORICAL, RECREATIONAL, CULTURAL AND LEISURE NEEDS OF ALL CITY RESIDENTS

During 2014 TPARK regularly provided input on park facilities, recreation programs, activities and events, and also participated in them. TPARK members volunteered at the West Coast Giant Pumpkin Regatta, Tualatin TRYathlon, Arbor Week Celebration, and other recreation programs. Committee members brought a prospective from citizens, organization and businesses regarding programs and facilities, and provided input representing our diverse community.

1. Trail User Counting Project

On September 10-14, 2014, TPARK members participated in the 2014 trail user counts to determine the use of the Tualatin River Greenway. This data is used to establish a national database of bicycle and pedestrian count information generated by these consistent methods and practices. The trail counts allow analysis on the correlations bicycle and pedestrian activities have on local communities. The information will also help determine the increased use once the gap completion is finished between Barngrover Way and the former RV Site of Portland.

2. Supported the Dog Park Programs and Projects.

Committee members discussed, made suggestions and supported facility enhancements such as shade trees, a covered shelter and programs at this specialized city facility. There were several activity programs and volunteer project enhancements that the committee endorsed.

3. Actively Supported the City of Tualatin's Connect Oregon V grant application for the Tualatin River Greenway Trail Gap Connection.

TPARK worked toward furthering the Council vision and goals to "Protect and Expand Natural Areas" and "Expand Opportunities for Vibrant Park and Recreational Facilities Including Greenway Trails and Bike/Pedestrian Trails". The committee focus included ways to support the City missions, programming, and facilities to provide a community benefit which improves health, increases economic development, enhances the environment and provides a quality of place in Tualatin.

4. Endorsed the Pickleball Striping on Tennis Courts at Tualatin Community Park and Jurgens Park.

On May 14, 2014 the committee visited and reviewed the court markings and multi use of the tennis courts for pickleball, one of the fastest growing activities in the country. TPARK members talked with pickleball players, and received feedback from other park users during a site visit at Tualatin Community Park.

C. CONSIDER THE PROVISIONS OF ANY COMPREHENSIVE PLAN, PROJECT PLAN OR AGENCY PLAN OF THE CITY OF TUALATIN DEVELOPMENT COMMISSION, THE URBAN RENEWAL AGENCY OF THE CITY OF TUALATIN, AND OTHER GOVERNMENTAL AGENCIES HAVING PLANS OR PROJECTS AFFECTING THE CITY OF TUALATIN

1. Basalt Creek Concept Plan Project

Throughout TPARK meetings during 2014, the Committee received Basalt Creek Concept Plan Project presentations and updates. TPARK members reviewed the base case building process and base case scenarios. They discussed existing conditions and next steps for this planning project. Of interest to committee members was the idea that Office Park/Flex land use may include parks and recreation facilities. On December 9, 2014 the committee indicated that they would like to see public facilities designated in the plan. The input from the committee was to include parks, natural areas, trails, recreation and library facilities, and bike lanes. TPARK members recommended that the Ice Age Tonquin Trail be included in the concept plan.

2. City of Tualatin's 2016-2020 Capital Improvement Plan

On December 9, 2014 TPARK reviewed, discussed and provided input on the City of Tualatin Capital Improvement Plan for 2016-2020. Committee members reviewed project categories, priorities, funding sources and projects by category. TPARK members discussed the draft project list, and the effect

that the parks and recreation master plan may have on future capital improvement project lists.

Other projects and plans TPARK reviewed and discussed in 2014 include: Ice Age Tonquin Trail, Tualatin Tomorrow Vision Action Plan, Ice Age Discovery Trail, City Facilities Study and the Tualatin Together priority planning process.

D. AS THE CITY'S TREE BOARD TPARK MAKES RECOMMENDATIONS TO STAFF AND COUNCIL ON URBAN FORESTRY RELATED ISSUES

1. Recommended that Council Proclaim April 6 – April 12, 2014 Arbor Week in the City of Tualatin

On March 11, 2014, TPARK recommended the adoption of the Arbor Week Proclamation which was approved by Council on March 24, 2014. The advisory committee was also involved in the selection process to determine the winners of the youth Arbor Week poster contest.



4. ACTION PLAN FOR 2015

- A. Continue to fulfill prescribed duties.**
- B. Provide Recommendations and Public Involvement Opportunities for the Public during the Parks and Recreation Master Plan Update.**
- C. Support the Continuing Development of Parks and Recreation Facilities and Programs.**
- D. Demonstrate the Benefits of Parks, Trails, Recreation, Open Space, Natural Areas and Greenways.**

5. RECOMMENDATIONS

The Tualatin Park Advisory Committee respectfully recommends that the City:

- A. Begin an update to the Park and Recreation Master Plan as scheduled and budgeted.**
- B. Continue to move forward with acquiring property within the Tualatin River Greenway, and take appropriate actions to continue development of the Tualatin River Greenway trail. The importance of the Tualatin River Greenway is to preserve the scenic value of the Tualatin River, enhance water quality, preserve fish and wildlife habitat, provide opportunities for activity to improve health, and provide public pedestrian and bicycle access.**
- C. Ensure that public facilities including parks, natural areas, trails (Ice Age Tonquin and others), recreation and library facilities, and bike lanes are included in the Basalt Creek Concept Plan.**
- D. Include provisions of the Regional Active Transportation Plan in public and private planning processes and development decisions.**
- E. Support and implement smoke and tobacco free initiatives that prohibit smoking and use of tobacco products, including e-cigarettes, in Tualatin's parks and public spaces.**



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Sean Brady, City Attorney

DATE: 03/23/2015

SUBJECT: Consideration of **Ordinance No. 1379-15** Allowing Marijuana Facilities In Light Manufacturing, General Manufacturing, and Manufacturing Business Park Planning Districts with Certain Restrictions; Allowing Homegrown Marijuana Outdoors with Certain Restrictions; Amending Tualatin Development Code Chapters 31, 60, 61, and 64; Creating New Chapter 80; and Adding New Provisions (PTA-15-01)

ISSUE BEFORE THE COUNCIL:

Consideration of Ordinance No. 1379-15 to allow Marijuana Facilities in the Light Manufacturing, General Manufacturing, and Manufacturing Business Park Planning Districts with certain restrictions and allow homegrown marijuana outdoors with certain restrictions.

RECOMMENDATION:

Staff recommends Council consider Ordinance No. 1379-15 to allow Marijuana Facilities in the Light Manufacturing, General Manufacturing, and Manufacturing Business Park Planning Districts with certain restrictions and allow homegrown marijuana outdoors with certain restrictions.

EXECUTIVE SUMMARY:

Ordinance No. 1379-15 is before Council for consideration of second reading and adoption. Ordinance No. 1379-15 implements Plan Text Amendment (PTA) 15-01 to modify the Tualatin Development Code to allow marijuana facilities to operate in the Light Manufacturing, General Manufacturing, and Manufacturing Business Park Planning Districts under certain restrictions. These restrictions include:

- Marijuana facilities cannot be located within 3,000 feet of residential areas, parks, schools, and libraries;
- Marijuana Facilities cannot be located within 2,000 feet of another marijuana facility;
- Marijuana Facilities must be located in a permanent building that cannot exceed 3,000 square feet in size;
- Retail sales and medical dispensary marijuana facilities cannot co-locate with any other marijuana facility;
- Retail sales and medical dispensary marijuana facilities are restricted to operating between

ORDINANCE NO. 1379-15

AN ORDINANCE ALLOWING MARIJUANA FACILITIES IN LIGHT MANUFACTURING, GENERAL MANUFACTURING, AND MANUFACTURING BUSINESS PARK PLANNING DISTRICTS WITH CERTAIN RESTRICTIONS; ALLOWING HOMEGROWN MARIJUANA OUTDOORS WITH CERTAIN RESTRICTIONS; AMENDING TUALATIN DEVELOPMENT CODE CHAPTERS 31, 60, 61, AND 64; CREATING NEW CHAPTER 80; AND ADDING NEW PROVISIONS (PTA-15-01)

WHEREAS, on November 3, 1998, Oregon voters approved Ballot Measure 67, known as the “Oregon Medical Marijuana Act;” and

WHEREAS, on November 4, 2014, Oregon voters approved Ballot Measure 91, known as the “Control, Regulation, and Taxation of Marijuana and Industrial Hemp Act,” which authorized recreational marijuana production, sales, and use; and

WHEREAS, the City Council previously adopted TMC Chapter 9-08 to prohibit medical marijuana facilities from operating in Tualatin, the prohibition of which expires on May 1, 2015; and

WHEREAS, the Tualatin Municipal and Development Codes do not currently allow marijuana facilities in any planning district; and

WHEREAS, the Community Development Director initiated Plan Text Amendment PTA-15-01 to allow marijuana facilities to operate with certain restrictions in the Light Manufacturing, General Manufacturing, and Manufacturing Business Park Planning Districts; and

WHEREAS, the City provided notice of PTA-15-01 to the Oregon Department of Land Conservation and Development as provided in ORS 197.610; and

WHEREAS, notice of public hearing of PTA-15-01 was given as required by Tualatin Development Code 1.031, and a public hearing was held where City Council heard and considered the testimony and evidence presented by the City staff and those appearing at the public hearing, and a majority of City Council having approved PTA-15-01; and

WHEREAS, pursuant to Article XI, Section 2 of the Oregon Constitution, the City of Tualatin has “home rule” authority to adopt regulations relating to marijuana facilities;

NOW THEREFORE, THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TDC 31.060 is amended by adding the terms and definitions as follows:

Marijuana. All parts of the plant of the Cannabis family Moraceae, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin, and includes both medical and recreational marijuana as defined by Oregon law.

Marijuana, edible. Edible product that contains marijuana.

Marijuana extract. A product obtained by separating resins from the marijuana plant by solvent extraction.

Marijuana facility. A commercial or public use or structure where marijuana is produced, processed, wholesaled, retailed, distributed, transferred, sold or consumed and registered with the Oregon Health Authority (OHA) or the Oregon Liquor Control Commission (OLCC).

Marijuana, homegrown. Marijuana grown or made by a person 21 years of age or older for noncommercial purposes.

Section 2. TDC 60.020 is amended to read as follows:

Section 60.020 Permitted Uses.

No building, structure or land shall be used in this district, except for the following uses as restricted in TDC 60.021:

(1) Assembly, packaging, processing and other treatment of products, such as dairy products, and soft drinks.

~~(2)(15)~~ Assembly and packaging of small electrical and electronic appliances, such as radios, televisions, phonographs, audio, video and computer equipment, and office machines.

~~(3)(2)~~ Assembly of the following types of products:

- (a) Bicycles.
- (b) Small electric generators.
- (c) Small electric motors.
- (d) Marine pleasure craft.
- (e) Sashes and doors.

(f) Vending machines.

~~(4)(25)~~ Child day care center, provided it is in a building with manufacturing, processing, assembling, warehousing or wholesaling uses and provided all exterior walls and outdoor play areas shall be at least 400 feet from the exterior walls and pump islands of any automobile service station, irrespective of any structures in between.

~~(5)(3)~~ Contractor's office.

~~(6)(29)~~ Electrical substation.

~~(7)(4)~~ Electroplating.

~~(8)(26)~~ Greenways and Natural Areas, including but not limited to bike and pedestrian paths and interpretive stations.

~~(9)(11)~~ Laboratories: testing, medical, dental, photo, or motion picture, except structural-mechanical testing laboratories.

~~(10)(5)~~ Laundry, dry cleaning, dyeing or rug cleaning plant (non-retail).

~~(11)(6)~~ Machine shop, including automotive machine shop, of less than 7,500 gross square feet.

~~(12)(17)~~ Manufacture of musical instruments, toys and novelties.

~~(13)(16)~~ Manufacture of pottery and ceramics, using only previously pulverized clay.

~~(14)(7)~~ Manufacture of the following types of products:

(a) Cabinets.

(b) Furniture.

(c) Mattresses.

(d) Scientific, medical or dental laboratory measuring, analyzing and controlling equipment, and related tools and supplies.

~~(15)~~ Marijuana facility, subject to the provisions in TDC Chapter 80.

~~(16)(18)~~ Molding of small products from plastic.

~~(17)(30)~~ Natural gas pumping station.

~~(18)~~(10) Offices for executive, administrative, and professional uses related to the sale or service of industrial products.

~~(19)~~(33) Other uses of similar character found by the Planning Director to meet the purpose of this district, as provided in TDC 31.070.

~~(20)~~(14) Processing, assembly, packaging, and other treatment of small products manufactured from the following previously prepared or semi-finished materials: bone, hair, fur, leather, feathers, textiles, plastics, glass, wood, paper, cork, wire up to 1/4 inch (0.25") in diameter, rubber, and rubber compounds, precious or semi-precious stones, and similar small products composed of previously prepared or semi-finished materials.

~~(21)~~(12) Processing, assembly, packaging, or other treatment of such products as bakery goods, candy, cosmetics, pharmaceuticals, toiletries.

~~(22)~~(13) Processing, assembly, packaging, and other treatment of such products as small hand tools, optical goods, hearing aids, and scientific instruments or equipment.

~~(23)~~(24) Production of agricultural crops.

~~(24)~~(28) Public works shop and storage yard.

~~(25)~~(22) Publishing and printing (non-retail).

~~(26)~~(19) Sales of industrial hand tools, industrial supplies such as safety equipment and welding equipment, that are products primarily sold wholesale to other industrial firms or industrial workers.

~~(27)~~(23) Sewer and water pump stations, pressure reading stations, water reservoir.

~~(28)~~(35) Shared service facilities.

~~(29)~~(8) Spinning or knitting of fibers.

~~(30)~~(9) Storage of automobiles, boats, buses, trailers, and recreational vehicles, except not allowed in the Special Commercial Setback, TDC 60.035(1-3).

~~(31)~~(27) Telephone exchange or switching facility.

~~(32)~~(21) Trade or industrial schools.

~~(33)~~(34) Transportation facilities and improvements.

~~(34)~~(20) Warehousing related to the above uses; and warehousing for merchandise or goods normally sold or owned in commercial or residential planning districts, but excluding direct retail sales to customers from such warehouse structure, and excluding the storage of hazardous materials.

~~(35)~~(32) Wireless communication facility.

~~(36)~~(31) Wireless communication facility attached.

Section 3. TDC 60.021 is amended to read as follows:

Section 60.021 Restrictions on Permitted Uses in ML.

The following restrictions shall apply to those uses listed as permitted uses in TDC 60.020:

(1) The use must be conducted wholly within a completely enclosed building, except off-street parking and loading, utility facilities, wireless communication facilities, outdoor storage of materials and products directly related to the permitted use and outdoor play areas of child day care centers as required by State day care certification standards.

(2) The retail sale of products manufactured, assembled, packaged or wholesaled on the site is allowed provided that the retail sale area, including the showroom area, shall be no greater than 5% of the gross floor area of the building not to exceed 1,500 square feet.

(3) For other retail uses, excluding retail sales of products manufactured, assembled, packaged or wholesaled on the site, the following restrictions shall apply:

(a) Retail uses on land designated Employment Area or Corridor on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or business.

(b) Retail commercial, retail service and professional service uses on land designated Industrial Area on Map 9-4 shall not be greater than 5,000 square feet of sales or service area in a single outlet, or not greater than 20,000 square feet of sales or service area for multiple outlets in a single building or in multiple buildings that are part of the same development project, with the following two exceptions, which shall not be subject to the size limitations stated in this subsection:

(i) Commercial uses within the Special Setbacks for Commercial Uses Area, shown on Map 9-5, and as specified in TDC 60.035.

- (ii) Development approved through the application of the Industrial Business Park Overlay District to certain properties, as specified in TDC Chapter 69.
- (iii) Development approved through the application of standards for additional small-scale mixed uses in ML as specified in TDC 60.037-60.038.

(4) Marijuana facilities are subject to the provisions in TDC Chapter 80. To the extent there is a conflict between the provisions in this Chapter and the provisions in TDC Chapter 80, the provisions in TDC Chapter 80 apply.

Section 4. TDC 61.020 is amended to read as follows:

Section 61.020 Permitted Uses.

No building, structure or land shall be used, except for the following uses as restricted in TDC 61.021.

(1) All uses permitted by TDC 60.020 and 60.037 in the Light Manufacturing Planning District.

(2) Assembly, packaging, processing, and other treatment of beer, coffee, and canned goods.

(3) Assembly of electrical appliances, such as refrigerators, freezers, washing machines, and dryers.

(4) Auto body and/or paint shop; auto machine shop; auto radiator repair shop; general auto and light truck repair, including but not limited to, repairing and rebuilding engines and repair of transmissions, drivelines and rearends except not allowed in the Special Commercial Setback, TDC 61.035(1-3).

(5) Chemical warehouse and distribution.

(6) Cold storage plant.

(7) Concrete batch plant, except not allowed in the Leveton Tax Increment District.

(8) Manufacture of the following types of products:

(a) Batteries.

(b) Boilers.

- (c) Bottles.
- (d) Brick, tiles, or terra cotta.
- (e) Cans.
- (f) Chainsaws.
- (g) Electric generators.
- (h) Electric motors.
- (i) Electric transformers.
- (j) Engines, larger gasoline or diesel.
- (k) Heating and cooling equipment.
- (l) Industrial gases, excluding chlorine.
- (m) Ladders.
- (n) Lawnmowers.
- (o) Manufactured Dwellings.
- (p) Motor vehicles.
- (q) Paint.
- (r) Pet food.
- (s) Prefabricated building or structural members for buildings.
- (t) Rototillers.
- (u) Signs and display structures.
- (v) Windows.

(9) Marijuana facility, subject to the provisions in TDC Chapter 80.

(10)(9) Metal casting (small to large size).

~~(11)~~(10) Metal fabrication (light to medium) (of unfinished or semi-finished metals).

~~(12)~~(22) Other uses of a similar character found by the Planning Director to meet the purpose of this district, as provided in TDC 31.070.

~~(13)~~(41) Petroleum product distribution and storage.

~~(14)~~(42) Planning mill.

~~(15)~~(43) Processing, assembly, packaging, and other treatment of small products manufactured from sheet metal, wire larger than 1/4 inch (0.25") in diameter, or tobacco.

~~(16)~~(44) Production of agricultural crops.

~~(17)~~(23) Sale, service and rental of construction and industrial equipment to contractors and industrial firms only.

~~(18)~~(45) Sale, service and rental of industrial machinery including machine tools, processing, and packaging machinery, forklifts, hoists and conveyors.

~~(19)~~(46) Sandblasting.

~~(20)~~(47) Storage and retail sale of rock, gravel, barkdust, sawdust, coal or topsoil except not allowed in the Special Commercial Setback, TDC 60.035(1-3).

~~(21)~~(48) Structural-mechanical testing laboratories.

~~(22)~~(49) Welding shop.

~~(23)~~(22) Wireless communication facility.

~~(24)~~(20) Wireless communication facility attached.

Section 5. TDC 61.021 is amended to read as follows:

Section 61.021 Restrictions on Permitted Uses.

The following restrictions shall apply to those uses listed as permitted uses in TDC 61.020:

(1) The use must be conducted wholly within a completely enclosed building, except off-street parking and loading, utility facilities, wireless communication facilities, outdoor storage of materials and products directly related to the permitted use and

outdoor play areas of child day care centers as required by State day care certification standards.

(2) The retail sale of products manufactured, assembled, packaged or wholesaled on the site is allowed provided that the retail sale area, including the showroom area, shall be no greater than 5% of the gross floor area of the building not to exceed 1,500 square feet.

(3) For other retail uses, excluding retail sales of products manufactured, assembled, packaged or wholesaled on the site, the following restrictions shall apply:

(a) Retail uses on land designated Employment Area or Corridor on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or business.

(b) Retail commercial, retail service and professional service uses on land designated Industrial Area on Map 9-4 shall not be greater than 5,000 square feet of sales or service area in a single outlet, or not greater than 20,000 square feet of sales or service area for multiple outlets in a single building or in multiple buildings that are part of the same development project, with the following two exceptions, which shall not be subject to the size limitations stated in this subsection:

- (i) Commercial uses within the Special Setbacks for Commercial Uses Area, shown on Map 9-5, and as specified in TDC 61.035, except 61.035(4)(b).
- (ii) Development approved through the application of the Industrial Business Park Overlay District to certain properties, as specified in TDC Chapter 69.
- (iii) Development approved through the application of standards for additional small-scale mixed uses in ML as specified in TDC 60.037-60.038.

(4) Marijuana facilities are subject to the provisions in TDC Chapter 80. To the extent there is a conflict between the provisions in this Chapter and the provisions in TDC Chapter 80, the provisions in TDC Chapter 80 apply.

Section 6. TDC 64.020 is amended to read as follows:

Section 64.020 Permitted Uses.

No building, structure or land shall be used except for the following:

~~(1)(18)~~ Accessory Uses, incidental and subordinate to a permitted or conditionally permitted primary use.

~~(2)(9)~~ Corporate, regional, or district office headquarters for any use permitted in this Code, provided that the offices occupy at least 20,000 square feet and that no manufacturing is conducted where not otherwise permitted in this chapter.

~~(3)(14)~~ Electrical substation.

~~(4)(3)~~ Food and beverage product processing and packaging.

~~(5)(11)~~ Greenways and Natural Areas, including but not limited to bike and pedestrian paths and interpretive stations.

~~(6)(2)~~ Manufacture, assembly and production uses except the uses and activities listed as prohibited in TDC 64.040:

~~(7)~~ Marijuana facility, subject to the provisions in TDC Chapter 80.

~~(8)(4)~~ Metal fabrication (light to medium) (of unfinished or semi-finished metals).

~~(9)(5)~~ Molding of products from plastic and ceramic materials.

~~(10)(15)~~ Natural gas pumping station.

~~(11)(8)~~ Offices when part of a manufacturing use as listed in subsections (1) through (7) above (4), (6), (8), (9), (13), (16), and (19) of this section.

~~(12)(19)~~ Other uses of similar character, when found by the Community Development Director to meet the purpose of this district, as provided in TDC 31.070.

~~(13)(6)~~ Printing and publishing.

~~(14)(10)~~ Private parking lot improved and landscaped in accordance with TDC Chapter 73.

~~(15)(13)~~ Public works shop and storage yard.

~~(16)(1)~~ Research and development offices and laboratories for chemical, engineering, and physical sciences; medical and pharmaceutical products; alternative energy production from sources such as solar and wind; industrial products and consumer products.

~~(17)(12)~~ Sewer and Water Pump Station, Pressure Reading Station. Water Reservoir.

~~(18)~~(17) Transportation Facilities and Improvements.

~~(19)~~(7) Warehousing related to the above uses in subsections (4), (6), (8), (9), (13), and (16) of this section.

~~(20)~~(46) Wireless communication facility attached.

Section 7. TDC 64.021 is amended to read as follows:

Section 64.021 Restrictions on Permitted Uses.

The following restrictions shall apply to those uses listed as permitted uses in TDC 64.020.

(1) The use must be conducted wholly within a completely enclosed building, except off-street parking and loading, utility facilities, wireless communication facilities, outdoor storage of materials and products directly related to the permitted use.

(2) The retail sale of products manufactured, assembled, packaged or wholesaled on the site is allowed provided that the retail sale area, including the showroom area, shall be no greater than 5% of the gross floor area of the building not to exceed 1,500 square feet.

(3) Marijuana facilities are subject to the provisions in TDC Chapter 80. To the extent there is a conflict between the provisions in this Chapter and the provisions in TDC Chapter 80, the provisions in TDC Chapter 80 apply.

Section 8. TDC Chapter 80 is added to the Tualatin Development Code as follows:

Section 80.010 Purpose. The purpose of this chapter is to:

(1) Protect the general health, safety, property, and welfare of the public;

(2) Balance the right of individuals to produce and access marijuana and marijuana derivatives consistent with State law, with the need to minimize adverse impacts to nearby properties that may result from the production, storage, distribution, sale, and/or use of marijuana and derivatives;

(3) Prevent or reduce criminal activity that may result in harm to persons or property;

(4) Prevent or reduce diversion of State-licensed marijuana and marijuana derivatives to minors; and

(5) Minimize impacts to the City's public safety services by reducing calls for service.

Section 80.020 Definitions. Unless the context requires otherwise, the following words and phrases mean:

(1) "Marijuana" means all parts of the plant of the Cannabis family Moraceae, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin, and includes both medical and recreational marijuana as defined by Oregon law.

(2) "Marijuana, edible" means edible product that contains marijuana.

(3) "Marijuana extract" means a product obtained by separating resins from the marijuana plant by solvent extraction.

(4) "Marijuana facility" means a commercial or public use or structure where marijuana is produced, processed, wholesaled, retailed, distributed, transferred, sold or consumed and registered with the Oregon Health Authority (OHA) or the Oregon Liquor Control Commission (OLCC).

(5) "Marijuana, homegrown" means marijuana grown or made by a person 21 years of age or older for noncommercial purposes.

Section 80.030 Relationship to Other Standards.

(1) The provisions of this Chapter apply to all marijuana facilities requiring a State license or registration.

(2) The regulations in this Chapter are in addition to other development code standards. Sites with overlay zones, inventoried hazards, and/or sensitive lands are subject to additional regulations. Specific uses or development types may also be subject to regulations set forth elsewhere in the Tualatin Development Code.

(3) To the extent there is a conflict between other provisions in the Tualatin Development Code and the provisions of this Chapter, the provisions in this Chapter apply.

Section 80.050 Planning Districts Where Marijuana Facilities Permitted. Marijuana facilities are permitted in the following planning districts and subject to the other provisions of this Chapter:

(1) Light Manufacturing (ML);

(2) General Manufacturing (MG); and

(3) Manufacturing Business Park (MBP).

Section 80.060 Standards for Marijuana Facilities.

(1) All Marijuana facilities must comply with all applicable State requirements.

(2) A marijuana facility cannot be located within 3,000 feet, measured from the nearest property line, from any:

(a) Residential Planning District or residential uses;

(b) City Park listed below:

- (i) Atfalati Park
- (ii) Brown's Ferry Park
- (iii) Ibach Park
- (iv) Jurgens Park
- (v) Lafky Park
- (vi) Little Woodrose Nature Park
- (vii) Saarinen Wayside Park
- (viii) Stoneridge Park
- (ix) Sweek Pond Natural Area Park
- (x) Tualatin Commons
- (xi) Tualatin Commons Park
- (xii) Tualatin Community Park

(c) School; as defined in Chapter 31 of the Tualatin Development Code; and

(d) Library.

(3) A marijuana facility cannot be located within 2,000 feet, measured from the nearest property line, of any other marijuana facility.

(4) A marijuana facility cannot exceed 3,000 square feet in size.

(5) A marijuana facility must be located in a permanent building and may not be located in a trailer, shipping container, cargo container, tent, motor vehicle, or other non-permanent structure.

(6) A marijuana facility that is a retail sales or medical dispensary marijuana facility is prohibited from co-locating with any other marijuana facility.

(7) Drive-through marijuana facilities are prohibited.

Section 80.070 Marijuana Facility Operating Restrictions.

(1) Retail sales and medical dispensary marijuana facilities are restricted to the following operating hours:

(a) The hours of operation that a retail sales marijuana facility may be open to the public is between 10:00 a.m. and 8:00 p.m. of the same day.

(b) The hours of operation that a medical dispensary marijuana facility may be open to registry identification cardholders is between 10:00 a.m. and 8:00 p.m. of the same day.

(2) All marijuana facilities must comply with the following operating restrictions:

(a) Comply with the restrictions on edible marijuana as provided in TDC 80.100;

(b) All marijuana odors and other objectionable odors must be confined to levels undetectable at the property line;

(c) Primary entrances must be located on street-facing facades and clearly visible from a public or private street; and

(d) Outdoor storage of merchandise, plants, or other materials is prohibited.

Section 80.100 Edible Marijuana. Marijuana facilities that produce, process, wholesale, distribute, transfer, or sell edible marijuana must comply with the following provisions:

(1) All edible marijuana must be individually wrapped at the original point of preparation.

(2) Labeling must be distinctly and clearly legible on the front of the package and must include:

- (a) a warning that the contents contain marijuana;
- (b) a statement that the contents are not a food product; and
- (c) a statement emphasizing that the product is to be kept away from children.

(3) Packaging of edibles must be in child-resistant packaging.

(4) Packaging that makes the product attractive to children or imitates candy is prohibited.

(5) Retail sale of edible marijuana products must be behind a commercial counter or in an enclosed display case.

Section 80.200 Butane Extraction. The production of marijuana extracts through the use of butane is prohibited.

Section 80.300 Homegrown Marijuana.

(1) Persons growing homegrown marijuana must comply with all applicable State law requirements.

(2) Homegrown marijuana cannot be grown in the front yard of any property in a residential planning district and must comply with the following:

- (a) Be fully screened from view on all sides; and
- (b) Be located at least 10 feet away from all property lines and 25 feet away from all adjacent residences on neighboring properties.

(3) No person may produce, process, keep, or store homemade marijuana extracts.

Section 80.400 Violations.

(1) Any person who violates any provision of this Chapter commits a civil infraction and is subject to a fine of up to \$1,000. Each violation, and each day that a violation continues, is a separate civil infraction.

(2) The civil infraction procedures in Tualatin Municipal Code Chapter 7-01 apply to the prosecution of any violation of this Chapter.

Section 9. The Council adopts as its findings the *Analysis and Findings* set forth in Exhibit 1, which is attached and incorporated by reference.

Section 10. Each section of this ordinance, and any part thereof, is severable. If any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance remains in full force and effect.

Adopted by the City Council this ____ Day of _____, 2015.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder

Exhibit 1 to Ordinance 1379-15

PTA-15-01: ANALYSIS AND FINDINGS

MARIJUANA FACILITIES

Plan Text Amendment 15-01 (PTA-15-01) proposed definitions and reasonable time, place and manner restrictions of marijuana facilities by amending the Tualatin Development Code.

Amendments are proposed to the following chapters:

- Chapter 31 General Provisions;
- Chapter 60 Light Manufacturing;
- Chapter 61 General Manufacturing;
- Chapter 64 Manufacturing Business Park;
- Chapter 80 Marijuana Facilities

Background

The City of Tualatin proposes legislative amendments to the Tualatin Development Code (TDC) to establish reasonable time, place and manner regulations for marijuana facilities. Proposed changes include new definitions added to Section 31.060 Definitions; Creating a new Chapter 80 Marijuana Facilities which regulates such aspects as hours of operation, buffer distances from Residential Planning Districts, residential uses, schools, park and libraries, buffers from other facilities and off site odor standards, edible marijuana, butane extraction and homegrown marijuana; adding marijuana facilities as an allowed use in Light and General Manufacturing and the Manufacturing Business Park Planning District (Chapters 60,61 and 64).

The Analysis and Findings presented here pertain only to the Plan Text Amendment proposed to amend language in the Tualatin Development Code.

Plan Amendment Criteria (TDC Section 1.032)

The approval criteria of the Tualatin Development Code (TDC), Section 1.032, must be met if the proposed PTA is to be granted. The plan amendment criteria are addressed below.

1. Granting the amendment is in the public interest.

The State of Oregon has a legislative history dating back to 1998 which has progressively allowed the growing, production, and use of marijuana and marijuana products.

Legislative History

November 1998 - Ballot Measure 67, the Oregon Medical Marijuana Act, was approved by Oregon voters.

August 2013 - The Oregon Health Authority developed a process to register medical marijuana dispensaries under HB 3460.

March 2014 - Senate Bill 1531 reaffirms the existing home rule authority of local governments to adopt reasonable regulations regarding the hours of operation, location, and manner in which medical marijuana dispensaries are operated. Additionally, jurisdictions were allowed to enact a moratorium on dispensaries set to expire May 1, 2015.

April 2014 - The City of Tualatin adopted Ordinance No. 1373-14 which placed a moratorium on medical marijuana facilities until May 1, 2015.

November 2014 - Oregon voters approved Ballot Measure 91 to legalize the use and possession of recreational marijuana on July 1, 2015. Measure 91 creates four types of licenses: producers, processors, wholesalers and retailers. The measure also recognizes that local governments can adopt reasonable time, place and manner regulations of the nuisance aspects of businesses that sell marijuana to consumers.

FINDING: Under Article XI, section 2 of the Oregon Constitution, the City has “home rule” authority to adopt regulations relating to marijuana and marijuana facilities, the time, place and manner regulations. The ability to regulate marijuana facilities was reaffirmed in both SB 1531 and Measure 91.

The current Tualatin Municipal Code (TMC) and Tualatin Development Code (TDC) do not allow marijuana facilities as a use in any planning district. Given the statewide authorization of both medical and recreational marijuana and its related businesses, the lack of regulations causes legal uncertainty about whether and under what circumstances marijuana facilities could be located in the City. City regulations are needed to clarify this uncertainty and establish which planning districts marijuana facilities can be located in and under what restrictions they may operate.

The City hired Riley Research Associates to conduct a Public Opinion Survey among Tualatin residents to gauge their level of support for Marijuana Dispensaries (Attachment 104). While the poll found that a majority of those surveyed supported both medical and recreational dispensaries, the polling also revealed recommendations for time, place and manner regulations.

The City Council has discussed this topic at several meetings over the past year expressing an interest in regulating marijuana uses. In February 2014 and April 2014 the discussion centered around moratoriums on marijuana uses. In August 2014 they received an update on

other Oregon cities' marijuana regulations. Finally, on October 27, 2014, the Council received a briefing on the results from the Public Opinion Survey conducted by Riley Research Associates (Attachment 104).

Based on the laws changing at the State level regarding marijuana uses, the public opinions gathered through a City sponsored research survey and the discussions of elected officials it is in the public's interest to grant this amendment.

Granting the amendment is in the public interest.

Criterion "1" is met.

2. The public interest is best protected by granting the amendment at this time.

FINDING: The City of Tualatin adopted Ordinance No. 1373-14 which created the city-wide moratorium on marijuana facilities. This was authorized by Article XI, section 2 of the Oregon Constitution and SB 1531. The moratorium is set to expire on May 1, 2015 at which time certain marijuana businesses could operate. However, neither the TMC nor TDC allows marijuana facilities as permitted use in any City planning district. Given the statewide authorization of both medical and recreational marijuana and its related businesses, the lack of City regulations causes legal uncertainty about whether and under what circumstances marijuana facilities could be located in the City. City regulations are needed to clarify this uncertainty and establish which planning districts marijuana facilities can be located and under what restrictions they may operate.

In order to implement reasonable time, place and manner regulations when the moratorium ends, the public interest is best protected by granting the amendment at this time.

Granting the amendment at this time best protects the public interest.

Criterion "2" is met.

3. The proposed amendment is in conformity with the applicable objectives of the Tualatin Community Plan.

The applicable objectives of the Tualatin Community Plan are discussed below:

Chapter 7 Manufacturing Planning Districts

Section 7.040 Manufacturing Planning District Objectives

(2) Light Manufacturing Planning District

Suitable for warehousing, wholesaling and light manufacturing processes that are not hazardous and that do not create undue amounts of noise, dust, odor, vibration, or

smoke. Also suitable, with appropriate restrictions, are the retail sale of products not allowed for sale in General Commercial areas, subject to the Special Commercial Setback from arterial streets and Commercial Services Overlay as generally illustrated in Map 9-5 and specifically set forth in TDC 60.035, and office commercial uses where any portion of a legally created lot is within 60 feet of a CO Planning District boundary.

The following uses within the Light Manufacturing District shall comply with the following size limits established by Metro. Retail sale, retail service and professional service uses shall be no greater than 5,000 square feet of sales or service area per outlet, or not greater than 20,000 square feet of sales or service area for multiple outlets in a single building or in multiple buildings that are part of the same development project...

(3) General Manufacturing Planning District

Suitable for light manufacturing uses and also for a wide range of heavier manufacturing and processing activities. Such areas could be expected to be more unsightly and to have more adverse environmental effects.

(b) The following uses within the General Manufacturing District shall comply with the following size limits established by Metro. Retail sale, retail service and professional service uses shall be no greater than 5,000 square feet of sales or service area per outlet, or not greater than 20,000 square feet of sales or service area for multiple outlets in a single building or in multiple buildings that are part of the same development project.

(4) Manufacturing Business Park Planning District

The purpose of the MBP Planning District is to provide an environment for industrial development consistent with the Southwest Tualatin Concept Plan (accepted by the City in October 2010) and as a Metro-designated Regionally Significant Industrial Area (RSIA) consistent with Metro's Urban Growth Boundary expansion decisions of 2002 and 2004.

The MBP Planning District will be a mix of light industrial and high-tech uses in a corporate campus setting, consistent with MBP Planning District development standards.

FINDING: Marijuana facilities as defined will include commercial or public uses or structures where marijuana is sold, consumed, produced, processed, distributed, or transferred. The retail sale of marijuana is not proposed as a permitted use in General Commercial areas of the City and therefore is suitable for Light Manufacturing, General Manufacturing and Manufacturing Business Park with appropriate restrictions. All remaining types of facilities are appropriate for Light Manufacturing and General Manufacturing such as warehousing, wholesaling or manufacturing processes.

The proposed development standards restrict all marijuana facilities to 3,000 square feet in size and therefore comply with objectives of this Chapter.

Facilities that receive a processor license from the OLCC are businesses that will transform raw marijuana into another product or extract. They are also responsible for packaging and labeling of recreational marijuana. This type of use is not expected to create undue amounts of noise, dust, vibration or smoke; however these facilities may produce an odor and there may be hazardous processes associated with extraction. Proposed development standards require that developments confine all marijuana odors and other objectionable odors to levels undetectable at the property line. Tualatin Valley Fire and Rescue reviews all proposed developments and building permits and therefore will regulate any hazardous processes associated with extraction.

Chapter 10. Community Design

Section 10.020 Design Objectives.

(4) Protect and enhance the City's appeal to tourists and visitors and thus support and stimulate business and industry and promote the desirability of investment and occupancy in business, commercial and industrial properties.

(8) Sustain the comfort, health, tranquility and contentment of residents and attract new residents by reason of the City's favorable environment; and thus promote and protect the peace, health and welfare of the City.

FINDING: The proposed text amendments are intended to protect and enhance the City's appeal to tourists and visitors by providing for additional development standards beyond what is currently required by the Tualatin Development Code in Chapter 73 Design Standards.

These development standards include:

- hours of operations;
- location of primary entrances facing public or private streets;
- location in a permanent building;
- prohibiting outdoor storage;
- prohibiting drive-through facilities;
- buffers from residential land;
- buffers between facilities

Additionally, the proposed text amendments are intended to sustain the comfort, health, tranquility and contentment of residents. Marijuana businesses can have an adverse impact to residential areas. Businesses containing usable marijuana have greater security issues compared with the average business. Additionally, there is concern that marijuana-related businesses can negatively impact neighborhood character due to increased crime, such as the increased potential for robberies and burglaries. In addition, marijuana businesses increase transitory traffic that is not conducive to neighborhoods. Therefore, in order to

sustain the comfort, health, tranquility, and contentment of residents, a large buffer between marijuana facilities and residential areas is necessary. By requiring marijuana facilities to be located at least 3,000 feet from residential areas, the adverse impacts of marijuana facilities are mitigated.

In addition, placing regulations on home grow uses that require plants to be grown 10 feet away from property lines, 25 feet away from residences on neighboring properties and limiting growing to back yards sustains the comfort, health, tranquility and contentment of residents.

The proposed development standards allow the development of marijuana facilities within the City in a manner that is compatible with surrounding land uses and public facilities.

The proposed amendment is in conformity with the applicable objectives of the Tualatin Community Plan.

Criterion “3” is met.

4. The following factors were consciously considered:

The various characteristics of the areas in the City.

FINDING: The characteristics of manufacturing and commercial areas were considered in preparation of the text amendments. Medical marijuana facilities are only allowed by state law in commercial, industrial, mixed use, or agricultural land (ORS 475.314). Based on input from the Tualatin Planning Commission and the Tualatin City Council, the downtown area was not recommended as an appropriate location for marijuana facilities given that businesses with usable marijuana have greater security issues and can increase the potential for criminal activity, such as robberies and burglaries. After applying a 3,000 foot buffer to residential areas and excluding commercial planning districts that are found in or near the downtown area, manufacturing planning districts were left as viable opportunities excluding Manufacturing Park (Tualatin Development Code Chapter 62).

Infrastructure such as roads, water lines and sanitary sewer lines in the Manufacturing Park Planning District were built with tax increment financing. The purpose for doing this was to open new lands for employment and industry and over the last 26 years it has accommodated 35 new employers and 2,200 jobs. Therefore, the City strives to maintain this area for high tech or other campus style industrial development.

Based on the above findings, the City finds that the characteristics of the various areas of the City that best suit proposed uses are in the Light and General Manufacturing and Manufacturing Business Park Planning Districts.

The suitability of the area for particular land uses and improvements.

FINDING: Marijuana facilities are suitable to Light, General and Business Park Manufacturing districts because they are typically removed from places where minors congregate such as schools and libraries. These are industrial lands that are deemed appropriate for medical marijuana dispensaries according to ORS 475.314 and the City intends to equally apply regulations to recreational marijuana retailers as defined in Measure 91.

Trends in land improvement and development.

FINDING: As described above in the background statement the State of Oregon has progressively moved toward a legalized status of marijuana possession and facilities. The proposed text amendment is intended to be adaptive to the new marijuana economy as business and property owners try new and unknown business models.

Property Values.

FINDING: The proposed text amendment is intended to create minimum compliance standards to prevent or mitigate potential negative impacts to property values that could result from marijuana related business activity.

The needs of economic enterprises and the future development of the area.

FINDING: As described above, the proposed text amendment is intended to be adaptive to the new marijuana economy as business and property owners try new and unknown business models.

Needed right-of-way and access for and to particular sites in the area.

Not applicable.

Natural resources of the City and the protection and conservation of said resources.

Not applicable.

Prospective requirements for the development of natural resources in the City.

Not applicable.

And the public need for healthful, safe, aesthetic surroundings and conditions.

FINDING: The proposed text amendments are intended to protect the public need for healthful, safe, aesthetic surroundings and conditions. Marijuana businesses can have an

adverse impact to areas. Businesses containing usable marijuana have greater security issues compared with the average business. Additionally, marijuana businesses can result in increased crime, such as the increased potential for robberies and burglaries. By providing for appropriate distance buffers from residential areas and between facility locations in order to prevent or reduce hazards associated with a cash only business, a product with a strong black market value, and the exposure of a controlled product to minors, the text amendment protects the public need for healthful, safe, aesthetic surroundings and conditions.

Proof of change in a neighborhood or area.

FINDING: The City does not assert proof of change in a neighborhood or area.

Mistake in the Plan Text or Plan Map.

FINDING: There is no mistake in the Plan Text or Plan Map.

The above factors were consciously considered.

Criterion “4” is met.

5. The criteria in the Tigard-Tualatin School District Facility Plan for school facility capacity have been considered when evaluating applications for a comprehensive plan amendment or for a residential land use regulation amendment.

Because the PTA does not result in a change to plans or development regulations that would impact school facility capacity, Criterion “5” is not applicable.

6. Granting the amendment is consistent with the applicable State of Oregon Planning Goals and applicable Oregon Administrative Rules.

Of the 19 statewide planning goals, staff determined three Goals are applicable.

Goal 1, “Citizen Involvement,” states, “To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.”

FINDING: This goal will be met by complying with Tualatin Development Code 1.031 Notice Requirements for Plan Amendments. A notice was published in the Tualatin Times 10 City business days prior to the public hearing. Notices were posted in two conspicuous places within the City and a notice was sent to designated representatives of recognized Citizen Involvement Organizations.

The Tualatin Planning Commission held a public meeting on February 19, 2015. This public meeting gave citizens and members of the public an opportunity to comment on the proposed

text and the Planning Commission considered these comments when making a recommendation to the City Council. A public hearing before the City Council will occur tonight (March 9, 2015), during which the public can give input on the proposed amendment. All work session agendas and minutes are available to the public through the City website.

The City sought input from the public in the form of a public opinion survey the results of which were presented to the City Council during a work session on October 27, 2014.

This Goal is satisfied.

Goal 2, “Land Use Planning”, states, “To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.”

The Department of Land Conservation and Development (DLCD) has acknowledged the City’s Comprehensive Plan as being consistent with the statewide planning goals. The Development Code implements the Community Plan and both pieces combine to make the Comprehensive Plan. The Community Plan establishes a process and standards to review changes to the Tualatin Development Code in compliance with the Community Plan and other applicable state requirements. As discussed above under Criteria “3”, the applicable Community Plan standards have been applied to the proposed amendment.

This Goal is satisfied

Goal 6, “Air, Water, and Land Resources Quality”, states, “To maintain and improve the quality of the air, water and land resources of the state.

The Department of Land Conservation and Development (DLCD) has acknowledged the City’s Comprehensive Plan as being consistent with the statewide planning goals. The proposed text amendments create a development standard that will buffer land uses and prevent or mitigate off-site impacts that could lead to conflicting impacts upon air resources.

This Goal is satisfied

Article XI, Section 2 of the Oregon Constitution.

The City of Tualatin has “home rule” authority over the civil affairs of its City. The City’s regulations of marijuana business are consistent with this home rule authority, as well as state land use laws.

Applicable Provisions of the Oregon Medical Marijuana Act

Initially adopted by State ballot measure in 1998, the Oregon Medical Marijuana Act (ORS 475) governs the production, distribution, and use of medical marijuana within the State of

Oregon. In March 2014, the Oregon Legislature amended ORS 475 under Senate Bill 1531 which restates the already existing ability of local governments to impose reasonable regulations on the operation of medical marijuana facilities under home rule authority.

SECTION 2. Notwithstanding ORS 633.738, the governing body of a city or county may adopt ordinances that impose reasonable regulations on the operation of medical marijuana facilities registered, or applying for registration, under ORS 475.314 that are located in the area subject to the jurisdiction of the city or county. For purposes of this section, “reasonable regulations” includes reasonable limitations on the hours during which a medical marijuana facility may be operated, reasonable limitations on where a medical marijuana facility may be located within a zone described in ORS 475.314 (3)(a) and reasonable conditions on the manner in which a medical marijuana facility may dispense medical marijuana.

FINDING: The proposed amendments establish reasonable restrictions on hours of operation, allowed locations, and design and operational requirements to prevent or mitigate potential offsite community impacts. Senate Bill 1531 does not define “reasonable” therefore the City has relied on existing regulations in the Tualatin Development Code and proposed regulations from other cities and counties in the state. The proposed amendments allow facilities in three manufacturing zones located in the western portion of the City. Proposed language is included as Attachment 102 and a map with 3,000 foot buffers from residential districts is included as Attachment 101.

Based on the findings above, the City finds that the proposed text amendment is consistent with the Oregon Medical Marijuana Act.

Applicable Provisions of the Control, Regulation, and Taxation of Marijuana and Industrial Hemp Act (Measure 91)

On November 4, 2014 Oregon voters approved ballot Measure 91 (Control, Regulation, and Taxation of Marijuana and Industrial Hemp Act) to legalize the use and possession of recreational marijuana on July 1, 2015. The law also directs the Oregon Liquor Control Commission to tax, license, and regulate recreational marijuana. Section 59 of the act specifically authorizes local governments seeking to impose reasonable time, place, and manner restrictions in order to address adverse community impacts.

SECTION 59. Authority of cities and counties over establishments that serve marijuana. (1) Cities and counties may adopt reasonable time, place and manner regulations of the nuisance aspects of establishments that sell marijuana to consumers if the city or county makes specific findings that the establishment would cause adverse effects to occur.

FINDING: The proposed amendments establish reasonable restrictions on hours of operation, allowed locations, and design and operational requirements to prevent or mitigate

potential offsite community impacts. The City regulations are consistent with existing reasonable regulations in the Tualatin Development Code and reasonable regulations relating to marijuana, including regulations from other cities and counties in the state. The proposed amendments allow facilities in three manufacturing zones located in the western portion of the City. Proposed language is included as Attachment 102 and a map with 3,000 foot buffers from residential districts is included as Attachment 101.

As described below and in the purpose statement of the proposed text, the intent of proposed amendments is to prevent or mitigate possible adverse community impacts associated with marijuana facilities. These include but are not limited to the following:

- (1) Protect the general health, safety, property, and welfare of the public;
- (2) Balance the right of individuals to produce and access marijuana and marijuana derivatives consistent with state law, with the need to minimize adverse impacts to nearby properties that may result from the production, storage, distribution, sale, and/or use of marijuana and derivatives;
- (3) Prevent or reduce criminal activity that may result in harm to persons or property;
- (4) Prevent or reduce diversion of state-licensed marijuana and marijuana derivatives to minors; and
- (5) Minimize impacts to the City's public safety services by reducing calls for service.

Based on the findings above, the City finds that the proposed code text amendment is consistent with Measure 91 (Control, Regulation, and Taxation of Marijuana and Industrial Hemp Act).

Ballot Measure 56 Notice to property owners of hearing on certain zone change; form of notice; exceptions; reimbursement of cost. (ORS 227.186)

Section (3) Except as provided in subsection (6) of this section, at least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to amend an existing comprehensive plan or any element thereof, or to adopt a new comprehensive plan, a city shall cause a written individual notice of a land use change to be mailed to each owner whose property would have to be rezoned in order to comply with the amended or new comprehensive plan if the ordinance becomes effective.

Section (4) At least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to rezone property, a city shall cause a written individual notice of a land use change to be mailed to the owner of each lot or parcel of property that the ordinance proposes to rezone.

- (9) For purposes of this section, property is rezoned when the city:**
- (a) Changes the base zoning classification of the property; or**
 - (b) Adopts or amends an ordinance in a manner that limits or prohibits land uses previously allowed in the affected zone.**

FINDING: Measure 56 requires local jurisdictions to notify property owners when a change to a comprehensive plan or zoning ordinance could result in a rezone of property. As stated above, ORS 227.186 (9) defines rezone as a change to the base zoning classification or a change that limits or prohibits previously allowed land uses. The proposed amendments in this application will not change the base zoning classification of any properties. The City of Tualatin does not have a zoning ordinance but instead relies on Planning Districts to implement land use. No Planning Districts are proposed to change as a result of these amendments. Additionally, the proposed amendments do not limit or prohibit currently allowed land uses. Marijuana facilities and marijuana uses are currently not permitted in any Planning District (see, e.g., Tualatin Municipal Code Chapter 9-08). The amendments will actually create new permitted uses in three existing Planning Districts: Light Manufacturing, General Manufacturing and Manufacturing Business Park.

Based on the findings above, the City finds that the proposed amendments will not change the base zoning or limit or prohibit currently or previously allowed land uses in the affected Planning Districts and therefore a Measure 56 notice is not required.

The PTA complies with Goals 1, 2 and 6, and it complies with the Oregon Medical Marijuana Act, Measure 91 and Measure 56. Criterion “6” is met.

7. Granting the amendment is consistent with the Metropolitan Service District’s Urban Growth Management Functional Plan.

Title 4: Industrial and Other Employment Areas

3.07.430 Protection of Industrial Areas

Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit new buildings for retail commercial uses—such as stores and restaurants—and retail and professional services that cater to daily customers—such as financial, insurance, real estate, legal, medical and dental offices—in order to ensure that they serve primarily the needs of workers in the area. One such measure shall be that new buildings for stores, branches, agencies or other outlets for these retail uses and services shall not occupy more than 5,000 square feet of sales or service area in a single outlet, or multiple outlets that occupy more than 20,000 square feet of sales or service area in a single building or in multiple buildings that are part of the same development project, with the following exceptions:

- 1. Within the boundaries of a public use airport subject to a facilities master plan, customary airport uses, uses that are accessory to the travel-related and freight movement activities of airports, hospitality uses, and retail uses appropriate to serve the needs of the traveling public; and**
- 2. Training facilities whose primary purpose is to provide training to meet industrial needs.**

FINDING: The Oregon Medical Marijuana Act, ORS 475.314, requires medical marijuana facilities to locate in land zoned for commercial, industrial, mixed-use, or agricultural land. The City's proposed amendments require a 3,000 foot buffer from residential Planning Districts. This buffer eliminates the ability for marijuana facilities to locate in commercial Planning Districts, and the City does not have agricultural land use designations. The remaining land that is eligible for marijuana facilities as shown on Metro's Employment and Industrial Areas Map as of January 8, 2014, is Industrial Area.

We believe it is acceptable to locate marijuana facilities on land identified by Metro as Industrial for the following reasons:

1. The proposed amendment limits the size of each facility to 3,000 square feet which is below the 5,000 square foot limitation in Metro Code 3.07.430. Additionally, the Oregon Medical Marijuana Act and the City's proposed amendments prohibit co-location of retail and grow sites which means that at no time could there be more than 3,000 square feet of any type of facility on a parcel of land identified as Industrial Area.
2. The proposed amendments also establish a minimum distance of 2,000 feet between marijuana facilities which also limits the possibility of too much industrial land being converted to a retail use.
3. The proposed amendments define marijuana facilities as "a commercial or public use or structure where marijuana is produced, processed, wholesaled, retailed, distributed, transferred, sold or consumed and registered with the Oregon Health Authority (OHA) or the Oregon Liquor Control Commission (OLCC)." It is possible that not all marijuana facilities will be retail and some may be manufacturing uses that fit in a traditional industrial area.

Based on the above findings, the City finds that the proposed amendments continue to protect land identified as industrial by Metro for industrial and employment purposes, and therefore, the amendments comply with Title 4 Industrial and Other Employment Areas.

The PTA complies with Metro's Urban Growth Management Functional Plan. Criterion "7" is met.

8. Granting the amendment is consistent with Level of Service F for the p.m. peak hour and E for the one-half hour before and after the p.m. peak hour for the Town Center 2040 Design Type (TDC Map 9-4), and E/E for the rest of the 2040 Design Types in the City's planning area.

Because the PTA does not relate to vehicle trip generation, Criterion “8” is not applicable.



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Nicole Morris, Deputy City Recorder

DATE: 03/23/2015

SUBJECT: Consideration of an Intergovernmental Agreement between City and Metro to fund planning and public involvement efforts related to the Southwest Corridor

ISSUE BEFORE THE COUNCIL:

Intergovernmental Agreement between City and Metro to fund planning and public involvement efforts related to the Southwest Corridor.

RECOMMENDATION:

This is a Council decision.

EXECUTIVE SUMMARY:

In May 2014, the Tualatin City Council provided direction to the Metro Southwest Corridor Steering Committee to continue studying high capacity transit (HCT) between Portland and Tualatin, via Tigard. The next step in the process is to evaluate alternatives that will lead to a Preferred Alternative for the Southwest Corridor. On March 9, 2015 the Steering Committee met and discussed potential HCT projects in Southwest Portland. They also discussed the public engagement efforts.

Each partnering jurisdiction has been asked to contribute funds to assist in the work, with the majority of the funding coming from Metro and TriMet. Partners including ODOT, Sherwood, Tigard, and Washington County have signed Intergovernmental Agreements with Metro and pledged their share of the funding. Based on the scope of work, Tualatin's share of this phase will be \$160,000 split evenly between the next two fiscal years. The Intergovernmental Agreement (IGA) between the City and Metro outlines the specific scope of the work and payment of these funds.

The IGA specifies that Metro will use funds from Tualatin for planning and public involvement efforts. An initiative was passed by voters in September 2014 that amended the Charter to prohibit the Council from authorizing the use of city resources to finance, design, construct, or operate any public rail transit system without first obtaining prior approval from the voters through an "authorization ordinance". The expenditure of funds under this IGA is consistent with the limitations in the charter amendment; under the IGA no Tualatin funds will be used for the financing, design, construction, or operation of a public rail project, as those terms are used in

the initiative language.

Attachments: [Southwest Corridor IGA and Attachment PowerPoint](#)

**INTERGOVERNMENTAL AGREEMENT
PUBLIC INVOLVEMENT AND PLANNING OF TRANSPORTATION PROJECT**

This Intergovernmental Agreement (“Agreement”) is made and entered into by and between the City of Tualatin (“Tualatin”) and Metro, effective as of the date of last signature below.

RECITALS

- A. Tualatin is a municipal corporation organized under the constitution and laws of the State of Oregon.
- B. Metro is an Oregon metropolitan service district organized under the laws of the State of Oregon and the Metro Charter.
- C. The “Southwest Corridor” is a transportation corridor located between downtown Portland and Sherwood. Metro and its regional partners, including TriMet, have initiated a comprehensive land use and transportation planning study to create a plan that will identify and prioritize public investments in the Southwest Corridor (the “Southwest Corridor Plan” or “Plan”).
- D. The Southwest Corridor Plan is advancing in two phases. The first phase of the Plan is complete and resulted in the creation of the Southwest Corridor Shared Investment Strategy (the “Shared Investment Strategy”) endorsed by the Southwest Corridor Plan Steering Committee (“Steering Committee”).
- E. The Shared Investment Strategy identifies a need for enhanced local transit service, further study of high capacity transit (“HCT”) from Portland to Tualatin via Tigard, over 60 roadway and active transportation projects that support the transit and the land use vision endorsed by the Steering Committee (the “Land Use Vision”), over 400 parks and natural resource projects that support the Land Use Vision, and a toolkit of policies and incentives to support development characteristic of the Land Use Vision.
- F. HCT includes both Bus Rapid Transit (“BRT”) and Light Rail Transit (“LRT”).
- G. During the second phase of the Southwest Corridor planning process (“Phase 2”), Metro will refine the projects and strategies identified in Phase 1, including the HCT element of the Shared Investment Strategy, which will require refinement prior to commencing analysis of the environmental impacts of the Southwest Corridor Plan.
- H. Metro will complete a Focused Refinement Period resulting in a preferred package of HCT and priority multimodal projects, produce a Draft Environmental Impact Statement and develop a Locally Preferred Alternative consistent with the attached Work Plan Summary (Attachment A).

- I. Part of the Work Plan Summary consists of public involvement and planning activities.
- J. Tualatin and Metro collaborated on Phase 1 of the Plan, as agreed in the Southwest Corridor Plan Charter adopted by the Steering Committee in December 2011 and endorsed by project partner jurisdictions. Now, Tualatin and Metro desire to work together during Phase 2 of the Plan to, among other things, define a preferred package of HCT and priority multimodal projects for the Southwest Corridor HCT project (“Preferred Package”) that will allow the partners to develop and agree on a Locally Preferred Alternative for the HCT project to enable TriMet to be ready to construct an HCT project in the final phase of the Plan, if the project is otherwise approved by government entities with jurisdiction.
- K. The parties are entering into this Agreement to document each Party’s understanding as to the services to be performed and obligations of each Party during this Phase 2.

NOW THEREFORE, the premises being in general as stated in the foregoing recitals, it is agreed by and between the parties hereto as follows:

TERMS OF AGREEMENT

- 1. SCOPE OF WORK.** Metro will implement a clear and transparent public involvement process to facilitate public engagement in the Southwest Corridor decision-making process. The public involvement approach will include methods to solicit meaningful input from a diverse range of corridor stakeholders, and effectively integrate public input directly into the decision making and deliberation process, as described in Work Plan Summary (Attachment A). Public involvement methods may include community dialogues, HCT Project Workshops, to develop local multi-modal and streetscape plans, online engagement including map-based input tool and survey, presentations at local association meetings and community events, and youth outreach. Metro will also engage in planning activities to define and document project requirements in a study, environmental report, and other planning documents to assist in the selection of a locally preferred alternative.
- 2. FUNDS TO METRO.** Recognizing the importance of implementing the Southwest Corridor Shared Investment Strategy and further study of the HCT project, consistent with the Scope of Work, Tualatin will pay Metro \$160,000 (hereafter “Funds”) for the completion of the Scope of Work. Within thirty (30) days of execution of this IGA, Tualatin will wire transfer \$80,000 to Metro. On or before July 15, 2015, Tualatin will wire transfer the remaining \$80,000 to Metro.
- 3. METRO APPLY FUNDS TO WORK.** Metro will apply the Funds, and all interest earnings on the Funds while held by Metro, if any, to pay for planning and public involvement efforts identified in the Scope of Work. Any Funds and earnings on the Funds that are not so applied must be promptly returned to

Tualatin. The parties anticipate that the Steering Committee will take action to define a work plan to a Preferred Package in late 2014 or early 2015. If this action is postponed, Metro shall obtain written approval from Tualatin prior to committing or expending any of Funds provided to Metro pursuant to this Agreement.

4. **METRO RESPONSIBLE FOR CONTRACTS.** Metro is solely responsible for any and all contracts and subcontracts associated with the Work, including but not limited to procurement under applicable public contracting laws, contract management, and payments to contractors and subcontractors. Metro acknowledges that other than Tualatin's payment of Funds to Metro, Tualatin has no other obligation or responsibility for the Work.
5. **INDEMNITY.** To the extent permitted by the Oregon Constitution and the Oregon Tort Claims Act, Metro agrees to defend, indemnify, and hold harmless Tualatin, its officers, employees, and agents, from and against any and all claims relating to or arising out of the Work or any and all contracts related to the Work.
6. **TERMINATION.**

This Agreement may be terminated by mutual written consent of both parties. If this Agreement is terminated while Metro holds any unexpended and unobligated Funds or interest earnings, Metro will pay those Funds and interest earnings to Tualatin promptly after termination and those Funds and interest earnings will be reallocated by Tualatin.. Any termination of this Agreement does not prejudice any rights or obligations accrued to the parties prior to termination. If not earlier terminated, this Agreement will terminate when Metro completes the Work.

7. **MERGER; WAIVER.** This Agreement constitutes the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change or terms of this Agreement shall bind either party unless in writing and signed by both parties and all necessary approvals have been obtained. Such waiver, consent modification or change, if made shall be effective only in the specific instance and for the specific purpose given.

IN WITNESS WHEREOF, the parties have agreed to the terms and conditions of this Agreement.

TUALATIN

METRO

By: _____
Name: _____
Title: _____
Date: _____

By: _____
Name: _____
Title: _____
Date: _____

Approved as to form:

Approved as to form:

Attachment A:

Southwest Corridor Plan Preferred Package to Implement the Shared Investment Strategy and Coordinated Land Use Visions

The Southwest Corridor Plan is a comprehensive approach to achieving community visions through integrated land use and transportation planning. The Southwest Corridor Plan incorporates high capacity transit (HCT) alternatives, roadway, bicycle and pedestrian projects and adopted local land use visions, including the Barbur Concept Plan, the Tigard High Capacity Transit Land Use Plan, Linking Tualatin and the Sherwood Town Center Plan. In July 2013, the Southwest Corridor Plan Steering Committee recommended a shared investment strategy to include key investments in roadways, active transportation, parks, trails and natural areas along with options for HCT. The Plan is exploring Bus Rapid Transit (BRT) and Light Rail Transit (LRT) alternatives for several alignments that connect the Portland Central City, Southwest Portland, Tigard, and Tualatin.

A refinement study was initiated to narrow HCT options, identify a preferred alternative (PA) and create a subset of road and active transportation projects to be studied jointly in a Draft Environmental Impact Statement (DEIS) under the National Environmental Policy Act (NEPA). In June 2014, the Steering Committee accepted the recommendation of a narrowed set of HCT design options and directed staff to address specific issues in a more focused refinement. In December 2014, the Steering Committee directed project staff to integrate the work undertaken to address these additional questions into the development of a Preferred Package of transportation investments to support community land use goals that is anticipated to be defined in spring 2016.

Preferred Package:

As summarized here, project partners will work together to develop the following components in order to address needs and aspirations of corridor residents and businesses and develop a recommended Preferred Package:

- Prioritized list of key roadway, bicycle and pedestrian projects from the shared investment strategy
- Preferred High Capacity Transit options, including mode, alignment and terminus as defined in a Preferred Alternative (PA)
- Integrated Land Use and Development Strategies as part of developing a preferred package of transportation investments

Key elements of the process to develop an implementation plan for the roadway, bicycle and pedestrian projects as part of the Preferred Package:

1. Engage public discussion on the roadway, bicycle and pedestrian projects in the Shared Investment Strategy (SIS) and priorities for implementation.
2. Develop timeframes and identify potential funding sources for implementation of the SIS projects.

3. Work with TriMet to implement the Southwest Service Enhancement Plan local transit service improvement priorities.
4. Coordinate with other efforts to address mobility needs in the Southwest Corridor investment area.

Key elements of the process to develop the Preferred HCT Alternative (PA):

1. **Analysis to narrow HCT alternatives for further study.** In June 2014, the Steering Committee directed staff to address the following specific issues to further narrow the options:
 - a) **Assess alternative HCT options.** Evaluation guided by adopted Purpose and Need to inform Steering Committee recommendation on mode (BRT or LRT), terminus, and alignment choices for further study.
 - b) **Traffic analysis to assess tie-in options:** Additional traffic analysis and partner discussion to determine the best approach to tie into downtown Portland and the existing transit system.
 - c) **HCT branch service to Tigard and Tualatin:** Look at options for branched service to downtown Tigard and Tualatin to achieve operational efficiencies and reduce travel time.
 - d) **Adjacent to I-5:** Further examine and discuss the tradeoffs of providing HCT adjacent to I-5 rather than on Barbur Boulevard.
 - e) **OHSU Marquam Hill access:** Explore options for pedestrian/bicycle access to Marquam Hill from a surface alignment on Barbur or Naito, including outreach to neighborhoods, stakeholder groups, OHSU, Portland Parks and Recreation and the Veterans Hospital.
 - f) **Medium tunnel that serves Marquam Hill and Hillsdale:** Evaluate the benefits as compared to the costs of direct service with a tunnel that serves Marquam Hill with the medium tunnel that also serves Hillsdale. Outreach to communities and stakeholders regarding refined tunnel costs, construction impacts, travel time, ridership and equity issues. Explore alternative options to access important destinations.
 - g) **Hillsdale:** Evaluate the benefits as compared to the costs and travel time losses of directly or indirectly serving the town center and look at enhanced pedestrian/bicycle connections from Barbur Boulevard.
 - h) **Direct service to Portland Community College – Sylvania:** Assess the potential of a more robust pedestrian and bicycle connection from Barbur Boulevard to PCC along SW 53rd Ave while working with PCC and the neighborhood to understand the tradeoffs of direct service for the future of the campus.
 - i) **Funding strategy:** Complete a preliminary assessment of potential funding sources and a strategy for a future HCT investment and associated multimodal projects to help inform Steering Committee and public conversations on HCT alignment choices.
2. **Preferred Alternative (PA).** Project partners will assess the positive and negative impacts of BRT and LRT options to define a Preferred Alternative to

serve the needs in the Southwest Corridor, which would identify the preferred mode, alignment, and terminus. The Preferred Alternative and a select set of associated multimodal projects will be described in a Preferred Alternative Report and recommended for further study in a DEIS.

3. **Public involvement.** PA selection will include public involvement that aims to gain meaningful input from a diverse range of corridor stakeholders, and integrate this into the decision making and deliberation process in a transparent manner.

SW Corridor Plan Tangible Products Expected in FY 2014-15 and FY 2015-16:

- Work plan for development of the Preferred Alternative (PA) Package that includes an HCT package, and a set of roadway, bicycle and pedestrian projects that are coordinated with local land use vision and consider corridor and regional mobility needs.
- Staff recommendations on HCT options to advance in the Preferred Alternative:
 - HCT mode, terminus (including minimum operating segment(s)) and alignment options to study further:
 - Tie-in to the downtown
 - Tigard/Tualatin branch service
 - South Portland: Tunnels, Marquam Hill access, Naito improvements and Ross Island Bridgehead
 - Hillsdale direct service and alternatives
 - Barbur Stations/Adjacent to I-5
 - Portland Community College (PCC) Sylvania Campus service
- Staff recommendations on roadway, bicycle and pedestrian project funding as part of the Preferred Package.
- Public involvement activities to engage local communities in the development of recommendations and decisions.
- Steering Committee decisions on staff recommendations for the Preferred Package.

Entities Responsible for Activities

- Metro: Lead Agency – Overall Southwest Corridor Plan and technical work, including:
 - Project Management

- FTA Coordination
 - Committee Support
 - Technical Work and Consultant Management
 - Lead Public Involvement
 - Decision Process
- City of Tualatin:
 - Committee participation
 - Technical review
 - Partner coordination and issues resolution
 - Support decision-making
 - Support Public Involvement Plan

Future work and the Draft Environmental Impact Statement (DEIS)

Following endorsement of the PA and Preferred Package by project partners and adoption by Metro Council, the PA will be studied in a DEIS along with associated multimodal projects. After this, the project will move into Project Development for more refined design and engineering while finalizing the environmental analysis (Final Environmental Impact Statement (FEIS)). With this schedule, the project could begin construction in 2019 and open for service in 2023.

SW Corridor HCT and its associated multimodal investments will undergo environmental review in accordance with NEPA, following FTA regulations and policies. The project will address related federal, state and local environmental laws, regulations and guidelines, affected environment of the potential alternatives and potential mitigation. Metro and FTA agreed that an Environmental Impact Statement (EIS) and Record of Decision (ROD) was the appropriate environmental process to follow.

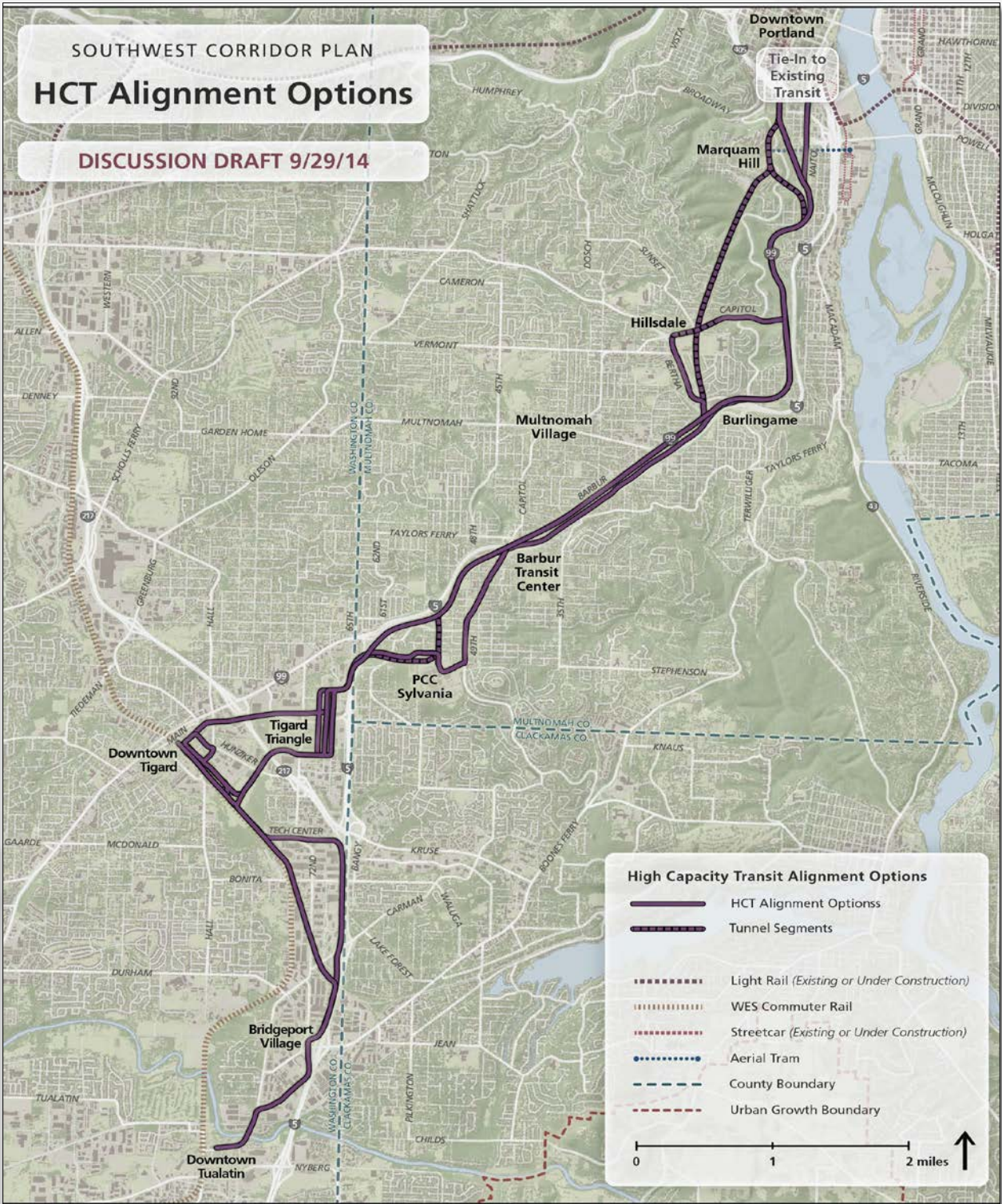


Southwest Corridor Intergovernmental Agreement

Tualatin City Council
March 23, 2015



Southwest Corridor



Intergovernmental Agreement Summary

- Identifies that High Capacity Transit (HCT) includes both Bus Rapid Transit (BRT) and Light Rail Transit (LRT).
- Metro will complete a Refinement Period resulting in a preferred package including HCT, priority multimodal projects, Locally Preferred Alternative and a Draft Environmental Impact Statement (DEIS).
- Part of the Work Plan Summary includes public involvement and planning activities, which the City's money will be used to fund.
- Tualatin will pay Metro \$160,00 in two installments;
 - \$80,000 in FY 14/15
 - \$80,000 in FY 15/16

Work Plan Summary

- Expected Tangibles
 - Work plan
 - Staff recommendation on HCT options (mode, terminus and alignment)
 - Staff recommendations on roadway, bicycle, and pedestrian project funding
 - Public involvement
 - Steering committee decision for staff recommendations for the preferred package

Work Plan Summary

- Metro to be responsible for:
 - Project Management
 - Steering Committee support
 - Technical work and consultant management
 - Lead public involvement
 - Decision process
- City to be responsible for:
 - Steering Committee and staff project team participation
 - Technical review
 - Partner coordination
 - Support decision making
 - Support public involvement

Questions/Discussion