



TUALATIN CITY COUNCIL

Monday, OCTOBER 24, 2016

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

Seat 3- Vacant
Councilor Joelle Davis

Councilor Frank Bubenik
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 provided 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.



OFFICIAL AGENDA OF THE TUALATIN CITY COUNCIL MEETING FOR OCTOBER 24, 2016

A. CALL TO ORDER
Pledge of Allegiance

B. ANNOUNCEMENTS

1. Proclamation Declaring October 23-31, 2016 Red Ribbon Week in the City of Tualatin
2. Proclamation Declaring November 2016 as Veterans Appreciation Month in the City of Tualatin
3. New Employee Introduction- Tony, Police Dog

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 Work Session and Regular Meeting of October 10, 2016

E. 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. 1397-16** Relating to the Floodplain District and Amending Tualatin Development Code Chapter 70 to Adopt Federal Emergency Management Agency (FEMA) Requirements for Development of the Floodplain (PTA 16-0001).
2. Filling of Council Position #3

F. 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.

G. COMMUNICATIONS FROM COUNCILORS

H. ADJOURNMENT

City Council Meeting

Meeting Date: 10/24/2016

ANNOUNCEMENTS: National Red Ribbon Week
Proclamation

ANNOUNCEMENTS

Proclamation Declaring October 23-31, 2016 Red Ribbon Week in the City of Tualatin

Proclamation

Proclamation

Proclamation Declaring October 23-31, 2016 Red Ribbon Week in the City of Tualatin

WHEREAS, Alcohol and other drug abuse in this nation has reached epidemic stages; and

WHEREAS, It is imperative that visible, unified prevention education efforts by community members be launched to eliminate the demand for drugs; and

WHEREAS, National Family Partnership (NFP) is sponsoring the National Red Ribbon Campaign offering citizens the opportunity to demonstrate their commitment to drug-free lifestyles; and

WHEREAS, The National Red Ribbon Campaign will be celebrated during "Red Ribbon Week" October 23-31; and

WHEREAS, Business, government, parents, law enforcement, media, medical, religious institutions, schools, seniors, service organizations and youth will demonstrate their commitment to healthy, drug-free lifestyles by wearing and displaying Red Ribbons during this week long campaign.

NOW THEREFORE BE IT RESOLVED, that the City of Tualatin does hereby proclaim October 23-31, 2014 as Red Ribbon Week and encourages its citizens to participate in drug prevention education activities, making a visible statement that we are strongly committed to a drug-free community.

INTRODUCED AND ADOPTED this 24th day of October, 2016.

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder

City Council Meeting

Meeting Date: 10/24/2016

ANNOUNCEMENTS: Proclamation Declaring
November 2016 as Veterans
Appreciation Month in the City of
Tualatin

ANNOUNCEMENTS

Proclamation Declaring November 2016 as Veterans Appreciation Month in the City of Tualatin

Proclamation

Proclamation

Proclamation Declaring November 2016 as Veterans Appreciation Month in the City of Tualatin

WHEREAS, the City of Tualatin has always supported our military and veteran population including becoming a Purple Heart City; and

WHEREAS, we want to make sure our military veterans are clearly aware that we value their service to our Nation, our State and most especially, our City; and

WHEREAS, Tualatin has a large population of veterans including leaders awarded for valor and gold star families; and

WHEREAS, Tualatin appreciates the sacrifices of all our military veterans, combat veterans, the families of the killed in action residents, as well as, the personal sacrifices that have been made by our servicemen and women and their families while defending our freedom. We want to express our deep appreciation and honor to each and every one of them.

NOW THEREFORE BE IT RESOLVED, that the City of Tualatin does hereby proclaim November 2106 as Veterans Appreciation Month. The City Council hereby encourages the residents and businesses of the City of Tualatin to show their appreciation for the sacrifices that our military veterans have made in defending our freedoms, to acknowledge their courage, and to show them the honor and support they have earned, especially during the month of November.

INTRODUCED AND ADOPTED this 24th day of October, 2016.

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, City Manager

FROM: Nicole Morris, Deputy City Recorder

DATE: 10/24/2016

SUBJECT: Consideration of Approval of the Minutes for the Work Session and Regular Meeting of October 10, 2016

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes for the Work Session and Regular Meeting of October 10, 2016 .

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

Attachments: City Council Work Session Minute of October 10, 2016
City Council Regular Meeting Minutes of October 10, 2016



Present: Mayor Lou Ogden- via phone; Council President Monique Beikman; Councilor Frank Bubenik; Councilor Nancy Grimes; Councilor Ed Truax

Absent: Councilor Wade Brooksby; Councilor Joelle Davis

Staff City Manager Sherilyn Lombos; City Attorney Sean Brady; Police Chief Bill Steele;
Present: Planning Manager Aquilla Hurd-Ravich; Deputy City Recorder Nicole Morris; Assistant to the City Manager Tanya Williams; Assistant City Manager Alice Cannon; Parks and Recreation Manager Rich Mueller; City Engineer Jeff Fuchs; Associate Planner Charles Benson; Senior Planner Karen Fox; Economic Development Manager Melinda Anderson; Public Works Director Jerry Postema

CALL TO ORDER

Council President Beikman called the meeting to order at 5:07 p.m.

1. ***Food Carts: Update on Public Outreach & Code Components.***

Planning Manager Aquilla Hurd-Ravich and Associate Planner Charles Benson presented the public outreach and proposed code updates on mobile food units. Manager Hurd-Ravich presented background on the process to date, noting staff has continued to conduct public engagement and further refine the code updates. Associate Benson recapped public engagement efforts including survey results. Manager Hurd-Ravich spoke to survey results from the Commercial CIO group. She stated the group's unanimous consensus was food carts would hurt their businesses. Staff also attended a Tualatin Chamber of Commerce meeting where their board discussed the ordinance internally. They will provide feedback.

Associate Benson presented updated policy considerations from staff. Suggestions included incorporating the policy into the Tualatin Municipal Code, application reviews at the staff level, obtaining a business license, require a permit for stays longer than four hours, require a connection to City infrastructure, prohibit operations on unimproved sites, and restrict signage. Items no longer under consideration were reviewed.

Councilor Truax asked if food carts that were fully contained would be permitted. Manager Hurd-Ravich stated there wouldn't be a way around the regulation they would have to hook up. She noted that food carts staying for less than four hours would not need to meet that requirement.

Councilor Truax asked about parking spot regulations. Manager Hurd-Ravich stated this is why improved locations would only be considered because they had been through the architectural review process.

Manager Hurd-Ravich reviewed the timeline for the project stating staff would be back at the November 14 work session with a draft ordinance for consideration.

Councilor Grimes asked if restroom and seating requirements would need to meet the County's standards. Manager Hurd-Ravich stated the County has specific requirements the food cart would have to meet.

Councilor Bubenik asked if in the information presented to the CCIO, if there was a differentiation made between a pod and a cart. Manager Hurd-Ravich stated it was not made clear because the policy direction was different at the time. Councilor Bubenik stated he would like to simplify the policy direction. He also noted he is not interested in having food pods in Tualatin.

Councilor Truax stated he doesn't think a policy needs to be put in place at all as he does not see Tualatin as a food cart destination.

Council President Beikman stated the scope of the project has gone outside of what the Council originally envisioned. She would like to see it simplified by adding language stating food carts cannot park overnight.

Councilor Bubenik stated that would solve a majority of the issues and would like to ensure they have a business license as well.

Mayor Ogden stated he is concerned with the pushback the Council has received from the restaurant industry. He would like to take the time to work with business owners and see what would work for them.

Council President Beikman does not want to push the topic off any longer with more feedback. She just wants the ordinance simplified.

Councilor Bubenik stated he is no rush to complete this and would like more feedback from the restaurant industry.

Mayor Ogden stated he won't vote to approve anything until it has been vetted by the restaurant industry.

Manager Hurd-Ravich stated staff will compile feedback from the Council and be back with an ordinance.

2. *Basalt Creek Land Use Concept Map & Project Update.*

Planning Manager Aquilla Hurd-Ravich and Senior Planner Karen Fox presented an update on the Basalt Creek Concept Plan. Manager Hurd-Ravich spoke to concept map refinements with key feedback being to refine employment land uses, residential land uses, and consider both private ownership and environmental constraints in the Basalt Creek Canyon. The land use concept maps were refined to better highlight actual uses in Tualatin. The manufacturing park is now the largest part followed by residential uses, both uses are balanced. A summary of acres and trips was reviewed. Manager Hurd-Ravich reviewed and updated the Council on the ten considerations for success. Planner Fox noted other recent activities including the Basalt Creek IGA being reinstated, the concept plan draft is underway, and community involvement is ongoing.

Manager Hurd-Ravich spoke to public comments specific to land use. One topic of discussion has been the Victoria Gardens Homeowners Association proposal. The proposal requests single family residential to buffer their neighborhood to the south. The Council can consider two options. Option one to zone the area RML, which would likely be a better transition to employment lands. Option two is to change adjacent property to the south to RL, which is preferred by the HOA. Manager Hurd-Ravich noted Tualatin is currently balance. Any changes will tip the balance and create further discussion on policy considerations.

Manager Hurd-Ravich presented another proposal from Otak regarding the area south of Victoria Gardens. The proposal contained three options. Option A contains a mix of low and high density residential to serve as transition to employment and the Canyon. Option B offers residential to wrap around the new loop road surround employment uses. Option C offers a mix of housing types and densities with small amounts of commercial.

Manager Hurd-Ravich stated staff is seeking direction from Council on the proposals. Next steps for the project include an agency review team meeting, individual council meetings to discuss the draft concept plan, and a joint council meeting.

Councilor Grimes asked how staff would deal with trips over capacity. Manager Hurd-Ravich stated Washington County is comfortable with the margin of error.

Councilor Bubenik asked if Otak's idea would make the trip count higher. Manager Hurd-Ravich stated it wouldn't necessarily increase the trips but they would have to evaluate the proposal further. Assistant City Manager Alice Cannon stated it would be worth the City investigating the option further.

Councilor Truax would like to further evaluate Otak Option C. He likes the combination of uses and the transition and buffering.

Mayor Ogden stated he believes all the land that can be used for jobs should be used for jobs as it is the primary function of the land. All other non-suitable land should then be used for residential.

Council President Beikman asked why the neighborhood commercial was removed from the plan. Manager Hurd-Ravich stated they made it Manufacturing Park to add more flexibility to the area. Council President Beikman stated she likes Otak Option C as she is concerned with buffering around the neighborhoods as well.

Councilor Bubenik would also like to explore Otak Option C. He wants to make sure there is traffic calming work done in the area as noise will be the main issue. He wants to ensure buffering is built into the standards.

Council President Beikman and Mayor Ogden both concurred that the buffering standards need to be in place before development happens.

Manager Hurd-Ravich recapped stating staff will explore Otak Option C and further evaluate the trip capacity for the option while incorporating design standards for appropriate buffering

3. *Economic Development Update.*

Moved to a meeting date to be determined.

4. *UPDATE: Hazelbrook Road Parking Concerns.*

City Engineer Jeff Fuchs presented additional information on the Hazelbrook Parking issue. Engineer Fuchs provided a summary of the parking issue along both sides of the roadway occasionally constricting traffic. Since the last presentation staff monitored the area and most of the cars parking in the area belonged to renters in the apartment complex. Options for improvement include: leave as is, prohibit parking on both sides, prohibit parking on westbound lane, install no parking signs, or install a bike lane on the eastbound side.

Councilor Bubenik stated his biggest concern in the area is cars parking on the south side of the road heading east through the curves. He suggested making the area no parking through the curves.

Council consensus was reached to make the area no parking eastbound through the curves.

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

None.

ADJOURNMENT

The work session adjourned at 6:56 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Lou Ogden, Mayor



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR OCTOBER 10, 2016

Present: Council President Monique Beikman; Councilor Frank Bubenik; Councilor Nancy Grimes; Councilor Ed Truax

Absent: Mayor Lou Ogden; Councilor Wade Brooksby; Councilor Joelle Davis

Staff City Manager Sherilyn Lombos; City Attorney Sean Brady; Police Chief Bill Steele;
Present: Community Services Director Paul Hennon; Finance Director Don Hudson; Planning Manager Aquilla Hurd-Ravich; Deputy City Recorder Nicole Morris; Engineer Associate Tony Doran; Teen Program Specialist Julie Ludemann; Assistant to the City Manager Tanya Williams; Assistant City Manager Alice Cannon; Parks and Recreation Manager Rich Mueller; City Engineer Jeff Fuchs; Associate Planner Charles Benson; Senior Planner Karen Fox; Public Works Director Jerry Postema

A. CALL TO ORDER

Pledge of Allegiance

Council President Beikman called the meeting to order at 7:05 p.m.

B. ANNOUNCEMENTS

1. Update on the Tualatin Youth Advisory Council's Activities for October

Members of the Youth Advisory Committee (YAC) presented a PowerPoint on their latest activities and upcoming events. YAC will be participating in the West Coast Giant Pumpkin Regatta on October 15. They will be running concessions, pumpkin crafts, face and t-shirt painting, and pumpkin bowling. The annual Haunted House will be held on October 21-22 and 28-29, from 7-10 p.m., at the Van Raden Community Center. They encouraged all citizens to attend both events.

2. West Coast Giant Pumpkin Regatta Announcement

Recreation Supervisor Julie Ludemann and Program Specialist Heidi Marx invited all citizens to attend the 13th Annual West Coast Giant Pumpkin Regatta to be held on Saturday, October 15, 10am-4pm, at the Tualatin Commons.

3. New Employee Introduction- Veronica Montenergro, Library Assistant I

Community Services Director Paul Hennon introduced Library Assistant Veronica Montenergro. The Council welcomed her.

4. City Award Announcements

City Manager Sherilyn Lombos announced the City won the City County Insurance Services Silver Safety Award and the League of Oregon Cities Award for Excellence for the Trail Project. She thanked all City staff for their hard work.

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.

Paul Morrison spoke to issues with the proposed zoning on the Basalt Creek Project. He stated he would like to see more transitional zoning in the residential areas.

Sherman Leitgeb spoke to the potential negative impacts of the proposed zoning for the Basalt Creek Project. He stated the zoning will have a very negative impact directly on the Victoria Gardens property owners.

Herb Koss stated he worked directly with OTAC to create the proposal that offers the necessary buffers and transitioning for the Victoria Gardens property owners. He was happy to hear the Council consider the proposal.

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 Ed Truax, SECONDED by Councilor Nancy Grimes to adopt the consent agenda.

Aye: Council President Monique Beikman, Councilor Frank Bubenik, Councilor Nancy Grimes, Councilor Ed Truax

Other: Mayor Lou Ogden (Absent), Councilor Wade Brooksby (Absent), Councilor Joelle Davis (Absent)

MOTION CARRIED

1. Consideration of Approval of the Minutes for the Work Session and Regular Meeting of September 12, 2016
2. Consideration of Approval of a New Liquor License Application for Saint Irene's
3. Consideration of Approval of a New Liquor License for Tualatin Gas & Food
4. Consideration of Approval of a New Liquor License Application for La Sen Vietnamese Grill

5. Consideration of Approval of a New Liquor License Application for Walden Selections
6. Consideration of **Resolution No. 5300-16** Authorizing a One-Year Extension of the Street Sweeping Contract with Great Western Sweeping, Inc.
7. Consideration of **Resolution No. 5301-16** Amending the City of Tualatin Fee Schedule and Rescinding Resolution No. 5284-16

E. SPECIAL REPORTS

1. Annual Report of the Juanita Pohl Center Advisory Committee

Parks and Recreation Manager Rich Muller along with Juanita Pohl Center Advisory Committee Members Candice Kelly, Del Judy, and Bob Leveton presented the committees annual update. Chair Kelly stated the committee's role is to listen for suggestions and ideas, then provide input and advise staff on the operation of the center. The center this year has increased utilization by increasing fitness, nutrition, and social opportunities for citizens. The center offers many benefits including promotion of a healthy lifestyle, intellectual engagement, increased quality of life, and social interaction. Over the past year the building was rented 250 times with revenue around \$43,000. The center completed phase two of the furniture upgrades in September. The committee's action plan for 2016-17 includes supporting and growing the active aging programs and events and recommending furniture replacements for phase 3 of the project.

F. PUBLIC HEARINGS – Legislative or Other

1. Consideration to Amend the Tualatin Development Code Chapter 70: Flood Plain District to Meet Minimum National Flood Insurance Program Requirements

Council President Beikman opened the public hearing for amendments to the Tualatin Development Code Chapter 70: Flood Plain District to meet the minimum National Flood Insurance Program Requirements. She read the rules of the hearing in accordance with ORS 197.763(5) and (6) and ORS 197.796(3)(b).

STAFF REPORT

City Engineer Jeff Fuchs and Associate Engineer Tony Doran presented the staff report. Engineer Fuchs entered the staff report and attachments into the record. He presented the purposed plan text amendments that would adopt the updated Flood Insurance Rate Maps (FIRM) and corresponding Flood Insurance Study. Background on the National Flood Insurance Program (NFIP) was presented. He noted the update replaces the 1987 maps. The City received a letter dated May 4, 2016 as notification of the requirements to update the code. Tualatin has until November 4 to adopt the FEMA floodplain management measures. The Planning Commission recommended approval at their September 15 meeting. The effects of not participating in the flood plain management measures were presented. It was noted the changes must be adopted in order for the community to stay eligible for flood insurance and that flood insurance rates may increase regardless of this

action. The City currently has 556 tax lots in the flood plain. Engineer Fuchs presented the proposed plan text amendments. The next steps are potential ordinance adopting at the October 24 meeting, FEMA notification of adoption, and then the new requirements will go into effect on November 4.

Tualatin Planning Commission Chair Alan Aplin stated the commission unanimously voted in favor of adoption of the new measures.

PUBLIC COMMENT

Kathy Newcomb presented concerns with slight differences in the two maps but stated she generally agrees with the adoption.

COUNCIL QUESTIONS

Councilor Grimes stated the new maps increases the amount of acreage in the flood plain. She asked how that would affect homeowners now designated in the flood plain. Associate Engineer Doran stated the new information only makes the maps more accurate. There will be no direct impact on homeowners.

COUNCIL DELIBERATIONS

None.

MOTION by Councilor Ed Truax, SECONDED by Councilor Frank Bubenik to approve proposed amendments to the Tualatin Development Code Chapter 70: Flood Plain District to meet minimum National Flood Insurance Program Requirements and direct staff to prepare an ordinance.

Aye: Council President Monique Beikman, Councilor Frank Bubenik, Councilor Nancy Grimes, Councilor Ed Truax

Other: Mayor Lou Ogden (Absent), Councilor Wade Brooksby (Absent), Councilor Joelle Davis (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

Mayor Ogden phone in.

Councilor Grimes invited everyone to attend the West Coast Giant Pumpkin Regatta this Saturday, October 15, at the Commons.

Councilor Bubenik informed citizens about the Washington County Wood Stove Exchange Program. Flyers for the program are located throughout the City and can be found on the County's website. He also mentioned the Fair Housing Council of Oregon program stating they offer help to citizens regarding discrimination when applying for housing.

Councilor Bubenik stated the Council received a letter of resignation from

Councilor Brooksby effective October 9, 2016.

MOTION by Councilor Frank Bubenik, SECONDED by Councilor Ed Truax for the Council to accept the resignation of Councilor Wade Brooksby; declare City Council Position 3 vacant; and direct staff to bring back a timeline for Council to consider for filling the position by Council appointment.

Aye: Mayor Lou Ogden, Council President Monique Beikman, Councilor Frank Bubenik, Councilor Nancy Grimes, Councilor Ed Truax

Other: Councilor Wade Brooksby (Absent), Councilor Joelle Davis (Absent)

MOTION CARRIED

I. ADJOURNMENT

Council President Beikman adjourned the meeting at 8:11 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Lou Ogden, Mayor



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Sean Brady, City Attorney

DATE: 10/24/2016

SUBJECT: Consideration of **Ordinance No. 1397-16** Relating to the Floodplain District and Amending Tualatin Development Code Chapter 70 to Adopt Federal Emergency Management Agency (FEMA) Requirements for Development of the Floodplain (PTA 16-0001).

ISSUE BEFORE THE COUNCIL:

Consideration of Ordinance No. 1397-16 Relating to the Floodplain District and Amending Tualatin Development Code (TDC) Chapter 70 to Adopt Federal Emergency Management Agency (FEMA) Requirements for Development of the Floodplain (PTA 16-0001).

RECOMMENDATION:

Staff recommends Council adopt Ordinance No. 1397-16.

EXECUTIVE SUMMARY:

Ordinance No. 1397-16 amends TDC Chapter 70 (Floodplain District). The ordinance adopts the new FEMA floodplain maps and brings the TDC into compliance with minimum FEMA floodplain regulations. Adopting the ordinance allows the City to continue to participate in the National Flood Insurance Program, which permits property owners within the 100-year floodplain to obtain federally-backed flood insurance.

The City of Tualatin submitted an application for Plan Text Amendment (PTA) 16-0001 to amend TDC Chapter 70 (Floodplain District) and adopt new FEMA floodplain maps and development requirements. The City provided notice of PTA 16-0001 to the Oregon Department of Land Conservation and Development, as provided in ORS 197.610. The City provided notice of the public hearing, as required by TDC 1.031. The City also provided notice of the public hearing to all impacted property owners, in compliance with ORS 227.186 (Ballot Measure 56).

A public hearing was held before the Council on October 10, 2016, to consider PTA 16-0001. The Council considered the testimony and evidence presented by City staff and the comments of those appearing at the public hearing. The Council approved PTA 16-0001 and directed staff to return with an ordinance for Council consideration to implement PTA 16-0001.

Ordinance No. 1397-16 implements PTA 16-0001 to adopt the new FEMA floodplain maps and development requirements.

Attachments: Ordinance No. 1397-16 - Floodplain Development
 Exhibit 1 - Analysis and Findings (Ord. No. 1397-16)

ORDINANCE NO. 1397-16

AN ORDINANCE RELATING TO THE FLOODPLAIN DISTRICT AND
AMENDING TUALATIN DEVELOPMENT CODE CHAPTER 70 TO
ADOPT FEDERAL EMERGENCY MANAGEMENT AGENCY
REQUIREMENTS FOR DEVELOPMENT OF THE FLOODPLAIN

WHEREAS, in order to receive flood insurance through the Federal Emergency Management Agency (FEMA), the City is required to adopt current FEMA requirements with respect to development within the floodplain; and

WHEREAS, the Community Development Director initiated Plan Text Amendment PTA16-0001; and

WHEREAS, the City provided notice of PTA16-0001 to the Oregon Department of Land Conservation and Development, as provided by ORS 197.610; and

WHEREAS, the City provided notice of the public hearing to all property owners in compliance with ORS 227.186 (Ballot Measure 56); and

WHEREAS, notice of public hearing of PTA16-0001 was given as required by Tualatin Development Code (TDC) 1.031; and

WHEREAS, Council approved PTA16-0001 after a public hearing was held where Council heard and considered the testimony and evidence presented by City staff, and those appearing at the public hearing.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TDC 70.050 is amended to read as follows:

The City of Tualatin adopts the maps entitled "Flood Insurance Rate Map, Washington County, Oregon and Incorporated Areas," effective date November 4, 2016 together with the "Flood Insurance Study for Washington County Oregon and Incorporated Areas," dated November 4, 2016. The Flood Boundary and Floodway Maps, as provided for in the regulations of the Federal Emergency Management Agency (FEMA) (44 CFR part 59-60) are adopted by reference as establishing the floodplain, floodway, and drainage hazard areas of the City of Tualatin. Where the maps are not available or where the City Engineer determines more accurate information is available, the City Engineer may use any base flood elevation and floodway data available from a federal or state source, or from a licensed professional engineer, to determine the boundaries of the floodplain, floodway, and drainage hazard areas of the City of Tualatin, as provided in TDC 70.140.

~~The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Tualatin," dated February 19, 1987, with accompanying Flood Insurance Maps is hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study is on file at the City Center, 18880 SW Martinazzi Avenue, Tualatin, Oregon 97062.~~

Section 2. TDC 70.135 is added to the Tualatin Development Code as follows:

TDC 70.135 Provide Base Flood Elevation and Freeboard to Building Official.

The City Engineer will provide the base flood elevation information to the Building Official along with any freeboard requirements in order to administer the Building Codes.

Section 3. TDC 70.180 is amended to read as follows:

Section 70.180 Specific Standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in TDC 70.050, "BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD," or TDC 70.140(2), "USE OF OTHER BASE FLOOD DATA," the following provisions are required:

(1) Residential Construction.

(a) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at least one foot above the base flood elevation.

(b) New public streets providing vehicle access to residences, including residences within mixed use developments, shall be constructed at or above the base flood elevation. Public street rights-of-way in existence as of January 14, 1993, shall not be subject to this requirement.

(c) Below grade crawl-space construction in the floodplain shall comply with all NFIP specifications and applicable Building Code Requirements.

(d) Elevated structures that are not floodproofed, but that have fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

(i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(ii) The bottom of all openings shall be no higher than one foot above grade.

(iii) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

(2) Nonresidential Construction.

New construction and substantial improvement of any commercial, industrial or other

nonresidential structure shall either have the lowest floor, including basement, elevated at least one foot above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

(a) Be floodproofed so that below the base flood level the structure is watertight, with walls substantially impermeable to the passage of water.

(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and review of the structural design, specifications and plans. Such certification shall be provided to the official as set forth in TDC 70.140(3)(b).

(d) Elevated structures that are not floodproofed, but that have fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

(i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(ii) The bottom of all openings shall be no higher than one foot above grade.

(iii) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

(e) Applicants flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g. a building constructed to the base flood level will be rated as one foot below that level).

(3) **Manufactured Dwellings.** Manufactured dwellings placed or substantially improved within Zones A1-30, AH, and AE shall be on a permanent foundation and shall have the lowest floor, including basement, elevated at least one foot above the base flood elevation and shall be securely anchored to a foundation system in accordance with TDC 70.170(1)(b).

(4) **Recreational Vehicles.** Recreational vehicles placed on sites are required to:

(a) Be on the site for fewer than 180 consecutive days, and

(b) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

(c) Recreational vehicles that are permanently placed or substantially improved within Zones A1-30, AH, and AE shall be on a permanent foundation and shall have the lowest floor, including basement, elevated at least one foot above the base flood elevation and shall

be securely anchored to a foundation system in accordance with TDC 70.170(1)(b).

Section 4. TDC 70.200 is added to the Tualatin Development Code as follows:

TDC 70.200 Alterations to Floodplain, Drainage, or Watercourses

(1) Applicants proposing to increase the Base Flood Elevation by more than one foot or alter a watercourse must obtain a Conditional Letter of Map Revision (CLOMR) from FEMA before any encroachment, including fill, new constructions, substantial improvement, or other development, in the regulatory floodway is permitted.

(2) Within six months of project completion, an applicant for a Letter of Map Revision (LOMR) must submit a completed application to FEMA and submit evidence to the City that a Letter of Map Revision (LOMR) has been requested that reflects the as-built changes to the Flood Insurance Study (FIS) and/or Flood Insurance Rate Map (FIRM).

(3) The applicant must prepare and submit technical data to support the Conditional Letter of Map Revision (CLOMR) or Letter of Map Revision (LOMR) application and pay any processing or application fees to FEMA.

Section 5. The Council adopts as its findings the *Analysis and Findings* set forth in Exhibit 1, which is attached and incorporated by reference.

Section 6. Severability. 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.

Section 7. Emergency Clause. This ordinance is necessary of the immediate protection of the public peace, health, safety and welfare and takes effect on November 6, 2016.

ADOPTED this 24th day of October, 2016.

CITY OF TUALATIN OREGON

BY _____
Mayor

APPROVED AS TO LEGAL FORM

ATTEST

BY _____
City Attorney

BY _____
City Recorder

EXHIBIT 1
Ordinance No. 1397-16

PTA16-0001: ANALYSIS AND FINDINGS

FLOODPLAIN ORDINANCE UPDATE 2016

Plan Text Amendment 16-0001 (PTA16-0001) amends the Tualatin Development Code to adopt Federal Emergency Management Agency (FEMA) Requirements for Development in the Floodplain. The purpose of these amendments is to facilitate local implementation of the National Flood Insurance Program requirements and to adopt the best available geographic data defining locations that are at a high risk of flooding.

Amendments are proposed to the following chapter and section:

Chapter 70 Flood Plain District

Background

The National Flood Insurance Program (NFIP) is a federal program created in 1968 through passage of the National Insurance Act and administered by the Federal Emergency Management Agency (FEMA). The program allows owners of property in a 100-year floodplain to obtain federally-backed flood insurance for their property in jurisdictions that have adopted land use ordinances to regulate floodplain development.

The Flood Insurance Rate Map (FIRM) is an official map on which FEMA has delineated both the Special Flood Hazard Area (SFHA) and other flood zones within a community. The SFHA is the area where floodplain management regulations of the NFIP must be enforced and where the mandatory purchase of flood insurance applies. The FIRM also notes the Base Flood Elevations (BFEs) for maps areas. BFEs inform both insurance rates and aid in identifying where flood plain development can occur.

On May 4, 2016 the City received a letter from FEMA which requires the City “to adopt or show” prior to November 4, 2016 “evidence of adoption of floodplain management regulations that meet [certain] standards” (Exhibit 1). This requirement is a condition of continued eligibility in the National Flood Insurance Program (NFIP). The letter provides pertinent background information as follows:

“On February 19, 1987, the Department of Homeland Security’s FEMA issued a FIRM that identified the SFHAs, the areas subject to inundation by the base (1-percent-annual-chance) flood in [our] community. [The City of Tualatin adopted the Study and FIRMs into the Development Code in 1998.] FEMA has recently completed a re-evaluation of flood hazards in [our] community. On September 28, 2007 FEMA provided [the City] with Preliminary copies (and Revised Preliminary copies on December 4, 2009) of the FIRM and Flood Insurance Study report that

identify existing flood hazards in Tualatin, including Base Flood Elevations (BFEs). The proposed BFEs for Tualatin were published in *The Times* on October 25, 2012 and November 1, 2012 and in the *Federal Register*, at part 67, Volume 77, Pages 21516 through 21521, on April 10, 2012.

The statutory 90-day appeal period, which was initiated on the second newspaper publication date cited above, has ended. FEMA did not receive any appeals of the proposed BFEs during that time. Accordingly, the BFEs for Tualatin are considered final. The final rule for BFEs will be published in the *Federal Register* as soon as possible. The FIRM for Tualatin will become effective on November 4, 2016.

It must be emphasized that all the standards specified in Paragraph 60.3(d) of the NFIP regulations must be enacted in a legally enforceable document. This includes adoption of the current effect FIRM and FIS report to which the regulations apply and other modifications made by this map revision. Some of the standards should already have been enacted by your community in order to establish initial eligibility in the NFIP. Your community can meet any additional requirements by taking one of the following actions:

1. Amending existing regulations to incorporate any additional requirements of Paragraph 60.3(d);
2. Adopting all the standards of paragraph 60.3(d) into one new, comprehensive set of regulations; or
3. Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of Paragraph 60.(d)

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the Flood Disaster Protection Act of 1973 (Public Law 93-234) as amended.

In addition to your community using the FIRM and FIS report to manage development in the floodplain, FEMA will use the FIRM and FIS report to establish appropriate flood insurance rates. On the effective date of the revised FIRM, actuarial rates for flood insurance will be charged for all new structures and substantial improvements to existing structures located in the identified SFHAs. These rates may be higher if structures are not built in compliance with the floodplain management standards of the NFIP. The actuarial flood insurance rates increase as the lowest elevations (including basement) of new structures decrease in relation to the BFEs established for your community. This is an important consideration for new construction because building at a higher elevation can greatly reduce the cost of flood insurance.”

The City of Tualatin proposes legislative amendments to the Tualatin Development Code (TDC) to amend existing regulations to incorporate any additional requirements of Paragraph

60.3(d) of the National Flood Insurance Program regulations. Amendments are proposed to Chapter 70 Flood Plain District of the Tualatin Development Code.

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.

Finding: Floodplain boundaries do not stay constant but rather undergo change over time due to the effects of erosion, development impacts such as increased run off, vegetation removal that can affect flood water retention and release, changes in weather patterns and other factors. To account for flood plain boundary changes, FEMA periodically adjusts the 100-year floodplain maps used by local jurisdictions. The City does not conduct flood plain inventories but relies on FEMA for the determination of the 100-year floodplain boundary. Mortgage lenders will typically notify homeowners whose property is in the flood plain that they are required to carry flood insurance. Homeowners without a mortgage are not required by law to obtain flood insurance but will not be covered for any property damage caused by flooding.

FEMA periodically amends the regulatory requirements of the NFIP through updates to the local FIRM and a corresponding Flood Insurance Study Report. Prior to amending the FIRM and/or developing new or revised flood plain requirements as part of the NFIP updates, FEMA coordinates with local jurisdictions (known as “discovery” process) to determine local flood area conditions, including areas of flood risk and potential mitigation for development.

As stated in the May 4, 2016 letter from FEMA, the City is required to update its floodplain management regulations to meet standards set out in the NFIP as a condition of continued eligibility in the National Flood Insurance Program (NFIP). Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the Flood Disaster Protection Act of 1973 (Public Law 93-234) as amended.

The floodplain affects a large portion of the City of Tualatin (755 acres AND 556 Parcels) with residential and employment uses. If the City does not adopt these amendments prior to November 4, 2016, private property owners are not eligible for flood insurance which could endanger a mortgage if the lender requires flood insurance as a term of the loan. Therefore, it is in the public interest to adopt these amendments at this time.

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: According to the May 4, 2016 letter from FEMA the City of Tualatin is required to adopt floodplain management regulations that meet the standards of Paragraph 60.3(d) by the effective date of the FIRM which is November 4, 2016, as a condition of continued eligibility in the National Flood Insurance Program.

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 3 Technical Memoranda
Section 3.030 Natural Resources**

(1) Geology

(c) Tualatin River. The Tualatin River originates on the eastern slope of the Coast Range. The watershed averages 40 miles long and 25 miles wide, draining 711 square miles before entering the Willamette River. About ½ of the watershed is in the valley, where the stream is flat with wide flood plains.

(3) Wildlife...

(c) Tualatin River. The Tualatin River and its floodplain from the western boundary of the Study Area to just past its junction with Fanno Creek has been identified as a wetland and marsh area. The River itself is an important fish migration route. The river and its associated vegetation are important natural habitats.

Section 3.040 Natural Hazards

- (1) Flooding. The last 3 miles of the Tualatin River, about 5 ½ miles downstream from the City of Tualatin, consists of a narrow gorge with a vertical drop of nearly 40 feet. Natural reefs occurring upstream limit the River’s ability to pass flood flows. The reefs create a natural dam, forcing water to back up and flood into the Tualatin Valley.

- a. Season. Flooding usually occurs between mid-November and mid-February, due to rainfall and snow melt. Unlike most Oregon streams, the wide, flat flood plains of the Tualatin Valley store large volumes of water that cause the River to peak slowly and remain above flood stage for several days.
- b. Area. The core of the City of Tualatin is highly vulnerable to flooding of the Tualatin River. A 100-year frequency flood would cause extensive flooding in the City of Tualatin. It would also flood a large area west and east of the City's downtown and a large area in the northwest portion of the Study Area.
- c. Existing flood control. Present flood control projects on the Willamette River do not appreciably affect flood conditions of the City of Tualatin. Upstream flood control measure on the Tualatin River will provide only limited benefits to the Tualatin Valley, as key physical constraints occur at the natural reefs downstream.

Chapter 4 Community Growth

Section 4.050 General Growth Objectives.

(11) Coordinate development plans with regional, state, and federal agencies to assure consistency with statutes, rules, and standards concerning air, noise, water quality, and solid waste. Cooperate with the U.S. Fish and Wildlife Service to minimize adverse impacts to the Tualatin River National Wildlife Refuge from development in adjacent areas of Tualatin.

(12) Adopt measures protecting life and property from natural hazards such as flooding, high groundwater, weak foundation soils and steep slopes.

FINDING: The sections from the Tualatin Comprehensive Plan indicate that flooding from the Tualatin River could cause extensive damage. The 1996 floods in Tualatin did cause damage to private and public structures. Adopting the amendment to the Chapter 70 Flood Plain adopts new Base Flood Elevations which are the regulatory benchmark for development in a flood plain. Local jurisdictions are required to adopt new floodplain regulations or amend existing floodplain regulations to incorporate the updated information into their local documents. Adopting updated FEMA requirements will enable local communities (and private property owners) to participating in the National Flood Insurance Program.

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 amendments are intended to implement, through the City's Development Code Chapter 70 Flood Plain, regulations on development in areas of the city that FEMA has deemed to be at high risk of inundation under the 100-year flood. Approximately 556 tax lots contain some 755 acres in the 100-year floodplain. The Floodplain requirements would be applied to all new structures and substantial improvements in said high-risk areas.

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

Not applicable

Trends in land improvement and development.

FINDING: Tualatin Development Code Chapter 70 regulates development in the floodplain. Adjustments to the FIRM map will not alter how development in the flood plain is currently reviewed and processed.

Property Values.

FINDING: Property values could be affected by the owner's ability to obtain flood insurance. Mortgage lenders will typically notify homeowners whose property is in the floodplain that they are required to carry flood insurance. Homeowners without a mortgage are not required by law to obtain flood insurance but will not be covered for any property damage caused by flooding. Property owners can apply for flood insurance if their local jurisdiction participates in the National Flood Insurance Program and in order to continue Tualatin's participation the City must adopt new the Flood Insurance Rate Maps and Flood Insurance Study.

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

FINDING: The 100-year floodplain covers some residential land but most of it covers employment land in industrial and commercial Planning Districts. New buildings or substantial improvements in these areas, which could lead to increased economic activity, will be affected by actuarial rates for flood insurance.

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 National Flood Insurance Program allows owners of property in a 100-year flood plain to obtain federally-backed flood insurance for their property in jurisdictions that have adopted land use ordinances to regulate flood plain development. This opportunity provides assurance to property owners that if a flood causes damages the property can be restored.

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 measure 56 notice was mailed to all property owners within the floodplain.

The Tualatin Planning Commission held a public meeting on September 15, 2016. 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 (October 10, 2016), 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.

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 7, “Areas Subject To Natural Hazards” Implementation Measure #4, reads as follows: Local governments will be deemed to comply with Goal 7 for coastal and riverine flood hazards by adopting and implementing local floodplain regulations that meet the minimum National Flood Insurance Program (NFIP) requirements.

FINDING: The proposed amendments are designed to adopt and implement local floodplain regulations that meet the minimum National Flood Insurance Program (NFIP) requirements. This requirement will be met.

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 com-

prehensive 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.

As stated in the May 4, 2016 letter from FEMA “ On the effective date of the revised FIRM, actuarial rates for flood insurance will be charged for all new structures and substantial improvements to existing structures located in the identified SFHAs (Special Flood Hazard Areas). These rates may be higher if the structures are not built in compliance with the floodplain management standards for the NFIP.”

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 but rather affect the type of building development in the affected area which is the Floodplain. Therefore a Measure 56 notice is not required.

The PTA complies with Goals 1, 2 and 7, and it complies with Measure 56.

Criterion “6” is met.

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

TITLE 3: WATER QUALITY AND FLOOD MANAGEMENT,

3.07.340 Performance Standards

A. Flood Management Performance Standards.

- 1. The purpose of these standards is to reduce the risk of flooding, prevent or reduce risk to human life and property, and maintain functions and values of floodplains such as allowing for the storage and conveyance of stream flows through existing and natural flood conveyance systems.**
- 2. All development, excavation and fill in the Flood Management Areas shall conform to the following performance standards:**
 - a. Development, excavation and fill shall be performed in a manner to maintain or increase flood storage and conveyance capacity and not increase design flood elevations.**
 - b. All fill placed at or below the design flood elevation in Flood Management Areas shall be balanced with at least an equal amount of soil material removal.**
 - c. Excavation shall not be counted as compensating for fill if such areas will be filled with water in non-storm winter conditions.**
 - d. Minimum finished floor elevations for new habitable structures in the Flood Management Areas shall be at least one foot above the design flood elevation.**
 - e. Temporary fills permitted during construction shall be removed.**
 - f. Uncontained areas of hazardous materials as defined by DEQ in the Flood Management Area shall be prohibited.**

FINDING: The proposed amendments include language to ensure that, in the Tualatin Development Code Chapter 70: Flood Plain, the carrying capacity of the floodplain is maintained, finished floors are one foot above the Base Flood Elevation, and uncontained areas of hazardous materials as defined by DEQ are prohibited. The proposed amendments are consistent with this goal, and this requirement 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.

Exhibit 1- May 4, 2016 letter from FEMA



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Nicole Morris, Deputy City Recorder

DATE: 10/24/2016

SUBJECT: Filling of Council Position #3

ISSUE BEFORE THE COUNCIL:

Direction on the process and timeline for filling the Council vacancy.

RECOMMENDATION:

Staff recommends that the City Council discuss the timeline and process and give direction.

EXECUTIVE SUMMARY:

Upon the resignation of Wade Brooksby, the City Council declared Position #3 vacant on October 10, 2016. The City Charter provides the following in Chapter VII, Section 33: *Vacancies in elective offices in the city shall be filled by appointment by a majority of the incumbent members of the Council. The appointee's term shall begin immediately upon appointment and shall continue until the beginning of the year following the next general biennial election and the successor for the unexpired term shall be chosen at the next general biennial election after said appointment.*

The Charter leaves open the process by which the incumbent members of the Council choose who to appoint. Council could choose to nominate someone and appoint them with little to no process; however, in the past, the City Council has accepted applications, interviewed applicants, and then selected from those candidates.

The following timeline would allow for an application period, interviews and appointment by the incumbent members of Council:

October 31: Application period opens
November 18: Application period closes
November 28: Council determines which candidates to interview
December 5 (week of): Council convenes a special meeting to interview candidates
December 12: Council appointment; term begins immediately

Staff requests that the Council:

- 1) Discuss and approve a process for filling the vacancy; if the above process is agreed on, then:
- 2) Approve the timeline for filling the vacancy
- 3) Approve the application form
- 4) Set a date for interviewing candidates

Attachments: Statement of Interest for City Council Appointment



CITIZEN STATEMENT OF INTEREST FOR CITY COUNCIL APPOINTMENT

NAME _____ HOME ADDRESS _____

TELEPHONE _____ (Business) _____ (Home) _____ (Cell) _____

E-MAIL: _____ CITY COUNCIL POSITION APPLIED FOR: _____

OCCUPATION _____ EMPLOYED BY _____

RESIDENT OF TUALATIN (*for 12 months or more?*) _____ IF YES, HOW LONG _____
Yes No

HAVE YOU EVER APPLIED FOR A COUNCIL POSITION BEFORE? _____ IF YES, WHEN? _____
Yes No

HAVE YOU EVER SERVED ON A CITY OR LOCAL GOVERNMENT COMMITTEE OR VOLUNTEERED FOR THE CITY?
_____ IF YES, WHEN AND WHERE? _____
Yes No

WHY DO YOU WANT TO BE A MEMBER OF THE TUALATIN CITY COUNCIL. (*Attach Additional Materials if Necessary*). WHAT SPECIAL SKILLS OR QUALIFICATIONS WOULD YOU BRING TO THE COUNCIL? _____

PLEASE DESCRIBE YOUR PARTICULAR INTEREST IN ANY SPECIFIC ASPECT OF CITY SERVICE. PLEASE INCLUDE IN YOUR ANSWER WHY IT IS OF INTEREST TO YOU. _____

PLEASE LIST THE NAMES OF FIVE (5) TUALATIN RESIDENTS WHO SUPPORT YOU FOR THIS POSITION.

Name _____ Address _____

Name _____ Address _____

Name _____ Address _____

Name _____ Address _____

Name _____ Address _____