

ORDINANCE NO. 1405-17

AN ORDINANCE RELATING TO THE PLANNING COMMISSION AND AMENDING TUALATIN MUNICIPAL CODE CHAPTER 11-01.

WHEREAS, Tualatin Municipal Code (TMC) Chapter 11-01 established the Planning Commission and created its duties;

WHEREAS, Tualatin Development Code (TDC) 2.060 also contains similar language relating to the establishment and duties of the Planning Commission; and

WHEREAS, the Council wishes to amend TMC 11-01 to combine, reorganize, and clarify the provisions relating to the Planning Commission that are currently contained in both TMC 11-01 and TDC 2.060.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

**Section 1.** Tualatin Municipal Code (TMC) Chapter 11-01 is amended as follows:

**11-1-010 Establishment of Commission.**

The Tualatin Planning Commission is established and created. The Commission consists of seven members appointed by the Council.

**11-1-020 Terms of Office and Membership of Commission.**

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

(2) In considering new appointing members to the Commission, the Commission and Council shall must consider the following:

(a) strive for geographic balance within the City;

(b) no more than three members may have the same occupation;

(c) no more than two members may be engaged principally in the buying, selling, or developing of real estate for profit as individuals, or be members of a partnership, or officers or employees of a corporation, that is engaged principally in the buying, selling, or developing of real estate for profit

~~(d) no fewer than five members shall must reside inside the corporate boundaries of in the City; and~~

~~(e) and no more than two members shall may reside outside the City-, provided the Any non-resident member shall must reside within the Urban Growth Boundary of the City of Tualatin.~~

(3) Commission members receive no compensation.

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

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

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

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

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

### **11-1-030 Organization of Commission.**

~~(1) At the first regular meeting of the Commission each in January of each year, the Commission shall must elect a chairperson and vice chairperson, who shall be voting members, of the Commission. The chairperson and vice chairperson retain the right to vote on any matter before the Commission.~~

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

**11-1-040 Meeting; Quorum; Rules and Regulations of the Commission.**

(1) The Commission will convene when necessary to discharge its duties; however, it must meet six times within every calendar year.

(2) A majority of members of the Commission appointed by City Council shall constitute a quorum. A quorum of the Commission may transact any business or conduct any proceedings before within the jurisdiction of the Commission.

(3) The Commission may adopt and amend rules and regulations establishing the procedure for the conduct of proceedings before it. Any such rules and regulations shall must be consistent with any all ordinances, resolutions, or laws of the City regulating the Commission. The Commission shall convene when necessary to discharge its duties; however, it shall meet not less than six times within every calendar year.

**11-1-050 Removal; Vacancy.**

(1) Each Commission member serves at the pleasure of the Council and may be removed by the Council for any reason.

(2) In addition to other grounds for removal, the Council may remove any Commission member who:

(a) has two or more unexcused absences from meetings, including regular and special work sessions, during a calendar year; or

(b) has five or more absences from meetings, including regular and special work sessions, during a calendar year.

For purposes of this section an unexcused absence is an absence where the member failed to contact the chairperson or secretary of the Commission at least 24 hours prior to a scheduled Commission meeting, unless good cause is shown.

(3) A vacancy on the Commission occurs in the following circumstances:

(a) the Council removes a member of the Commission;

(b) a member of the Commission resigns and the resignation is accepted by the Council; or

(c) a person ceases to qualify for the position to which they were appointed.

(4) Any vacancy on the Commission will be filled by the Council for the unexpired term of the member creating the vacancy.

**~~11-1-050~~ 11-1-060 Expenditure of Funds.**

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

**~~11-1-060~~ 11-1-070 Powers and Duties of Planning Commission.**

The Commission has the following powers and duties:

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

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

(b) Economic Development:

(i) Housing;

(ii) Commercial and industrial;

(c) Public Facilities:

(i) Transportation;

(ii) Water supply;

(iii) Sewerage;

(iv) Drainage;

(v) Parks and open space; and

(vi) Institutions;

(d) Historic Resources.

(2) Recommend and make suggestions to the Council regarding preparation and revision of community development ordinances, including but not limited to the following:

(a) Tualatin Development Code;

(b) Tualatin Sign Ordinances; and

(c) Tree planting regulations.

(3) Study and propose in general such measures as may be advisable for promotion of the public interest, health, morals, safety, comfort, convenience and welfare of the City and of the area within the City's Urban Growth Boundary.

(4) Serve as the City of Tualatin Commission for Citizen Involvement in accordance with the State of Oregon Land Conservation and Development Goal No. 1, with the following responsibilities:

(a) Evaluate the effectiveness of the citizen involvement program during March and October of each calendar year.

(b) Recommend and make suggestions to the City Council regarding revisions in the citizen involvement program, as the Commission deems appropriate.

(5) To exercise any and all powers, functions, and authority delegated to or conferred upon the Commission by the laws of Oregon, the Tualatin City Charter, this Chapter, the Tualatin Development Code, and any other ordinances of the City of Tualatin.

~~(5) The Planning Commission shall hear and decide the following land use applications using the quasi-judicial evidentiary hearing procedures set forth in TDC 31.077<sub>(f)</sub>:~~

~~(a) Industrial Master Plan (IMP);~~

~~(b) Reinstatement of Use;~~

~~(c) Sign Variance (SVAR);~~

~~(d) Transitional Use Permit (TRP); and~~

~~(e) Variance (VAR).~~

~~(6) Requests for Review of Planning Commission decisions shall be to the City Council and follow the Requests for Review process set forth in TDC 31.078<sub>(f)</sub>.~~

#### **~~11-1-070 Coordination of Planning Review.~~**

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

**11-1-080 Annual Report of Commission.**

(1) Not later than April 1 of each year, the Commission shall ~~shall~~ must file its annual report of the activities of the Commission with the City Council.

(2) The annual report ~~shall include~~ must contain the following:

(a) ~~a survey and report of the Commission's activities during the preceding year;~~

(b) ~~in addition to specific recommendations to the City Council not otherwise requested by the City Council, relating to the planning process, comprehensive plan implementation measures within the City, or the future activities of the Commission, and citizen involvement; and~~


(c) The report may include any other matters deemed appropriate by the Commission for recommendation and advice to the Council.

**Section 2. 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.

Adopted by the City Council this 13<sup>th</sup> day of November, 2017.

CITY OF TUALATIN, OREGON

BY

  
\_\_\_\_\_  
Mayor

APPROVED AS TO FORM

BY

  
\_\_\_\_\_  
City Attorney

ATTEST:

BY

  
\_\_\_\_\_  
City Recorder

# ATTACHMENT A

## Chapter 11-01: Tualatin Planning Commission

### 11-1-020 Membership of Commission.

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

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

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

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

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

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

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

**11-1-030 Organization of Commission.**

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

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

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

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

**11-1-050 Expenditure of Funds.**

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

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

The Commission shall have the following powers and duties:

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

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

(b) Economic development:

(i) Housing;



(ii) Commercial and industrial;

(c) Public facilities:

(i) Transportation;

(ii) Water supply;

(iii) Sewerage;

(iv) Drainage;

(v) Parks and open space; and

(vi) Institutions; and

(d) Historic Resources.

(2) Recommend and make suggestions to the Council regarding preparation and revision of community development ordinances, including but not limited to the following:

(a) Tualatin Development Code;

(b) Tualatin Sign Ordinances; and

(c) Tree planting regulations.

(3) Study and propose in general such measures as may be advisable for promotion of the public interest, health, morals, safety, comfort, convenience and welfare of the City and of the area within the City's Urban Growth Boundary.

(4) Serve as the City of Tualatin Commission for Citizen Involvement in accordance with the State of Oregon Land Conservation and Development Goal No. 1, with the following responsibilities.

(a) Evaluate the effectiveness of the citizen involvement program during March and October of each calendar year.

(b) Recommend and make suggestions to the City Council regarding revisions in the citizen involvement program, as the Commission deems appropriate.

(5) The Planning Commission shall hear and decide the following land use applications using the quasi-judicial evidentiary hearing procedures set forth in TDC 31.077:

- (a) Industrial Master Plan (IMP);
- (b) Reinstatement of Use;
- (c) Sign Variance (SVAR);
- (d) Transitional Use Permit (TRP); and
- (e) Variance (VAR).

(6) Requests for Review of Planning Commission decisions shall be to the City Council and follow the Requests for Review process set forth in TDC 31.078.

**11-1-070 Coordination of Planning Review.**

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

**11-1-080 Annual Report of Commission.**

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 Commission's activities during the preceding year, in addition to specific recommendations to the City Council not otherwise requested by the City Council, relating to the planning process, plan implementation measures within the City, or the future activities of the Commission. The report may include any other matters deemed appropriate by the Commission for recommendation and ad-vice to the Council.

# ATTACHMENT B

## Section 2.060 Tualatin Planning Commission (TPC).

(1) Number of members: 7.

(2) Selection criteria: good geographic balance; no more than three members with same occupation; no more than two members engaged in the real estate development profession; reside within City except for those members allowed to live outside the City who must reside within the Urban Growth Area.

(3) Term of office: Each commission member shall serve three years per term. The City Council may reappoint a member continually or appoint a successor.

(4) Powers and duties – Decisions: The Planning Commission shall hear and decide the following land use applications using the quasi-judicial evidentiary hearing procedures in TDC 31.077:

(a) Industrial Master Plan (IMP)

(b) Reinstatement of Use

(c) Sign Variance (SVAR)

(d) Transitional Use Permit (TRP)

(e) Variance (VAR)

(5) Request for Review of Planning Commission decisions shall be to the City Council and follow the Requests for Review process set forth in TDC 31.078.

(6) Powers and duties (Recommendations): recommend and make suggestions to the Council regarding preparation and revision of plans for the growth, development, and beautification of areas both inside the corporate limits of Tualatin and within the City's Urban Growth Boundary, such plans to incorporate elements and sub-elements, including but not limited to the following:

(a) Land Use, including through Plan Map and Plan Text Amendment (PMA and PTA)

(b) Economic Development

Housing  
Commercial and Industrial

(c) Public Facilities

- Transportation
- Water Supply
- Sewerage
- Drainage
- Parks and Open Space
- Institutions

(d) Historic Resources

(e) Recommend and make suggestions to the Council regarding preparation and revision of community development ordinances, including but not limited to the following:

- Tualatin Development Code
- Tualatin Sign Ordinance
- Tree Planting Regulations

(f) Study and propose in general such measures as may be advisable for promotion of public interest, health, morals, safety, comfort, convenience, and welfare of the City and of the area within the City's Urban Growth Boundary.