

ORDINANCE NO. 1338-12

AN ORDINANCE AMENDING REFERENCES FOR LAND USE NOTICE; ADDING CITIZEN INVOLVEMENT ORGANIZATIONS; AND AMENDING TDC 1.031, 31.060, 31.063, 31.064, AND 31.067 (PTA-11-09)

WHEREAS upon the application of Community Development Department, a public hearing was held before the City Council of the City of Tualatin on January 9, 2012, related to a Plan Text Amendment of the Tualatin Development Code (TDC); and amending TDC 1.031, 31.060, 31.063, 31.064 and 31.067 (PTA-11-09); and

WHEREAS notice of public hearing was given as required under the Tualatin Development Code by publication in The Times, a newspaper of general circulation within the City, which is evidenced by the Affidavit of Publication marked "Exhibit A," attached and incorporated by this reference; and by posting a copy of the notice in two public and conspicuous places within the City, which is evidenced by the Affidavit of Posting marked "Exhibit B," attached and incorporated by this reference; and

WHEREAS the Council conducted a public hearing on January 9, 2012, and heard and considered the testimony and evidence presented by the City staff and those appearing at the public hearing; and

WHEREAS after the conclusion of the public hearing, the Council vote resulted in approval of the application by a vote of [5-0] with Councilors Truax and Beikman absent; and

WHEREAS based upon the evidence and testimony heard and considered by the Council and especially the City staff report dated January 9, 2012, the Council makes and adopts as its Findings of Fact the findings and analysis in the staff report attached as "Exhibit C," which are incorporated by this reference; and

WHEREAS based upon the foregoing Findings of Fact, the City Council finds that it is in the best interest of the residents and inhabitants of the City and the public; the public interest will be served by adopting the amendment at this time; and the amendment conforms with the Tualatin Community Plan; and therefore, the Tualatin Development Code should be amended.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TDC 1.031 is amended to read as follows:

(1) Notice of the public hearing at which the Council shall consider the proposed amendments shall be given by publication in a newspaper of general circulation within the City not less than ten (10) City business days prior to the hearing and by posting in two (2) public and conspicuous places within the City not less than ten (10) City business days prior to the hearing. Notice of the public hearings shall be provided to designated representatives of recognized Citizen Involvement Organizations. In the case of quasi-judicial text or map amendments, additional notice shall be given as follows: notice of the proposed amendment shall be mailed to property owners of property and recognized neighborhood associations located within 1,000 feet of the subject property. If the 1,000-foot area includes lots within a platted residential subdivision, the notice area shall extend to include the entire subdivision of which the lots are a part, and the applicant shall identify these subdivisions for staff as part of the mailing notification list. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name, the notice area need not include additional phases. Notice of the public hearing for an amendment, either legislative or quasi-judicial, which affects the transportation system, shall be provided to ODOT and to Metro.

(2) Sign Posting: The applicant shall ~~as follows~~ both provide and post on the subject property a sign that conforms to the standard design established by the City for signs notifying the public of land use actions:

(a) Minimum Design Requirements: The sign shall be waterproof, and the face size shall be eighteen (18) by twenty-four (24) inches (18 x 24) with text being at least two (2) inches tall.

(b) On-site Placement: Prior to plan amendment submittal, the applicant shall place a sign along the public street frontage, along the public right-of-way (ROW) of the street nearest the subject property. A subject property having more than one public street frontage shall have at least one posted sign per frontage with each frontage having one sign. For a subject property that has a single frontage that is along a dead-end street, the applicant shall post an additional sign along the public ROW of the nearest through street. The applicant shall not place the sign within the public ROW; however, for a subject property that has no public street frontage or that has a single frontage that is along a dead-end street, the applicant may place the sign within the public ROW of the nearest street.

(c) Proof of posting: The applicant shall submit as a part of the plan amendment submittal, an affidavit of posting to the Community Development Director or when applicable, the City Engineer.

(d) Removal: If the sign disappears prior to the final decision date of the plan amendment, the applicant shall replace it within forty-eight (48) hours. The applicant shall remove the sign no later than fourteen (14) calendar days after the City makes a final decision on the subject land use application.

(3) For purposes of identifying the property owners to receive notification of hearing, the names and addresses of the owner or owners of record as shown in the current, or within thirty (30) days of a completed application, computer roll of the County Assessor shall be used. Preparation of the list of property owners shall be the applicant's responsibility and shall be prepared by one of the following persons: a land title company, a land use planning consultant authorized by the State of Oregon to conduct business in the State, registered architect, landscape architect, engineer, surveyor, or attorney, or where the City is the applicant, the Community Development Director. The list of property owners shall be updated not less than every ninety (90) days by the applicant, until a final decision is rendered.

(4) The City shall provide written notice to the Tigard-Tualatin School District not less than ten (10) City business days prior to the hearing when considering a plan amendment or land use regulation amendment that significantly impacts school capacity.

Section 2. TDC 31.063 is amended to read as follows:

(1) This section applies to the following types of Land Use applications: Annexations; Architectural Reviews, except Level I (Clear and Objective) Single-family Architectural Review; Conditional Uses; Historic Landmark actions, including designation, removal of designation, demolition, relocation, or alteration or new construction: Industrial Master Plans; Partitions; Plan Map Amendments for a specific property; Plan Text Amendments for a specific property; Subdivisions; Tree Removal Permit; Transitional Use Permit; and Variances, except for variances to existing single family residences.

(2) Prior to the submittal of an application listed in TDC 31.063(1) and following a pre-application meeting held with the City, the developer shall host a meeting for the surrounding property owners located within the mailing area designated in TDC 31.064(1)(c). Notice of the meeting shall be provided to Recognized Neighborhood Associations within the Notice Area of TDC 31.064(1)(c) and to designated representatives of recognized Citizen Involvement Organizations. The purpose of this meeting is to provide a means for the applicant and surrounding property owners to meet to review a development proposal and identify issues regarding the proposal so they can be considered prior to the application submittal. The meeting is intended to allow the developer and neighbors to share information and concerns regarding the project. The applicant may consider whether to incorporate solutions to these issues prior to application submittal.

(3) The Neighborhood/Developer Meeting shall be held on a weekday evening, or weekend no earlier than 10:00 a.m. and no later than 6:00 p.m., at a location within the City of Tualatin.

(4) The applicant shall at least 14 calendar days and no more than 28 calendar days prior to the meeting mail notice of the meeting pursuant to TDC 31.064(1) stating the date, time and location of the meeting and briefly discussing the nature and location of the proposal:

(5) Failure of a property owner to receive notice shall not invalidate the Neighborhood/Developer Meeting proceedings.

(6) The applicant shall, at least 14 calendar days before the meeting, post a sign pursuant to TDC 31.064(2). If the sign disappears prior to the meeting date, the applicant shall replace it within forty-eight (48) hours. The applicant shall remove the sign no later than fourteen (14) days after the meeting date.

(7) The applicant shall prepare meeting notes identifying the persons attending and the major points that were discussed and expressed.

(8) The applicant is required to hold one meeting prior to submitting an application for a specific site, but may hold additional meetings if desired.

(9) If an applicant fails to hold a neighborhood meeting, the application shall be deemed incomplete.

(10) The application shall include the following materials related to the Neighborhood/Developer meeting:

- (a) the mailing list for the notice;
- (b) a copy of the notice;
- (c) an affidavit of the mailing and posting;
- (d) the original sign-in sheet of participants;
- (e) the meeting notes described in TDC 31.063(7).

(11) Applications shall be submitted to the City within 180 days of the Neighborhood/Developer meeting. If an application is not submitted in this time frame, the Developer shall be required to hold a new Neighborhood/Developer meeting.

Section 3. The following definition is added to TDC 31.060 in alphabetical order to read as follows:

Citizen Involvement Organization. As provided in the Tualatin Municipal Code Chapter 11-9 Citizen Involvement Organization Program.

Section 4. TDC 31.064 is amended to read as follows:

This section applies to the following types of Land Use applications: Annexations; Architectural Reviews, except Level I (Clear and Objective) Single-family Architectural Review; Conditional Uses; Historic Landmark actions, including designation, removal of designation, demolition, relocation, or alteration or new construction; Industrial Master Plans; Partitions; Plan Map Amendments for a specific property; Plan Text Amendments for a specific property; Subdivisions; Tree Removal Permit; Transitional Use Permit; and Variances, except for variances to existing single family residences.

(1) Mail: An applicant shall mail notice of a Neighborhood/Developer Meeting and the City shall mail notice of application submittal as follows:

(a) Recipients: The mailing recipients shall be the applicant, the owners of the subject property, and owners of property within the Mailing Area of TDC 31.064(1)(c), and recognized neighborhood associations as defined in TDC 31.060 and recognized through TDC 31.065 and within the Mailing Area of TDC 31.064(1)(c), and designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9~~the boundaries of which include the subject property.~~

(b) Recipient Identification: The City shall use the names and addresses of the owner or owners of record as shown in the current, or within thirty (30) days of a completed application, computer roll of the County Assessor. The applicant shall be responsible for having one of the following prepare the list: a land title company; a land use planning consultant authorized by the State of Oregon to conduct business in the state; a registered architect, landscape architect, engineer, surveyor, or attorney; or where the City is the applicant, the Community Development Director or when applicable the City Engineer. The applicant shall update the list of property owners no less than every ninety (90) days until a final land use decision is rendered. The applicant shall provide a copy of the list of recipients and their current mailing addresses as part of the land use application.

(c) Mailing Area, Buffer, or Distance: The mailing area shall extend 1,000 feet from the boundaries of the subject property. If the 1,000-foot area includes lots within a platted residential subdivision, the notice area shall extend to include the entire subdivision of which the lots are part, and the applicant shall identify these subdivisions for staff as part of the mailing notification list. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name, the notice area need not include the additional phases.

(d) ARB: The notice of application submittal for an Architectural Review application subject to review by the Architectural Review Board (ARB) shall have the minimum information pursuant to TDC 31.074(3).

(2) Sign Posting: The applicant shall as follows both provide and post on the subject property a sign that conforms to the standard design established by the City for signs notifying the public of land use actions:

(a) Minimum Design Requirements: The sign shall be waterproof, and the face size shall be eighteen (18) by twenty-four (24) inches (18 x 24) with text being at least two (2) inches tall.

(b) On-site Placement: Prior to land use application submittal, the applicant shall place a sign along the public street frontage of the subject property or, if there is no public street frontage, along the public right-of-way (ROW) of the street nearest the subject property. A subject property having more than one public street frontage shall have at least one posted sign per frontage with each frontage having one sign. For a subject property that has a single frontage that is along a dead-end street, the applicant shall post an additional sign along the public ROW of the nearest through street. The applicant shall not place the sign within public ROW pursuant to TDC 38.100(1); however, for a subject property that has no public street frontage or that has a single frontage that is along a dead-end street, the applicant may place the sign within public ROW of the nearest street.

(c) Proof of Posting: The applicant shall submit as part of the land use application submittal an affidavit of posting to the Community Development Director or when applicable the City Engineer.

(d) Removal: If the sign disappears prior to the final decision date of the subject land use application, the applicant shall replace it within forty-eight (48) hours. The applicant shall remove the sign no later than fourteen (14) days after the City makes a final decision on the subject land use application.

Section 5. TDC 31.067 is amended to read as follows:

(1) The purpose of this Section is to establish a procedure to be used in conjunction with Metro Code 3.09 and Oregon Revised Statutes for annexing territory to the City Limits.

(2) An applicant for an annexation to the City Limits shall discuss the proposed annexation with the Community Development Director, or designee, and City Engineer, or designee, in a pre-application conference prior to submitting an application. An applicant for an annexation shall conduct a Neighborhood/Developer Meeting subject to TDC 31.063.

(3) Sign Posting: The applicant shall post a sign pursuant to TDC 31.064(2).

(4) After the pre-application conference, the applicant shall submit to the Community Development Department an Annexation Application which shall contain:

- (a) The Application for Annexation form;
- (b) The Petition to Annex to The City of Tualatin form;
- (c) A legal description of the subject territory including any abutting public street right-of-way that is not yet in the City Limits;
- (d) The Certification of Legal Description and Map form;
- (e) The Certification of Property Ownership form;
- (f) The Certification of Registered Voters form;
- (g) The Property Owner Information Sheet form;
- (h) The City application fee, and the Metro application fee in a separate check made payable to Metro;
- (i) The 3 column by 10 row matrix sheet listing the Assessors Map Number and Tax Lot Number, name and mailing address for:
 - (i) the owner (fee title) of the subject territory, and
 - (ii) recipients pursuant to TDC 31.064(1) and the governing jurisdiction of any public street right-of-way to be annexed;
- (j) The Request For Expedited Procedure form if the expedited process is desired by the applicant;
- (k) The Annexation Property Information Sheet form;
- (l) A copy of the County Assessors Maps showing the subject territory, any public street right-of-way to be annexed and the lots within 1,000 feet of the subject territory including any public street right-of-way. The subject territory and right-of-way to be annexed shall be outlined with a wide, light colored ink marker;
- (m) If necessary, a letter from the County or State Road Authority stating its consent to annex the right-of-way described in the legal description; and
- (n) The Community Development Director may require information in addition to the above.
- (o) The information on the Neighborhood/Developer meeting specified in TDC 31.063(10).

(p) If a railroad-highway grade crossing provides or will provide the only access to the subject property, the applicant must indicate that fact in the application, and the City must notify ODOT Rail Division and the railroad company that the application has been received.

(5) The Community Development Director shall set the City Council public hearing date.

(a) For an Expedited Application the hearing shall be at least 20 days after the application is complete to allow for the Metro Code 3.09.045 comment period.

(b) For a Nonexpedited Application the hearing shall be at least 45 days after the application is complete to allow for the Metro Code 3.09.030 comment period and the date shall be determined within 30 days after the application is complete.

(6) The City Council shall conduct a quasi-judicial public hearing, or a legislative public hearing if the proposed annexation is a legislative action, and before granting the annexation shall find the application conforms to TDC Objectives 4.050(20) and (21) and the applicable criteria in Metro Code 3.09 and Oregon Revised Statutes.

(7) For quasi-judicial and legislative Expedited Annexation Applications public hearing notice shall be provided as follows:

(a) Mail notice at least 20 calendar days prior to the hearing to property owners (fee title) in accordance with TDC 31.077, and City recognized neighborhood associations whose boundaries are within 1,000 feet of the subject territory, designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9 and to Necessary Parties as defined in Metro Code 3.09, and

(b) Post notice in two public and conspicuous places.

(8) For quasi-judicial and legislative Nonexpedited Annexation Applications public hearing notice shall be provided as follows:

(a) Mail notice at least 45 calendar days prior to the hearing to property owners (fee title) in accordance with TDC 31.077, City recognized neighborhood associations whose boundaries are within 1,000 feet of the subject territory, designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9, and to Necessary Parties as defined in Metro Code 3.09;

(b) Post notice in two public and conspicuous places and post 2 weatherproof notices at least 45 calendar days prior to the hearing along the subject territory's public street frontage, or if there is no public street frontage, along a public street right-of-way near the subject territory, and

(c) Publish one notice at least 17 calendar days prior to the hearing in a newspaper of general circulation in the affected territory.

(d) For quasi-judicial and legislative Nonexpedited Annexation Applications initiated by less than 100% of the owners and less than 50% of the electors in the territory, notice shall be provided in accordance with Oregon Revised Statutes, Chapter 222.

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

CITY OF TUALATIN, OREGON

BY



Mayor

ATTEST:

BY



City Recorder

APPROVED AS TO LEGAL FORM



CITY ATTORNEY

ITEMS REFERRED TO AS EXHIBITS IN THE FOREGOING ORDINANCE ARE ATTACHED TO THE ORIGINAL. THEY HAVE BEEN OMITTED FROM THE COUNCIL PACKET AS A CONSERVATION MEASURE. IF THESE EXHIBITS NEED TO BE EXAMINED, PLEASE CONTACT THE CITY RECORDER.



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 Phone: 503-684-0360 Fax: 503-620-3433
 E-mail: legals@commnewspapers.com

AFFIDAVIT OF PUBLICATION

State of Oregon, County of Washington, SS
 I, Charlotte Allsop, being the first duly sworn,
 depose and say that I am the Accounting Manager
 of *The Times* (serving Tigard, Tualatin &
 Sherwood), a newspaper of general circulation,
 published at Beaverton, in the aforesaid county
 and state, as defined by ORS 193.010 and
 193.020, that

**City of Tualatin
 Notice of Public Hearing/PTA 11-09
 TT11619**

A copy of which is hereto annexed, was published
 in the entire issue of said newspaper for
1
 week in the following issue:
December 22, 2011


Charlotte Allsop

Charlotte Allsop (Accounting Manager)
 Subscribed and sworn to before me this
 December 22, 2011.

Jerrin L. Sipe
 NOTARY PUBLIC FOR OREGON
 My commission expires *Sept 1, 2015*

Acct #108462
 Attn: Lynette Sanford
 City of Tualatin, Planning Department
 18880 SW Martinazzi Ave
 Tualatin, OR 97062

Size: 2 x 5
 Amount Due: \$90.50*
 *Please remit to the address above.



City of Tualatin
www.ci.tualatin.or.us

**NOTICE OF HEARING
 CITY OF TUALATIN, OREGON**

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Tualatin City Council at 7:00 p.m., Monday, January 9, 2012 at the Council Building, Tualatin City Center, at 18880 SW Martinazzi Avenue, to consider:

Plan Text Amendment (PTA) 11-09 Amending the Tualatin Development Code (TDC) Chapter 31.065 - Amending References for Land Use Notice, Adding Citizen Involvement Organizations as Recently Enacted in the Tualatin Municipal Code Chapter 11-9. Amending TDC 1.031; 31.060; 31.064, and 31.067. Plan Text Amendment PTA-11-09.

The proposal would add Citizen Involvement Organizations (CIO) to the list of parties receiving Notice of Hearing, Notice of Opportunity to Comment, Notice of Annexation and Notice of Neighbor/ Developer Meeting.

To grant the amendment, Council must find the proposal meets the criteria of Tualatin Development Code 1.032(1-10) relating to the public interest; timeliness; conformity with objectives of the Tualatin Community Plan; consideration of the factors listed in Section 1.032(4); the Tigard-Tualatin School District Facility Plan; the Statewide Planning Goals; the Metro Urban Growth Management Functional Plan; and impact on the transportation system.

You are invited to attend and participate in the public hearing. Failure to raise an issue at the hearing or in writing or to provide sufficient specificity to afford the Council an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA). Copies of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available at no cost prior to the hearing.

Individuals wishing to comment may do so in writing to the Planning Division prior to the hearing or present written or verbal testimony to the City Council at the hearing. Hearings begin with a staff presentation, followed by testimony by proponents, testimony by opponents, and rebuttal. The time of individual testimony may be limited.

To view the application materials visit www.ci.tualatin.or.us/landusenotices. This meeting and any materials being considered can be made accessible upon request. For additional information, contact William Harper at 503-691-3027 or wharper@ci.tualatin.or.us.

CITY OF TUALATIN, OREGON

Publish 12/22/2011. TT11619

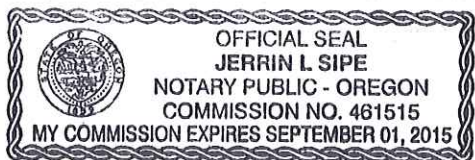
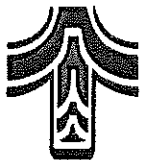


EXHIBIT A



City of Tualatin

AFFIDAVIT OF POSTING

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

I, Lynette Sanford, being first duly sworn, depose and say:

That at the request of Sherilyn Lombos, City Recorder for the City of Tualatin, Oregon; that I posted two copies of the Notice of Hearing on the 12 day of December 2011, a copy of which Notice is attached hereto; and that I posted said copies in two public and conspicuous places within the City, to wit:

1. City of Tualatin – Council Building
2. City of Tualatin – Development Services Building

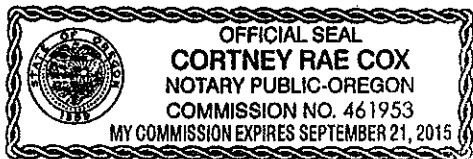
Dated this 20 day of December, 2011

Lynette Sanford
Lynette Sanford

Subscribed and sworn to before me this 20th day of December, 2011.

Cortney Rae Cox
Notary Public for Oregon

My Commission expires: Sept. 21, 2015



RE: Plan Text Amendment (PTA) 11-09 Amending the Tualatin Development Code (TDC) Chapter 31.065 - Amending References for Land Use Notice, Adding Citizen Involvement Organizations as Recently Enacted in the Tualatin Municipal Code Chapter 11-9. Amending TDC 1.031; 31.060; 31.064, and 31.067. Plan Text Amendment PTA-11-09.

EXHIBIT B



City of Tualatin

www.ci.tualatin.or.us

NOTICE OF HEARING CITY OF TUALATIN, OREGON

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The proposal would add Citizen Involvement Organizations (CIO) to the list of parties receiving Notice of Hearing, Notice of Opportunity to Comment, Notice of Annexation and Notice of Neighbor/ Developer Meeting.

To grant the amendment, Council must find the proposal meets the criteria of Tualatin Development Code 1.032(1-10) relating to the public interest; timeliness; conformity with objectives of the Tualatin Community Plan; consideration of the factors listed in Section 1.032(4); the Tigard-Tualatin School District Facility Plan; the Statewide Planning Goals; the Metro Urban Growth Management Functional Plan; and impact on the transportation system.

You are invited to attend and participate in the public hearing. Failure to raise an issue at the hearing or in writing or to provide sufficient specificity to afford the Council an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA). Copies of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available at no cost prior to the hearing.

Individuals wishing to comment may do so in writing to the Planning Division prior to the hearing or present written or verbal testimony to the City Council at the hearing. Hearings begin with a staff presentation, followed by testimony by proponents, testimony by opponents, and rebuttal. The time of individual testimony may be limited.

To view the application materials visit www.ci.tualatin.or.us/landusenotices. This meeting and any materials being considered can be made accessible upon request. For additional information, contact William Harper at 503-691-3027 or wharper@ci.tualatin.or.us.

CITY OF TUALATIN, OREGON

NOTICE TO THE TUALATIN TIMES: Please publish on December 22, 2011

ATTACHMENT C:

PTA-11-09: ANALYSIS AND FINDINGS

The proposed amendment to the Tualatin Development Code (TDC) Chapter 1-Administrative Provisions and Chapter 31-General Provisions, is an application by the Planning Division to add provisions for Citizen Involvement Organizations as implemented in TMC Chapter 11-9 to the requirements for public hearing notice, comment opportunities and notice of neighbor-developer meetings associated with land use applications. The proposed amendment language is shown in Attachment A.

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.

As identified by staff, the public interest is:

- 1) To implement the Citizen Involvement Organization Program as established in the Tualatin Municipal Code (TMC) Chapter 11-9;
- 2) Include Citizen Involvement Organizations with applicants, property owners and Recognized Neighborhood Associations as participants in legislative, quasi-judicial and ministerial land use actions by the City Council, the Architectural Review Board, the (proposed) Tualatin Planning Commission, and staff. Examples are Legislative (Plan Amendments); Quasi-judicial (Conditional Use Permits, Variances, Architectural Review Board, Annexations, Master Plans and others), and Ministerial/staff decisions (Architectural Review, Interpretations, Public Facilities, Subdivisions and Partitions.
- 3) To add Citizen Involvement Organizations to the parties identified to receive Notices of Hearing, Notices of Annexation and Notice of Application and Opportunity to Comment and Notice of Neighbor-Developer Meetings as prescribed in the Tualatin Development Code (TDC);

Public Interest #1. In August of this year, the City Council created the Citizen Involvement Organization Program (CIOP) to "...provide an opportunity for members to meaningfully cooperate with each other and with the City of Tualatin on matters affecting the neighborhoods and the City consistent with Tualatin's Principles of Citizen Involvement."

The CIOP is intended to provide a formalized channel of communication and dissemination of accurate and timely information between the City government, other governmental bodies, and the CIO and the CIO's members. It is envisioned that CIOs will be an effective means of citizen involvement and communication with the City Council and other governmental and community bodies on land use and other matters affecting neighborhoods, businesses, the City, or the region.

EXHIBIT
C

Analysis and Findings

In August of 2011, the CIOP was adopted in the Tualatin Municipal Code (TMC) Chapter 11-9 with provisions for establishing a Citizen Involvement Organization (CIO) and a Citizen Involvement Coordinating Committee (CICC), City support, input to the Council and a statement limiting its authority. Three individual CIOs have been formed at this time and others are in the process of forming.

One element of the citizen involvement role that was established for the CIOP is for individual CIOs to receive information about land use proposals and applications, communicate that information to residents and businesses that may be interested or affected, and provide comments and information through the CIO that can be considered in the land use decision making process. The Tualatin Development Code (TDC) has provisions identifying applicants, property owners and recognized neighborhood associations as participants in the development and land use process. The proposed TDC amendment will list CIOs as a recipient of notices for land use hearings, comment periods for staff reviews and decisions and applicant conducted neighbor-developer meetings.

The proposed TDC amendment implements the CIOP by including CIOs as a participant in the planning and land use processes of the Tualatin Development Code. Public Interest #1 is satisfied.

Public Interest #2 & #3. The Tualatin Development Code (TDC) Chapters 1.031 (Notice Requirements for Amendments), 31.064 (Land Use Applications) and 31.067 (Procedure for Annexing Territory...) lists the required recipients of Notice of Hearing and Notice of Annexation and 31.063 (Neighborhood-Developer Meetings) lists property owners as recipients of a Neighbor-Developer Meeting notice. The recipients include property owners and Recognized Neighborhood Associations within a 1,000 ft. distance of the subject property as provided for mailed notices in TDC 31.064(1)(c) for:

- Annexation public hearings, Plan Amendment public hearings and Quasi-judicial public hearings before the City Council;
- Quasi-judicial hearings by the Architectural Review Board, and for;
- Staff decisions such as Architectural Review, Historic Landmarks, Interpretation, Partition and Subdivision.

Providing notice of development or planning activities to property owners and Recognized Neighborhood Associations are long-time components of public involvement established in the Tualatin Community Plan and Development Code. The provisions requiring Neighborhood-Developer Meetings were first established in 2003 and list property owners as recipients of a meeting invitation.

This PTA was created to implement the CIOP by adding CIOs to the parties receiving notice of public hearings by the City Council and Architectural Review

Board; of comment opportunities (and Notice of Recommended Decision when possessing legal standing) for Architectural Review, Partitions and Subdivisions; and of notice of recommended staff decisions such as interpretations, tree cutting permits, Historic Landmark actions and transitional use permits. As proposed (Attachment A), CIOs will be listed as participants in the plan amendment and land use process. CIOs will be required recipients of Notice of Hearing and Notice of Annexation on an equal basis with property owners and Recognized Neighborhood Associations in Chapters 1.031 (Notice Requirements for Amendments), 31.064 (Land Use Applications), 31.067 (Procedure for Annexing Territory...) and invited parties in 31.063 (Neighborhood-Developer Meetings).

Adding CIOs as participants in the annexation, plan amendment and land use process meets the Public Interest #2 and #3.

Granting the amendment is in the public interest. Criterion "A" is met.

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

As addressed in Criterion A, granting the amendment is in the public interest. The Citizen Involvement Organization Program was established in the Tualatin Municipal Code in August of 2011. Granting the amendment at this time will implement the Citizen Involvement Organization Program by adding CIOs to the citizen participation components of the Tualatin Community Plan and Development Code.

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

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

The Tualatin Community Plan Chapter 2.050 describes the Tualatin Citizen Involvement Program in respect to Statewide Planning Goal 1-Citizen Involvement . The program includes the Tualatin Planning Advisory Committee, the Urban Renewal Advisory Committee and the Tualatin Park Advisory Committee with provisions for the organization and roles of the three committees. Built into the plan amendment and land use process are citizen involvement opportunities for property owners and Recognized Neighborhood Associations. The proposed amendment will add Citizen Involvement Organizations to the citizen involvement opportunities.

The Tualatin Community Plan does not list specific objectives related to citizen involvement, neighborhood associations or to CIOs. The Citizen Involvement Organization Program is established in the Tualatin Municipal Code and there are no specific objectives. The proposed amendment will add CIOP provisions to the Tualatin Community Plan and Development Code.

The proposed amendment conforms with the Citizen Involvement Program as provided in the Tualatin Community Plan TDC 2.050. Criterion "C" is met.

4. The following factors were consciously considered:

The various characteristics of the areas in the City.

The proposed amendment has no relation to any particular area of the city.

Trends in land improvement and development.

The proposed amendment has no relation to trends in land improvement and development.

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

The proposed amendment will not affect the needs of economic enterprises or future development.

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

The proposed amendment has no relation to any particular planning district and needed rights-of-way or access.

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

The proposed amendment will not affect natural resources in the City.

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

The proposed amendment has no relation to development of natural resources.

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

Does not apply to the proposed amendment adding Citizen Involvement Organizations to the annexation, plan amendment and land use process.

Proof of change in a neighborhood or area

Staff does not assert proof of change in a neighborhood or area.

Mistake in the Plan Text or Plan Map.

Staff does not assert a mistake in the Plan Text or Plan Map.

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 amendment does not result in a change to plans or development regulations that would impact school facility capacity, the criterion 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 that the applicable one is: **Goal 1, "Public Facilities and Services,"** which is, "To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process." The elements of Goal 1 include:

" **2. Communication** -- To assure effective two-way communication with citizens. Mechanisms shall be established which provide for effective communication between citizens and elected and appointed officials.

3. Citizen Influence -- To provide the opportunity for citizens to be involved in all phases of the planning process.
Citizens shall have the opportunity to be involved in the phases of the planning process as set forth and defined in the goals and guidelines for Land Use Planning, including Preparation of Plans and Implementation Measures, Plan Content, Plan Adoption, Minor Changes and Major Revisions in the Plan, and Implementation Measures."

The Tualatin Community Plan Chapter 2.050 describes the Tualatin Citizen Involvement Program in respect to Statewide Planning Goal 1-Citizen Involvement. Built into the plan amendment and land use process are citizen involvement opportunities for property owners and Recognized Neighborhood Associations. These all include purpose and provisions for communication and citizen influence in the planning process.

As adopted into the Tualatin Municipal Code, the CIOP adds another voice and opportunity for citizen and business involvement and for communication with the City Council. The proposed amendment will add Citizen Involvement Organizations to the citizen involvement and participation opportunities in the Tualatin Community Plan and Development Code that satisfy Goal 1. The existing involvement opportunities and provisions for Recognized Neighborhood Associations will be retained.

The amendment will add more citizen involvement opportunities, increase opportunity for participation by individuals and groups of citizens and business interests and add to compliance with Goal 1.

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

The Urban Growth Management Functional Plan (UGMFP), codified in Metro Code 3.07, neither precludes the amendment nor directly addresses the issue that the amendment addresses. The criterion 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 amendment does not relate to vehicle trip generation, the criterion is not applicable.



STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Linda Odermott, Paralegal
Brenda Braden, City Attorney *BB*

DATE: 01/23/2012

SUBJECT: An Ordinance Changing the Tualatin Planning Advisory Committee into a Planning Commission and Granting Decision-Making Authority over Specified Land Use Applications; and Amending Tualatin Development Code Chapters 1, 2, 31, 33, 34, 35, and 37 (PTA-11-11)

ISSUE BEFORE THE COUNCIL:

Council will consider an Ordinance changing the Tualatin Planning Advisory Committee (TPAC) into a Planning Commission and granting decision-making authority over specified land use applications by amending the Tualatin Development Code (TDC):

- TDC 1 - Notice Requirements;
- TDC 2 - TPAC;
- TDC 33 - Sign Variances;
- TDC 34 - Transitional Use Permit;
- TDC 35 - Reinstatement of Use; and
- TDC 37 - Industrial Master Plan

RECOMMENDATION:

Staff recommends that the Council approve the Ordinance changing TPAC to a Planning Commission and granting decision-making authority over specified land use applications and amending TDC Chapters 1, 2, 31, 33, 34, 35, and 37 (PTA-11-11).

EXECUTIVE SUMMARY:

On January 9, 2012, the Council held a public hearing to decide whether to approve the Ordinance changing TPAC to a Planning Commission and granting decision-making authority over specified land use applications. At the conclusion of the public hearing, the Council approved the Ordinance by a vote of 5-0 with Councilors Truax and Beikman absent. Staff is bringing back the Ordinance for adoption at this Council Meeting.

OUTCOMES OF DECISION: