



## MEETING AGENDA

### TUALATIN PLANNING COMMISSION

October 17, 2013; 6:30 p.m.  
POLICE TRAINING ROOM  
8650 SW TUALATIN RD  
TUALATIN, OR 97062

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1. **CALL TO ORDER & ROLL CALL**  
Members: Nic Herriges, Acting Chair, Jeff DeHaan, Cameron Grile, and Steve Klingerman. Absent: Mike Riley, Alan Aplin, Bill Beers  
  
Staff: Aquilla Hurd-Ravich, Planning Manager
2. **APPROVAL OF MINUTES**
  - A. Approval of September 19, 2013 Minutes.
3. **COMMUNICATION FROM THE PUBLIC (NOT ON THE AGENDA)**  
Limited to 3 minutes
4. **ACTION ITEMS**
  - A. Consideration to Amend the Tualatin Development Code (TDC) Chapter 40 Low Density Residential Planning District (RL) to Include Chicken Keeping as a Permitted Use in Single-Family Residential Areas of the City. Amending TDC 40.020(2). PTA 13-02 is a legislative matter.
5. **COMMUNICATION FROM CITY STAFF**
  - A. TriMet's Southwest Service Enhancement Plan
6. **FUTURE ACTION ITEMS**
7. **ANNOUNCEMENTS/PLANNING COMMISSION COMMUNICATION**
8. **ADJOURNMENT**



# STAFF REPORT

## CITY OF TUALATIN

**TO:** Tualatin Planning Commissioners

**FROM:** Lynette Sanford, Office Coordinator

**DATE:** 10/17/2013

**SUBJECT:** Approval of September 19, 2013 Minutes.

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**ISSUE BEFORE TPC:**

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**Attachments:** [TPC Minutes 9.19.13](#)



# City of Tualatin

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UNOFFICIAL

TUALATIN PLANNING COMMISSION -

MINUTES OF September 19, 2013

**TPC MEMBERS PRESENT:**

Bill Beers  
Jeff DeHaan  
Cameron Grile  
Mike Riley  
Nic Herriges

**STAFF PRESENT:**

Aquilla Hurd-Ravich  
Cindy Hahn  
Clare Fuchs  
Lynette Sanford

**TPAC MEMBER ABSENT:** Alan Aplin, Steve Klingerman

**GUESTS:**

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1. **CALL TO ORDER AND ROLL CALL:**

Chair Riley called the meeting to order at 6:32 pm. and reviewed the agenda. Roll call was taken.

2. **APPROVAL OF MINUTES:**

Mr. Riley asked for review and approval of the June 20, 2013 TPC minutes. MOTION by Grile SECONDED by DeHaan to approve the June 20, 2013 minutes.

3. **COMMUNICATION FROM THE PUBLIC (NOT ON THE AGENDA):**

4. **ACTION ITEMS:**

5. **COMMUNICATION FROM CITY STAFF:**

**A. Introduction to new Senior Planner, Clare Fuchs**

Aquilla Hurd-Ravich, Planning Manager, introduced the new Senior Planner, Clare Fuchs. Ms. Fuchs started on September 9<sup>th</sup>. She came to us from Washington County, where she worked for seven years. Her experience includes long range and current planning, as well as capital projects. She graduated from University of Kansas with an undergraduate degree and earned a Master's degree from Arizona State University. Ms. Hurd-Ravich added that Ms. Fuchs is also the Vice-Chair of the Milwaukie Planning Commission.

**B. Backyard Chickens: Update of Possible Code Components**

Cindy Hahn, Associate Planner, gave an update on possible components of the

These minutes are not verbatim. The meeting was recorded, and copies of the recording are retained for a period of one year from the date of the meeting and are available upon request.

proposed backyard chicken ordinance. On June 10, staff members presented a proposed timeline with milestones to the City Council work session for bringing a chicken ordinance to the Council for consideration. At the August 12, 2013 City Council work session, staff presented the results of research into complaints about backyard chickens received by Washington County, The City of Tualatin, and 12 other local jurisdictions. Best practices contained in ordinances regulating backyard chickens adopted by other cities in the last two years also were discussed and Council provided direction on possible ordinance components. On September 9, 2013 Council discussed possible components of the proposed backyard chicken ordinance and provided policy direction to staff.

Ms. Hahn went through the PowerPoint presentation that discussed the possible code components from the 2010 ordinance, the suggested modifications, and the City Council discussion. Mr. Beers asked if the permit fee would be an annual fee or one-time only. Ms. Hahn responded that it would be a one-time only fee. Mr. Riley asked if the setback was 25 feet to the coop or to the enclosing fence. Ms. Hahn responded that it was 25 feet to the coop. Mr. Beers asked about how the chickens will be supervised. Ms. Hahn responded that someone would have to be present with the chickens when they are out of their coop, even if it's a fenced yard. Mr. Beers raised the question about how many single family residences in Tualatin can meet the setback requirements. Ms. Hahn replied that the 25 foot setback requirements will make it difficult for some homeowners.

Mr. DeHaan raised the question about what to do with the chickens once they stop laying eggs. Ms. Hahn responded that there are farm sanctuaries that people can take them to, or a butcher. She added that chickens lay eggs for approximately two years, but can live from 8-10 years. Mr. Grile asked about if chicks were allowed less than four months of age. Ms. Hahn replied that the chicks must be at least four months of age. Mr. Beers asked for clarification of the application process. Ms. Hahn stated there will be a form to complete which includes a sketch plan, but no inspection would be required. Ms. Hurd-Ravich added that if we require a setback, we need a chance to review it and it gives us the chance to lay out the rules and make sure they comply. It also allows us to inform the neighbors. Mr. Herriges added that he is in favor of the guidelines, but questioned the rationale for requiring permits. Mr. Herriges also commented about applying similar standards as used for sheds to chicken coops in terms of setbacks and heights. Commissioners requested the rationale behind separating coops from dwellings. They indicated that wording about secure enclosures needs clarification.

### **C. Basalt Creek Update**

Ms. Hurd-Ravich gave an update on Basalt Creek. Ms. Hahn is the Project Manager for the project. Ms. Hurd-Ravich and Ms. Hahn are currently in the consultant selection phase and interviewed two teams last Monday. This project is in partnership with Wilsonville. The next step is a joint meeting between the Wilsonville Council and the Tualatin Council on October 29<sup>th</sup>. This will be held at the Council Chambers in Wilsonville. The project may take up to two years and will result in Plan Text Amendments and possibly Plan Map Amendments. The Planning Commission will be

heavily involved with this effort. Ms. Hurd-Ravich added that part of this effort will decide jurisdictional boundary.

#### **D. Linking Tualatin Update**

Ms. Hahn gave an update on the Linking Tualatin final plan. She stated it was on the Community Development web site, under long range planning. Ms. Hahn stated that the final plan was accepted on June 24<sup>th</sup>. This gave direction for a series of subsequent actions that we will be undertaking in the next year to implement the actions. We're currently working on a Plan Text Amendment to allow more flexibility on development in industrial areas. We will have a list of local street connections, and also be also reviewing paths and trails listed in the Linking Tualatin plan.

#### **E. Water Master Plan Update**

Ms. Hurd-Ravich Aquilla stated that the Water Master Plan was changed to remove Basalt Creek, which satisfied the concerns of the homeowner. The Water Master Plan was accepted, once it was revised.

#### **6. FUTURE ACTION ITEMS**

Ms. Hurd-Ravich gave an update about the Public Involvement Plan: Seneca Street Extension and Council Building, which included a handout. This will be coming to the Planning Commission for their input, possibly in October or November. Mr. Riley asked who was on the project team. Ms. Hurd-Ravich responded that the lead is Sara Singer, Deputy City Manager. The team also consists of Sherilyn Lombos, City Manager; Don Hudson, Finance Director; and Ben Bryant, Management Analyst.

Ms. Hurd-Ravich stated that other future action items include the language on the chicken ordinance in October. Tri Met is kicking off a southwest service enhancement study, looking at ways to improve transit service. They will be speaking to Council and will come to the Planning Commission on October 17<sup>th</sup>.

#### **7. ANNOUNCEMENTS/PLANNING COMMISSION COMMUNICATION**

Mr. DeHaan asked for a Nyberg Rivers update. Ms. Hurd-Ravich responded that the Master Plan and Conditional Use Permit were approved in August. The former Kmart building has been demolished. The next step is an Architectural Review Board hearing in November. Ms. Hurd-Ravich added that a notice of intent to appeal has been filed against the Master Plan. Their arguments include traffic generation and that the urban design does not meet what's in the Central Urban Renewal Plan.

#### **8. ADJOURNMENT**

MOTION BY Beers SECONDED by Herriges to adjourn the meeting at 7:32 pm.  
MOTION PASSED 5-0.

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Lynette Sanford, Office Coordinator



# STAFF REPORT

## CITY OF TUALATIN

**TO:** Tualatin Planning Commissioners

**FROM:** Aquilla Hurd-Ravich, Planning Manager  
Cindy Hahn, Associate Planner

**DATE:** 10/17/2013

**SUBJECT:** Consideration to Amend the Tualatin Development Code (TDC) Chapter 40 Low Density Residential Planning District (RL) to Include Chicken Keeping as a Permitted Use in Single-Family Residential Areas of the City. Amending TDC 40.020(2). PTA 13-02 is a legislative matter.

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### **ISSUE BEFORE TPC:**

Planning Commission consideration of a Plan Text Amendment to allow Chicken Keeping on single family lots by amending the Permitted Uses section in the Low Density Residential Planning District (RL) of the Tualatin Development Code (40.020).

### **RECOMMENDATION:**

Staff recommends the Planning Commission consider the staff report, draft language and analysis and findings and make a recommendation to the City Council.

### **EXECUTIVE SUMMARY:**

This is a legislative matter for Planning Commission consideration of a text amendment to the Tualatin Development Code. The Planning Commission is tasked only with making a formal recommendation on the proposed Plan Text Amendment to change the Tualatin Development Code to allow the keeping of Chickens in the Low Density Residential Planning District (RL). The proposed amendment will change the Permitted Uses in the RL Planning District. Draft Code Language is included for your review as Attachment A.

The amendment was originally initiated in 2010 by the Community Development Department in response to issues and questions raised by the City Council about the keeping of poultry in residential areas. The City Council reconsidered chicken keeping in December 2012 and directed staff to work with the Citizen Involvement Organizations to solicit feedback. Since then, staff has returned to Council and Planning Commission with updates and discussion topics.

Before granting a plan text amendment, the Council shall determine if the proposed change meets the criteria as established in TDC 1.032. Staff prepared an analysis and findings (Attachment B) to examine the proposed amendment against the criteria. Staff found the proposed amendment to the TDC 40 Low Density Residential Planning District meets the

criteria. The Planning Commission can use this analysis and findings to help form a recommendation.

Existing code requirements in the Tualatin Development Code do not allow the keeping of chickens in single-family residential areas and specifically the Low Density Residential Planning District (RL) (TDC 40). The RL Planning District allows as a permitted use "agricultural uses of land, such as truck gardening, horticulture...", but excludes "the raising of animals other than normal household pets" (TDC 40.020). Further, the RL Planning District allows as a conditional use "agricultural animals" but limits these to include "cattle, horses and sheep" (TDC 40.030(4)(m)) to some limited areas of the City. Small animals are defined as "a domestic animal, such as a dog, cat, rabbit or guinea pig, accepted by the American Veterinary Medical Association as a household pet" (TDC 31.060), and thus does not include chickens. The Tualatin Development Code does not allow "agricultural uses" in any other Planning District.

The City Council will consider a proposed Ordinance change to the Tualatin Municipal Code to regulate various aspects of Chicken Keeping including: the number of chickens, maximum dimensions of the enclosure in which they are kept, setbacks for the enclosure from rear and side property lines, prohibiting roosters and harvesting and appropriate cleanliness and sanitation. This discussion is scheduled for November 12, 2013.

The draft ordinance prepared in 2010 provided a solid basis for the Chicken Keeping Ordinance. Based on input from Council at the August and September work sessions and best practices contained in the recently adopted ordinances from other cities, staff suggested modifications to the 2010 ordinances. The proposed ordinance will include the follow components:

- **Location of Chicken Keeping:** Single-family residential areas.
- **Type of Birds:** Chickens only and excluding other fowl such as quail, pheasants, turkeys, or ducks.
- **Secure Enclosure:** Located outdoors and separate from dwelling. In the rear yard. Not to exceed a floor area of 200 square feet and a height of eight feet. Portions of the enclosure that face neighboring properties will be of solid material in other words not coop fencing. Allow chickens to range free under direct supervision within a fenced yard.
- **Number of Chickens:** Up to four adult birds over four months of age.
- **Roosters:** No roosters.
- **Feed containers:** Poultry feed kept in metal or other vermin-proof containers or receptacles.
- **Permit and Fees:** Application required on forms provided by Community Development Director. Fee required as established by City Council Resolution.
- **Complaint Process:** Written complaint required. Investigation and enforcement by Community Services Officer.
- **Harvesting or butchering:** Not permitted.
- **Setbacks:** 25 feet from all property lines.
- **Notice:** Send notice to directly adjacent neighbors informing them of a permit to allow chickens and providing information about how neighbors can register concerns.

Staff has received comments from the public and these are summarized for your review in Attachment C.

**OUTCOMES OF DECISION:**

A recommendation to approve the Plan Text Amendment would result in the following:

- Tualatin Development Code Chapter 40 will be revised to allow chicken keeping as a permitted use in TDC Section 40.020.

A recommendation to deny the Plan Text Amendment would result in the following:

- The Development Code will not be revised to allow chicken as a permitted use and it will continue to be prohibited in the City.

**ALTERNATIVES TO RECOMMENDATION:**

The alternatives recommendation for the Planning Commission include:

- Recommend Council approval with alterations to the Tualatin Development Code and the Plan Text Amendment specifically.
- Continue the discussion of the proposed Plan Text Amendment and return to the matter at a later date.

**FINANCIAL IMPLICATIONS:**

The FY 2013/2014 budget accounts for the costs of City-initiated code amendments.

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**Attachments:**    A - Draft Code Changes  
                          B - Draft Analysis and Findings  
                          C - Public Comment Log



**Chapter 40**

**Low Density Residential Planning District (RL)**

**Sections:**

- 40.010 Purpose.
- 40.015 Permitted Density.
- 40.020 Permitted Uses.
- 40.030 Conditional Uses Permitted.
- 40.040 (Repealed.)
- 40.050 Lot Size for Permitted Uses.
- 40.055 Lot Size for Greenway and Natural Area Tracts and Lots.
- 40.060 Lot Size for Conditional Uses.
- 40.070 Setback Requirements for Permitted Uses.
- 40.080 Setback Requirements for Conditional Uses.
- 40.085 Setback Requirements Adjacent to the Norwood Expressway.
- 40.090 Projections Into Required Yards.
- 40.100 Structure Height.
- 40.110 Access.
- 40.120 Off-Street Parking and Loading.
- 40.130 Floodplain District.
- 40.140 Community Design Standards.
- 40.145 Placement Standards for Manufactured Homes.
- 40.150 Landscape Standards.

**Section 40.010 Purpose.**

The purpose of this district is to provide low density residential areas in the City that are appropriate for dwellings on individual lots, as well as other miscellaneous land uses compatible with a low density residential environment. [Ord. 590-83 §1, 4/11/83; Ord. 592-83 §6, 6/13/83; Ord. 661-85 §3, 3/25/85; Ord.

956-96 §10, 1/8/96]

**Section 40.015 Permitted Density.**

Housing density shall not exceed 6.4 units per net acre, except as set forth below:

(1) The maximum density for small-lot subdivisions, and partitions and subdivisions affected by TDC 40.055, shall not exceed 7.5 dwelling units per net acre.

(2) The maximum density for retirement housing in accordance with 34.170(2) shall not exceed 10 dwelling units per net acre. [Ord. 956-96 §11, 1/8/96, by Ord. 1026-99 §21, 8/9/99; Ord. 1272-08 §5, 11/10/08; Ord. 1317-10 §3, 12/13/10]

**Section 40.020 Permitted Uses.**

- (1) Single-family dwellings, including manufactured homes.
- (2) Agricultural uses of land, such as truck gardening, horticulture, but excluding commercial buildings or structures and excluding the raising of animals other than normal household pets and chickens, ~~as provided in Tualatin Municipal Code Title \_\_\_\_\_ Chicken Ordinance.~~
- (3) Home occupations as provided in TDC 34.030 to 34.050.
- (4) Public transit shelters.

## Tualatin Development Code

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

(6) Residential homes.

(7) Residential facilities for up to 15 residents, not including staff.

(8) Family day care provider, provided that all exterior walls and outdoor play areas shall be a minimum distance of 400 feet from the exterior walls and pump islands of any automobile service station, irrespective of any structures in between.

(9) Sewer and water pump stations and pressure reading stations.

(10) Wireless communication facility attached, provided it is not on a single-family dwelling or its accessory structures.

(11) Accessory dwelling units as provided in TDC 34.300 to 34.310.

(12) Transportation facilities and improvements.

(13) Public park, public playground, and public recreation building. [Ord. 590-83 §1, 4/11/83; Ord. 592-83 §6,

6/13/83; Ord. 818-91 §14, 1/14/91; Ord. 824-91 §1, 2/11/91; Ord. 849-91 §10, 11/25/91; Ord. 933-94 §16, 11/28/94; Ord. 965-96 §6, 12/9/96; Ord. 979-97 §9, 7/14/97; Ord. 1026-99 §22, 8/9/99; Ord. 1103-02, 3/25/02; Ord. 1317-10 §4, 12/13/10]

### Section 40.030 Conditional Uses Permitted.

The following uses and their accessory uses are permitted as conditional uses when authorized in accordance with TDC Chapter 32:

(1) Common-wall dwellings.

(2) Condominium dwelling units provided they meet the following standards, notwithstanding other provisions of this Code, and meet the requirements of ORS 91.500.

(a) All units shall be on a primary lot with frontage on a public street or in accordance with TDC 36.470.

(b) Access to secondary lots and to all buildings on the primary lot from public streets shall be guaranteed physically and legally by restrictive covenants and homeowners' association by-laws prior to issuance of building permits for the project and after approval of the state pursuant to state statutes, or in accordance with TDC 36.470.

(3) Small-lot subdivisions conforming to the following standards:

(a) No small lot subdivision shall have less than ten lots.

(b) All subdivision improvements shall conform to TDC Chapter 36.

(c) All dwelling units constructed shall conform to the construction standards of the State of Oregon Uniform Building Code as adopted by the City of Tualatin.

(d) A tree survey shall be prepared and submitted as part of the conditional use application. This tree survey shall show the location of existing trees having a trunk diameter of eight inches or greater, as measured at a point four feet above ground level. The purpose of this survey shall be to show that, by utilizing the small lot subdivision provisions, a greater number of trees can be preserved than would be possible without use of the small lot subdivision provisions. As used in this section, the word "tree" means a usually tall, woody plant, distinguished from a shrub by having comparatively greater height and characteristically, a single trunk rather than stems.

(e) The small lots:

(i) Shall be no less than 5,000 and no more than 6,499 square feet.

(ii) When a small lot abuts an existing lot in a City approved and recorded subdivision or partition the small lot shall be no more than 500 square feet smaller than the size of the abutting lot. For example, a new small lot shall be no less than 5,500 square feet if it abuts an exist-

## Tualatin Development Code 40.040

ing lot of 6,000 square feet; 5,600 square feet if it abuts an existing lot of 6,100 square feet; 5,700 square feet if it abuts an existing lot of 6,200 square feet; and so on, up to 5,999 square feet if it abuts an existing lot of 6,499 square feet.

(iii) When a small lot is directly across a local street from an existing lot in a City approved and recorded subdivision or partition the small lot shall be no more than 500 square feet smaller than the lot directly across the street.

(iv) When a Tract or easement is between a small lot and an existing lot in a City approved and recorded subdivision or partition the small lot shall be separated from the existing lot by at least 50 feet.

(v) For purposes of this subsection, a small lot is directly across the street if one or more of its lot lines, when extended in a straight line across the local street, intersect the property line of the lot across the street.

(vi) When a subdivision is constructed in phases, a small lot in a later phase may abut or be directly across a local street from an existing lot in an earlier phase.

(f) The small lots shall be part of a development that contains lots of at least 7,000 square feet that are necessitated by trees, steep terrain or other topographic constraints.

(g) The small lots shall not exceed 35 percent of the lots in the total subdivision.

(h) The number of lots having a minimum area of 7,000 square feet shall equal or be greater than the number of small lots in the subdivision.

(i) The average lot width shall be at least 30 feet.

(j) When a lot has frontage on a public street, the minimum lot width shall be 50 feet on a street and 30 feet around a cul-de-sac bulb.

(k) The maximum building coverage for lots 5,000 to 6,499 square feet shall be 45 percent and for lots greater than 6,499 square feet shall be 35 percent.

(l) For flag lots, the minimum lot width at the street shall be sufficient to comply with at least the minimum access requirements contained in TDC 73.400(7) - (12).

(4) Other uses as specified below:

(a) Churches or other places of religious worship and accessory uses.

(b) Child day care center, if all exterior walls and outdoor play areas are a minimum distance of 400 feet from the exterior walls and pump islands of any automobile service station, irrespective of any structures in between.

(c) Governmental structure or land use including community buildings (public), fire station, public library or museum.

(d) Retail nursery.

(e) Hospital.

(f) Kindergarten through grade 12 school.

(g) Water reservoir with a maximum height of 75 feet.

(h) Golf course, country club with golf course.

(i) Agricultural animals, limited to cattle, horses and sheep, and agricultural structures such as barns, stables, sheds, but excluding feed lots, in areas designated on Map 9-6 Conditional Use of Agricultural Animals. The City Council may limit the number of animals to be allowed on a specific parcel of property. ~~Keeping chickens is a permitted use as provided in TDC 40.020 and Tualatin Municipal Code Title \_\_\_\_\_ - Chicken Ordinance.~~

(j) Increased building height to a maximum of 50 feet, if all yards adjoining said building are not less than a distance equal to 1 1/2 times the height of the building.

40.040

## Tualatin Development Code

(k) Retirement housing conforming to the standards in TDC 34.160 - 34.170. [Ord. 590-83 §1,

4/11/83; Ord. 592-83 §6, 6/13/83; Ord. 614-84 §2, 1/9/84; Ord. 635-84 §11, 6/11/84; Ord. 661-85 §4, 3/25/85; Ord. 818-91 §15, 1/14/91; Ord. 923-94 §1, 5/9/94; Ord. 965-96 §7, 12/9/96; Ord. 1026-99 §23, 8/9/99; Ord. 1054-00 §2-4, 8/14/00; Ord. 1201-05, 11/28/05; Ord. 1317-10 §5, 12/13/10]

**40.040**

[Repealed by Ord. 1026-99 §102. 8/9/99]

### **40.050 Lot Size for Permitted Uses.**

Except as otherwise provided, the lot size for a single-family dwelling shall be:

(1) The minimum lot area shall be an average of 6,500 square feet.

(2) The average lot width shall be at least 30 feet.

(3) When a lot has frontage on a public street, the minimum lot width shall be 50 feet on a street and 30 feet around a cul-de-sac bulb.

(4) The maximum building coverage shall be 45 percent.

(5) For flag lots, the minimum lot width at the street shall be sufficient to comply with at least the minimum access requirements contained in TDC 73.400(7) - (12). [Ord. 590-83 §1, 4/11/83; Ord. 592-83 §6,

6/13/83; Ord. 866-92 §1, 4/27/92; Ord. 920-94 §2, 4/11/94; Ord. 956-96 §12, 1/8/96; Ord. 1010-98 §1, 12/14/98; Ord. 1026-99 § 24, 8/9/99; Ord. 1054-00 §6, 8/14/00; Ord. 1055-00 §1, 8/28/00; Ord. 1272-08 §6, 11/10/08]

### **Section 40.055 Lot Size for Greenway and Natural Area Tracts and Lots.**

(1) The decision authority for partitions and subdivisions may allow one small lot for each 6,500 square feet of Tract created in the subdivision or partition process, provided the following criteria are met:

(a) Each Tract must be:

(i) wholly in the Natural Resource Protection Overlay (NRPO) District (TDC Chapter

72), or

(ii) wholly in an Other Natural Areas identified in Figure 3-4 of the Parks and Recreation Master Plan, or

(iii) wholly in a Clean Water Services Vegetated Corridor.

(b) The ownership of each Tract must be one of the following:

(i) dedicated to the City at the City's option, or

(ii) dedicated in a manner approved by the City to a non-profit conservation organiza-

tion, or

(iii) retained in private ownership by the developer.

(c) The small lot:

(i) Shall be no less than 5,000 square feet and no more than 5,999.99 square feet.

(ii) The average lot width shall be at least 30 feet.

(iii) The minimum lot width shall be 50 feet on a street and 30 feet around a cul-de-sac bulb.

(iv) The maximum building coverage for lots less than 6,000 square feet shall be 45 percent.

(v) The subdivision's or partition's density, net of the Tracts, shall not exceed 7.5 dwelling units per acre.

(2) The decision authority for partitions and subdivisions shall consider, but is not limited to, the following factors when determining if TDC 40.055(1)(b)(i - iii) are allowed:

(a) Does the Park and Recreation Master Plan designate the Tract for a greenway, pedestrian or bike path, public park, recreation, overlook or interpretive facility, or other public facility;

(Revised 12/10)

## Tualatin Development Code 40.060

(b) Does the Tract include one or more designated Heritage Trees, or one or more significant trees;

(c) Does the Tract provide a significant view or aesthetic element, or does it include a unique or intrinsically valuable element;

(d) Does the Tract connect publicly owned or publicly accessible properties;

(e) Does the Tract abut an existing park, greenway, natural area or other public facility;

(f) Does the Tract provide a public benefit or serve a public need;

(g) Does the Tract contain environmental hazards;

(h) Geologic stability of the Tract; and

(i) Future maintenance costs for the Tract.

(3) The following shall apply to small lots included in a partition or subdivision pursuant to (1) above:

(a) When a small lot abuts an existing lot in an approved and recorded subdivision or partition the small lot shall be no more than 500 square feet smaller than the abutting lot. For example, a new small lot shall be no less than 5,500 square feet if it abuts an existing lot of 6,000 square feet; 5,600 square feet if it abuts an existing lot of 6,100 square feet; 5,700 square feet if it abuts an existing lot of 6,200 square feet; and so on, up to 5,999 square feet if it abuts an existing lot of 6,499 square feet.

(b) When a small lot is directly across a local street from an existing lot in a City approved and recorded subdivision or partition the small lot shall be no more than 500 square feet smaller than the lot directly across the street. For purposes of this section, a small lot is directly across the street if one or more of its lot lines, when extended in a straight line across the local street, intersect the property line of the lot across the street.

(c) When a Tract or easement is between a small lot and an existing lot in a City approved and recorded subdivision or partition the small lot shall be separated from the existing lot by at least 50 feet.

(d) When a subdivision is constructed in phases, a small lot in a later phase may abut or be directly across a local street from an existing lot in an earlier phase. [Ord. 933-94 §17, 11/28/94; Ord. 956-96 §13,

1/8/96; Ord. 979-97 §10, 7/14/97; Ord. 1010-98 §2, 12/14/98; Ord. 1026-99 §25, 8/9/99; Ord. 1136-03, 4/28/03; Ord. 1201-05, 11/28/05; Ord. 1224-06 §4, 11/13/06]

### Section 40.060 Lot Size for Conditional Uses.

Except as otherwise provided, the lot size for conditional uses shall be:

(1) The minimum lot area shall be 6,000 square feet, excepting secondary condominium lots as approved through the Architectural Review process and lots for public utility facilities.

(2) The average lot width shall be at least 60 feet, excepting secondary condominium lots as approved through the Architectural Review process and lots for public utility facilities.

(3) When a lot has frontage on a public street, the minimum lot width shall be 50 feet on a street and 30 feet around a cul-de-sac bulb, excepting secondary condominium lots as approved through the Architectural Review process and lots for public utility facilities.

(4) The maximum building coverage on a lot shall be 40 percent, excepting secondary condominium lots as approved through the Architectural Review process and lots for public utility facilities.

(5) For flag lots, the minimum lot width at the street shall be sufficient to comply with at least the minimum access requirements contained in TDC 73.400(7) to (12). [Ord. 590-83 §1, 4/11/83; Ord. 592-83 §6,

6/13/83; Ord. 866-92 §2, 4/27/92; Ord. 920-94, §3, 4/11/94; Ord. 923-94, §2, 5/9/94; Ord. 956-96 §14, 1/8/96; Ord. 1026-99 §26, 8/9/99; Ord. 1054-00 §7, 8/14/00]

### Section 40.070 Setback Requirements for Permitted Uses.

## Tualatin Development Code

Except as otherwise provided, the setbacks for permitted uses shall be:

- (1) The front yard setback shall be a minimum of 15 feet, except to an unenclosed porch, which shall be 12 feet.
- (2) The setback to a garage door shall be a minimum of 20 feet.
- (3) The side yard setback shall be a minimum of five feet.
- (4) For a corner lot, the following provisions shall apply:
  - (a) one front yard setback shall be a minimum of 15 feet; it shall be determined by the orientation of the structure based on the location of the front door.
  - (b) the second front yard setback shall be a minimum of 10 feet.
- (5) The rear yard setback shall be a minimum of 15 feet. [Ord. 590-83 §1, 4/11/83; Ord. 592-83 §6, 6/13/83; Ord. 731-87 §1, 9/14/87; Ord. 743-88 §46, 3/28/88; Ord. 956-96 §15, 1/8/96; Ord. 965-96 §8, 12/9/96; Ord. 1026-99 §27 8/9/99; Ord. 1076-01 §1, 7/9/01]

### Section 40.080 Setback Requirements for Conditional Uses.

- (1) Except as otherwise provided, the setbacks for conditional uses shall be as determined and approved through the Architectural Review process. However, no setback greater than 50 feet may be required. Off-street parking and vehicular circulation areas shall be set back a minimum of ten feet from any public right-of-way or property line.
- (2) Setback requirements for small lot subdivisions shall comply with the setback requirements for permitted uses as set forth in TDC 40.070. [Ord. 590-83 §1, 4/11/83; Ord. 592-83 §6, 6/13/83; Ord. 862-92 §3, 3/23/92; Ord. 904-93 §2, 9/13/93; Ord. 923-94 §3, 5/9/94]

### Section 40.085 Setback Requirements Adjacent to the Norwood Expressway.

A setback no less than 50 feet in depth will be provided adjacent to the Norwood Expressway right-of-way. [Ord. 592-83 §69, 6/13/83]

### Section 40.090 Projections Into Required Yards.

Cornices, eaves, canopies, decks, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, and other similar architectural features may extend or project into a required front or rear yard setback area not more than three feet and into a required side yard not more than two feet, or into the required open space as established by coverage standards in this chapter. [Ord. 590-83 §1, 4/11/83; Ord. 592-83 §6, 6/13/83; Ord. 731-87 §2, 9/14/87]

### Section 40.100 Structure Height.

Except as otherwise provided, the maximum structure height is 35 feet. [Ord. 590-83 §1, 4/11/83; Ord. 592-83 §6, 6/13/83; Ord. 956-96 §16, 1/8/96; Ord. 965-96 §9, 12/9/96]

### Section 40.110 Access.

Refer to TDC 36.470 and 73.400. [Ord. 590-83 §1, 4/11/83; Ord. 592-83 §6, 6/13/83; Ord. 872-92 §2, 6/29/92; Ord. 956-96 §17, 1/8/96; Ord. 1026-99 §28, 8/9/99; Ord. 1054-00 §8, 8/14/00]

### Section 40.120 Off-Street Parking and Loading.

Refer to TDC Chapter 73.

### Section 40.130 Floodplain District.

Refer to TDC Chapter 70.

## Tualatin Development Code 40.140

### **Section 40.140 Community Design Standards.**

(1) Development of the following is subject to the provisions set forth in TDC 40.140(2) and standards and criteria set forth in TDC Chapter 73, in addition to all other applicable TDC standards:

(a) A new single-family dwelling.

(b) An addition or alteration to an existing single-family dwelling when it results in a 35% or more expansion of the structure's existing footprint or a new second or higher story or a 35% or more alteration of an existing wall plane (except for the wall plane of a side of the dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling).

(i) Where a single-family dwelling addition or alteration described in TDC 40.140(1)(b) is proposed, TDC 40.140(2) applies only to the portion of the structure being altered or added.

(2) No building permits shall be issued for development described in TDC 40.140(1) until plans for the proposed development have been approved pursuant to one of the following two review options, and all other applicable TDC standards are met:

(a) LEVEL I – Clear and Objective Single-family Architectural Review.

(i) A Level I Single-family Architectural Review decision is a ministerial decision.

(ii) Application for Level I (Clear and Objective) Single-family Architectural Review shall be made pursuant to the application procedures set forth in TDC 31.071(7)(a).

(iii) Proposed development that meets all standards set forth in TDC 73.190(1)(a) shall be administratively approved by the Community Development Director.

(iv) Variances to standards set forth in TDC 73.190(1)(a) are prohibited.

(v) Development unable to meet one or more of the standards set forth in TDC 73.190(1)(a) may alternatively submit application for Level II (Discretionary) Single-family Architectural Review.

(b) LEVEL II – Discretionary Single-family Architectural Review.

(i) Proposed development that meets all approval criteria set forth in TDC 73.190(1)(b) shall be approved by the Community Development Director.

(ii) Application for Level II (Discretionary) Single-family Architectural Review shall be made pursuant to the application procedures set forth in TDC 31.071(7)(b).

(iii) A Level II (Discretionary) Single-family Architectural Review application shall be processed as a limited land use decision pursuant to the provisions set forth in TDC 31.071(7)(b).

(3) Where a site, structure, or object is designated a historic landmark, and proposed development is subject to TDC Chapter 68 Historic Certificate of Appropriateness review, conditions of Certificate of Appropriateness approval may, at the discretion of the decision-making authority, include modification of one or more of the standards set forth in TDC 73.190(1)(a), or modification of one or more of the discretionary approval criteria set forth in TDC 73.190(1)(b), in order to meet the Certificate of Appropriateness approval criteria. [Ord. 1260-08 §4, 5/12/08]

### **Section 40.145 Placement Standards for Manufactured Homes.**

Except for manufactured homes placed in manufactured dwelling parks, no manufactured home shall be permitted that does not meet the following standards.

## Tualatin Development Code

(1) The manufactured home shall be multisectional and shall enclose a space of not less than 1,000 square feet. A manufactured home shall not be considered multisectional by virtue of having a tip-out section.

(2) The manufactured home shall be placed on an excavated and back-filled foundation, and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade. However, a structural concrete foundation such as that required for a single-family dwelling constructed on the site shall not be required.

(3) The manufactured home shall have a pitched roof with a minimum slope of one foot in height for each four feet of width.

(4) The roof of the manufactured home shall be shingles, wood shakes, tiles, or other materials which create an appearance similar to shingles, wood shakes or tiles. Exposed flat, corrugated or ribbed sheet metal, fiberglass, or other materials similar in form or appearance shall not be used as roofing material, except that they may be used for corner and edge flashing.

(5) The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss to levels equivalent to the performance standards required of single family dwellings constructed under the State Building Code as defined in ORS 455.010.

(6) The manufactured home shall have an attached or detached two-car garage constructed of materials similar to the manufactured home. [Ord. 818-91, §16, 1/14/91; Ord. 988-97 §4, 12/8/97]

### Section 40.150 Landscape Standards.

Refer to TDC Chapter 73. [Ord. 725-87 §13, 6/22/87]



# PTA-13-02 CHICKEN ORDINANCE

## ATTACHMENT B

### ANALYSIS AND FINDINGS

The proposed amendment to the Tualatin Development Code (TDC) Chapter 40 is an application by the Community Development Department to provide minimum standards for chicken keeping in single-family residential areas of the City.

#### **Background**

Existing City regulations contained in the Tualatin Development Code (TDC) do not allow chicken keeping in single-family or other residential areas. Specifically, the Low Density Residential (RL) Planning District allows as a permitted use “agricultural uses of land, such as truck gardening, horticulture...”, but excludes “the raising of animals other than normal household pets” (TDC Section 40.020). Further, the RL Planning District allows as a conditional use “agricultural animals” but regulates these to include “cattle, horses and sheep” (TDC Section 40.030(4)(m)) in some limited areas of the city. Small animals are defined as “a domestic animal, such as a dog, cat, rabbit or guinea pig, accepted by the American Veterinary Medical Association as a household pet” (TDC Section 31.060 Animal, Small), and thus does not include chickens. The TDC does not allow “agricultural uses” in any other Planning District. The TMC also has regulations on nuisance issues addressing odor and animals, however, these regulations do not specifically address chicken keeping.

In 2010, City Council directed staff to present information on chicken keeping in residential areas to the Tualatin Planning Commission (TPC) for their consideration. The TPC asked staff to review the City of Portland’s regulations and to determine whether a “model ordinance” exists for keeping chickens in residential areas. Staff subsequently reviewed the City of Portland’s regulations and incorporated some of the definitions and criteria in the regulations into the draft code language contained in a proposed TMC Ordinance scheduled for Council review on November 12, 2013. Staff also located an analysis prepared by K.T. LaBadie, a student at the University of New Mexico, entitled Residential Urban Chicken Keeping: An Examination of 25 Cities, which includes an example or “model” ordinance for chicken keeping in residential areas. This paper along with the City of Gresham’s Chicken Code provided the basis for the majority of definitions and standards in the draft code language contained in the proposed TMC Ordinance.

At the August 2010 TPC meeting, the draft code language was discussed and several changes were suggested. The overall consensus was that a proposed TMC Ordinance should be adopted with the limitation that it pertain only to chickens and not other types of domesticated fowl, and necessary amendments made to Sections

40.020 and 40.030(4)(m) of the TDC to allow chicken keeping in single-family residential areas of the City.

Staff presented the draft code language to City Council for consideration in October 2010, and was directed to vet the issue through the Citizen Involvement Organizations (CIOs) once they were established.

The City Council reconsidered chicken keeping in December 2012 and staff was directed to work with the CIO presidents to determine a timeline for their input. Council further directed staff to put the issue on a future agenda for further review. An information packet was prepared and presented to the CIO officers at their January 2013 CIO Officer Meeting. This packet contained a comment form for CIOs to use as a guide in submitting the results of their neighborhood's input for City Council review. In addition, the packet contained background information about the issue.

At the May 2013 work session, staff presented input from the CIOs as well as individual community members about backyard chickens. Staff returned to City Council at a June 2013 work session with a timeline for preparing an ordinance regulating chickens in residential areas. At the August and September 2013 work sessions staff presented results of research on complaints about chickens and best practices in other cities as well as sought policy direction from City Council on components of the potential chicken ordinance.

### **Plan Amendment Criteria (TDC Section 1.032)**

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

#### **1. Granting the amendment is in the public interest.**

The public interest is:

- 1) Providing minimum standards for keeping chicken(s) in single-family residential areas of the City.
- 2) Safeguarding the health, safety and welfare of the owners, occupants and users of single-family dwellings and premises where chickens are kept; and protecting the health, safety and welfare of neighbors of these properties.

Public Interest #1. As discussed in the Background section, above, Tualatin does not allow chicken keeping in single-family residential areas. However, the Community Services Officer has issued 11 notices about illegal chicken keeping since 2009, and numerous individuals have commented in City Council work session

and meetings about the positive and negative aspects of keeping chickens in urban areas. If chickens are allowed in Tualatin, the public interest is best served by adopting an ordinance regulating their care and the maintenance of their surroundings in a safe and sanitary manner.

Public Interest #1 is satisfied.

Public Interest #2. It is in the best interest of the public to keep and manage chickens in a healthy, safe and sanitary manner. According to a staff report prepared for the Gresham City Council by the Urban Planning & Design Department when that City was considering a chicken ordinance (October 20 2009):

- Neglecting to manage waste may lead to unsanitary conditions.
- Proper storage of chicken feed will minimize attraction of rodents and other pests.
- The Multnomah County Health Department and the United States Department of Agriculture (USDA) provide information about backyard flocks and health in fact sheets on avian flu. The fact sheets provide tips to prevent poultry disease such as keeping the area where chickens reside clean and knowing warning signs of avian flu.
- According to Multnomah County Code Enforcement, attraction of wildlife predators is generally an issue that only occurs at the urban edge, and is very rare.

Adopting an ordinance regulating the care of chickens and maintenance of their surroundings would ensure that chickens are kept and managed in a healthy, safe and sanitary manner. Implementation and enforcement of such a regulation will safeguard the health, safety and welfare of the owners, occupants and users of single-family dwellings and premises where chickens are kept as well as protect the health, safety and welfare of neighbors of these properties.

This satisfies Public Interest #2.

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.**

Over the past three years, citizens have approached the City Council to reconsider the existing prohibition on chicken keeping, citing benefits associated with sustainability, finances, and health, and because their keeping of chickens had been subject to code enforcement actions since they were not allowed to raise chickens under existing regulations. Citizens also have come forward in opposition to keeping chickens in the City pointing out the negative aspects of the practice, particularly if the chickens are not well cared for and maintained. Granting the PTA to allow

chicken keeping in single-family residential areas would satisfy the request of citizens who desire to raise chickens in their backyard and adopting an ordinance regulating the care of chickens and maintenance of their surroundings would ensure that chickens are kept and managed in a healthy, safe and sanitary manner.

Granting the amendment at this time best protects the public interest. Criterion "B" 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 relating to the amendment to Tualatin Development Code (TDC) Chapter 40 are discussed below:

#### **Chapter 5. Residential Planning Section 5.030. General Objectives.**

(10) Provide for the raising of agricultural animals and agricultural structures in areas that are presently used for this purpose and that are not buildable due to their location in the 100-year flood plain.

#### **Section 5.040 Planning District Objectives.**

(1) Low Density Residential Planning District (RL). ...The raising of agricultural animals and the construction of agricultural structures may be allowed by conditional use permit in those portions of the District designated on the Plan Map.

As discussed in the Background, above, existing City regulations contained in the Tualatin Development Code (TDC) do not allow chicken keeping in single-family or other residential areas. Specifically, the Low Density Residential (RL) Planning District allows as a permitted use "agricultural uses of land, such as truck gardening, horticulture...", but excludes "the raising of animals other than normal household pets" (TDC Section 40.020). Further, the RL Planning District allows as a conditional use "agricultural animals" but regulates these to include "cattle, horses and sheep" (TDC Section 40.030(4)(m)) in some limited areas of the city. Small animals are defined as "a domestic animal, such as a dog, cat, rabbit or guinea pig, accepted by the American Veterinary Medical Association as a household pet" (TDC Section 31.060 Animal, Small), and thus does not include chickens. The TDC does not allow "agricultural uses" in any other Planning District. The TMC also has regulations on nuisance issues addressing odor and animals, however, these regulations do not specifically address keeping chickens.

Granting the PTA to allow chicken keeping in single-family residential areas would not affect the provisions permitting the raising of agricultural animals in some limited areas of the City. Rather it would add chicken keeping as a permitted use in the Low

Density Residential (RL) Planning District under TDC Section 40.020(2). This would be consistent with Sections 5.030 and 5.040 of the Tualatin Community Plan.

**Chapter 10. Community Design**  
**Section 10.020 Design Objectives.**

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

Granting the PTA to allow chicken keeping in single-family residential areas would satisfy the request of citizens who desire to raise chickens in their backyard while regulating the care of chickens and maintenance of their surroundings. By regulating various aspects of the practice, such as the number of chickens, maximum dimensions of the enclosure in which they are kept, setbacks for the enclosure from rear and side property lines, prohibiting roosters and harvesting, and appropriate cleanliness and sanitation, the proposed TMC Chicken Ordinance would ensure that chickens are kept and managed in a healthy, safe and sanitary manner consistent with Section 10.020 of the Tualatin Community Plan.

Criterion "C" is met.

**4. The following factors were consciously considered:**

**The various characteristics of the areas in the City.**

The characteristics of single-family residential areas of the City and inside the UGB were considered in preparation of the PTA. In particular, extensive consideration was given to the size and dimension of individual lots and dwellings throughout the City and how minimum lot size and/or setback requirements in the potential Chicken Ordinance would either enable or prohibit citizens from keeping chickens in their backyard.

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

The suitability of single-family residential areas for chicken keeping was given consideration in preparation of the PTA. Citizens have cited benefits associated with the practice such as sustainability, finances, and health, as well as negative aspects, such as noise, odor and waste, and vermin, particularly if the chickens are not well cared for and maintained. Staff inquired with 14 cities about complaints they had received related to chickens in their jurisdiction and presented this information to City Council, along with a summary of best practices gleaned from recently-adopted chicken ordinances.

**Trends in land improvement and development.**

There has been a resurgence in recent years in keeping chickens in urban areas both locally and nationally. Benefits cited focus on food, sustainability, and size. A chicken produces about four to five eggs a week and the surplus may be stored or shared, contributing to food security. Hens provide a fresh, locally produced, and inexpensive source of food for families at a time when food prices are increasing in relation to increases in fuel, shipping and packaging costs. Hens eat food scraps, dandelions, mice, and insects and may contribute to reductions in the waste stream, and hen droppings may be used as a natural fertilizer in backyard gardens. Hens are small, have minimal space requirements, and make good pets.

Negative aspects of chicken keeping also must be considered including roosters that tend to make noises that can be heard beyond the property on which they are kept and odors and waste that may be offending to surrounding residents. Chicken feed can attract rodents and other pests, there is uncertainty about the causes of avian flu and concerns about chickens attracting wildlife predators, and they might go onto another lot or into the street if not properly contained.

#### **Property Values.**

There have been no definitive studies showing that chicken keeping in single-family residential areas in an urban setting affect, either negatively or positively, the property value of locations where the chickens are kept or that of the surrounding area.

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

As mentioned earlier, hens provide a fresh, locally produced, and inexpensive source of food for families at a time when food prices are increasing in relation to increases in fuel, shipping and packaging costs. Hens may contribute to reductions in the waste stream while providing natural fertilizer in backyard gardens. Thus, chickens may provide added food security and contribute to sustainable economic practices.

#### **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.**

Granting the PTA to allow chicken keeping in single-family residential areas would satisfy the request of citizens who desire to raise chickens in their backyard while regulating the care of chickens and maintenance of their surroundings. By regulating various aspects of the practice, such as the number of chickens, maximum dimensions of the enclosure in which they are kept, setbacks for the enclosure from rear and side property lines, prohibiting roosters and harvesting, and appropriate cleanliness and sanitation, the proposed Chicken Ordinance would ensure that chickens are kept and managed in a healthy, safe and sanitary manner consistent with the public need for healthful, safe, aesthetic surroundings and conditions.

**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.**

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

Criterion "D" 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 "E" 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 two 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."**

Over the past three years, citizens have approached the City Council to reconsider the existing prohibition on chicken keeping, citing benefits associated with sustainability, finances, and health, and because their keeping of chickens had been

subject to code enforcement actions since they were not allowed to raise chickens under existing regulations. Citizens also have come forward in opposition to keeping chickens in the City pointing out the negative aspects of the practice, particularly if the chickens are not well cared for and maintained. The City's Citizen Involvement Organizations (CIOs) as well as individual citizens have been actively and repeatedly involved in soliciting and submitting comments about the positive and negative aspects of keeping chickens in the City and have presented these to the City Council.

Granting the PTA to allow chicken keeping in single-family residential areas would satisfy the request of citizens who desire to raise chickens in their backyard and adopting an ordinance regulating the care of chickens and maintenance of their surroundings would ensure that chickens are kept and managed in a healthy, safe and sanitary manner.

**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."**

Beginning in 2010 and continuing through to the present, the Tualatin Planning Commission (TPC) and City Council, City staff, the Citizen Involvement Organizations (CIOs) and citizens have been involved in consideration of possible regulations for keeping chickens in Tualatin. Staff has conducted extensive research on the subject and citizens have contributed additional information to assure an adequate factual base for a decision and action on this issue.

The PTA complies with Goals 1 and 2. Criterion "F" is met.

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

The Metro Urban Growth Management Functional Plan (MUGMFP) does not address keeping chickens in residential areas. Criterion "G" does not apply.

**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 "H" is not applicable.



**Chicken Keeping Ordinance and Plan Text Amendment Comment Log  
Received Since September 2013**

	<b>Date and Subject</b>	<b>Name</b>	<b>Comment</b>
1.	9/27/13 Do allow Chicken Farming within City Limits	Bryan and Dianne Yates	<p>Chickens belong on farms, period. As someone who comes from farm country in the Midwest, chickens are smelly and noisy - - yes, even the hens. Our backyards are too close together for this kind of activity. You would wreck housing values, especially in our neighborhood – maybe even making it impossible for us to sell our home. Even if all of us agreed that having chickens is okay, potential home buyers looking in Tualatin would never go for it.</p> <p><b>This is an insane idea</b>, especially since you would be catering to such a small portion of Tualatin’s population. If people want to raise chickens, let them relocate to appropriate sites outside of the city limits. Chickens do not belong in residential neighborhoods.</p> <p>We already have noise and pet issues that we are dealing with in our neighborhood. This would absolutely tip the balance for us.</p> <p>All of my neighbors feel exactly the same way.</p>
2.	9/27/13 Backyard Chickens - No, No, No, No , No!!!!	Dianne and Bryan Yates	<p>I come from the Midwest, from farm country... What are you people thinking?!!! Chickens do not belong within residential neighborhoods, period. I don’t care how far away they are from the property line – Chickens stink – badly. And contrary to popular opinion, they are noisy – even the hens. We already have noise issues with our neighbors. We do not need farm animals to top it off. We live in the Fox Hills neighborhood, and we live too closely together to make your plan work.</p> <p>This <b>will</b> affect our home values, and they have gone down enough already in the housing bust. We are just getting to the point where we could sell our home and break even. We don’t need this to cause complications if we choose to sell.</p> <p>This is the <b>dumbest</b> thing I have ever heard, and that’s saying something. If people want to raise chickens, more power to them... But, let them do it properly on property outside of the city limits.</p> <p>What can we do to stop this?</p>
3.	9/29/13	Elaine O’Neil	*Please* don’t allow backyard chickens in Tualatin. This

**Chicken Keeping Ordinance and Plan Text Amendment Comment Log  
Received Since September 2013**

	<b>Date and Subject</b>	<b>Name</b>	<b>Comment</b>
	Backyard Chickens		isn't the Beverly Hillbillies... we have way more class in Tualatin. If people want chickens, let them move to Gresham or Hillsboro or some other hick town.
4.	9/29/13 Backyard Chickens	Jim and Marion Ohrtman	Is Tualatin really considering allowing chickens in residential areas? REALLY????? We feel that would be a BIG mistake! Would residents at least get a chance to vote on this? I hope you get lots of responses from people opposing this, enough hopefully to prevent this from actually being approved!
5.	9/30/13 Backyard Chickens	Laurie Jarmer	<p>I spoke with you almost a year ago now about backyard chickens and you were able to send me the proposed backyard chicken ordinance from several years previous (thank you again). I know you are probably very busy so I decided not to take up your time with a phone call but just to write a short email about the proposed ordinance that is currently before the city.</p> <p>There is a group of about 40 of us who have been actively working on getting some kind of ordinance passed in the city to allow for backyard chickens. (Though our email group numbers 40 we believe we have a large support base for backyard chickens as we talk to neighbors in the community). We have been happy and excited to see that the city is moving ahead on this. Thank you for all the work you have put into this.</p> <p>Our concern now is primarily over the 25 foot setback that is included in the ordinance. In the last couple days our group has gone out to measure their backyards and except for a couple people, the 25 foot setback eliminates all of us from having chickens. It seems to our group that since most residents have somewhere around a 6,000 - 7,000sq foot lot that having a 25 foot setback from any property line eliminates all those residents from having chickens.</p> <p>Our home is fortunate to have a 13,000 foot lot but because of the odd shape, we also would not be able to have chickens in our backyard unless we wanted their coop in the middle of the yard.</p> <p>As our group has researched other city ordinances, we have found that most cities have between 5 to 15 feet</p>

**Chicken Keeping Ordinance and Plan Text Amendment Comment Log  
Received Since September 2013**

	Date and Subject	Name	Comment
			<p>setbacks from property lines. This seems reasonable to our group.</p> <p>So our question is, how did the city arrive at the 25 foot setback? Is that setback already set in stone and unable to be changed? Is there some way we can ask the city and the council to revisit the setback issue?</p> <p>We hope that we can all work together to make this a win, win issue for everyone involved.</p> <p>Thanks again for taking the time for my email. I'd be glad to talk to you by phone if you wish</p>
6.	10/8/13 No Chickens in Tualatin	Sue Fleener	<p>Hello,</p> <p>I sent this email to Cindy Hahn, as was requested in the October Tualatin today. She however is out of the office now, until Oct. 28<sup>th</sup>. Please forward this to whomever is taking public input and opinions on this subject.</p> <p>My husband and I would like to state our opinion on the chicken issue. We are both definitely opposed to changing the current regulation. I lived in the country for 12 years, and was glad to move to the city and away from farm animals. Chickens are messy, stinky, noisy, and can carry diseases. They also attract predators such as raccoons, opossums, foxes, coyotes, etc. They don't belong in an urban or suburban area where houses are on small lots right next to each other. I understand the "25 feet away from property line" element, but that isn't enough. Plus if this passes, who is going to enforce the regulations? That would be just another added cost to the city.....if it were to be done right. There are other city regulations which go unchecked, because someone has to turn in their neighbor first, which can cause hard feelings and feuds. Let's just stay away from another potential problem.</p>



# STAFF REPORT

## CITY OF TUALATIN

**TO:** Tualatin Planning Commissioners

**THROUGH:** Aquilla Hurd-Ravich

**FROM:** Ben Bryant, Management Analyst

**DATE:** 10/17/2013

**SUBJECT:** TriMet's Southwest Service Enhancement Plan

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### **ISSUE BEFORE TPC:**

Presentation and discussion regarding TriMet's Southwest Service Enhancement Plan.

### **EXECUTIVE SUMMARY:**

At the request of the Tualatin Planning Commission, City Council, and many other Southwest Corridor partners, one of the central elements of the Southwest Corridor Plan and Shared Investment Strategy is the inclusion of improved local bus service. In an effort to meet that recommendation, TriMet has begun the Southwest Service Enhancement Plan. At the meeting, TriMet's Senior Planner, Tom Mills, will discuss the purpose and process for the plan. Over the course of the next year, TriMet will conduct a significant amount of community outreach to create a vision for future bus service in Tualatin and the surrounding area. The goal will be to find "early wins" as well as long-term changes to bus routes, frequencies, and times of service. TriMet recently completed a similar process for the Hillsboro and Beaverton area known as the "Westside Service Enhancement Plan." Attached, you will find a copy of this plan which will serve as a template for the Southwest Service Enhancement Plan.

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**Attachments:** [Attachment A: Presentation](#)

# Southwest Service Enhancement Plan

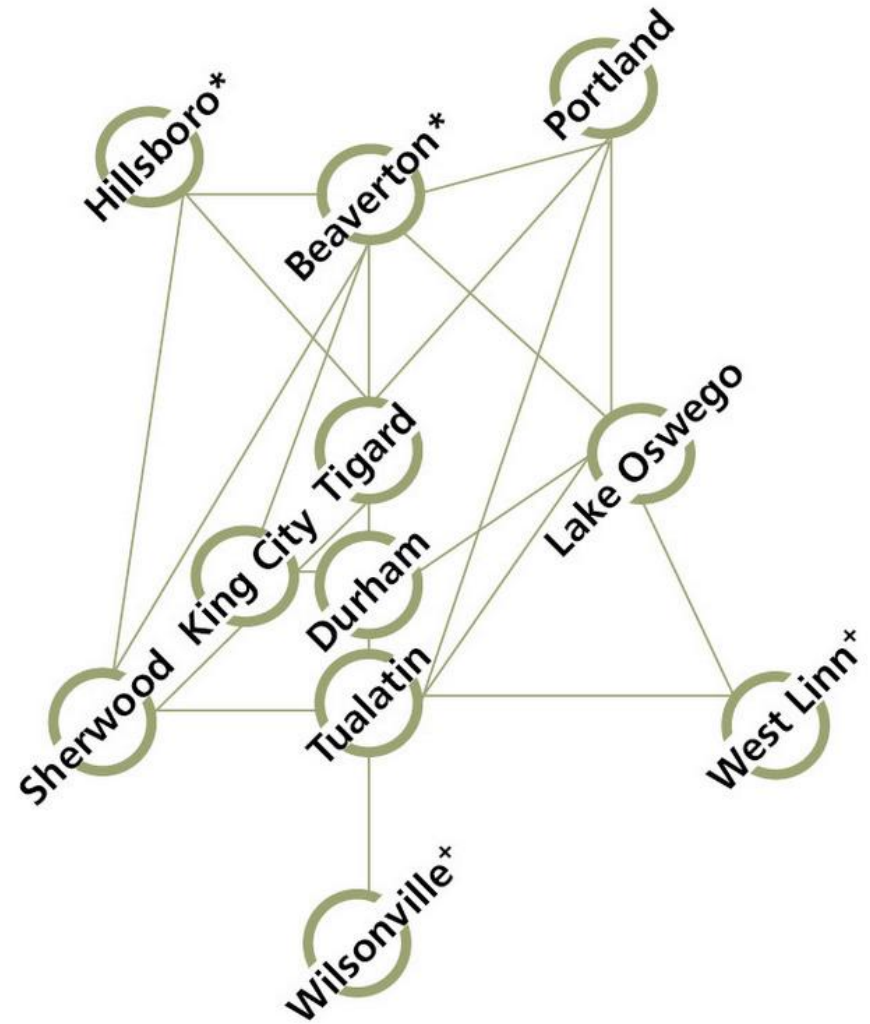


Presentation to the Tualatin Planning Commission  
October 17, 2013

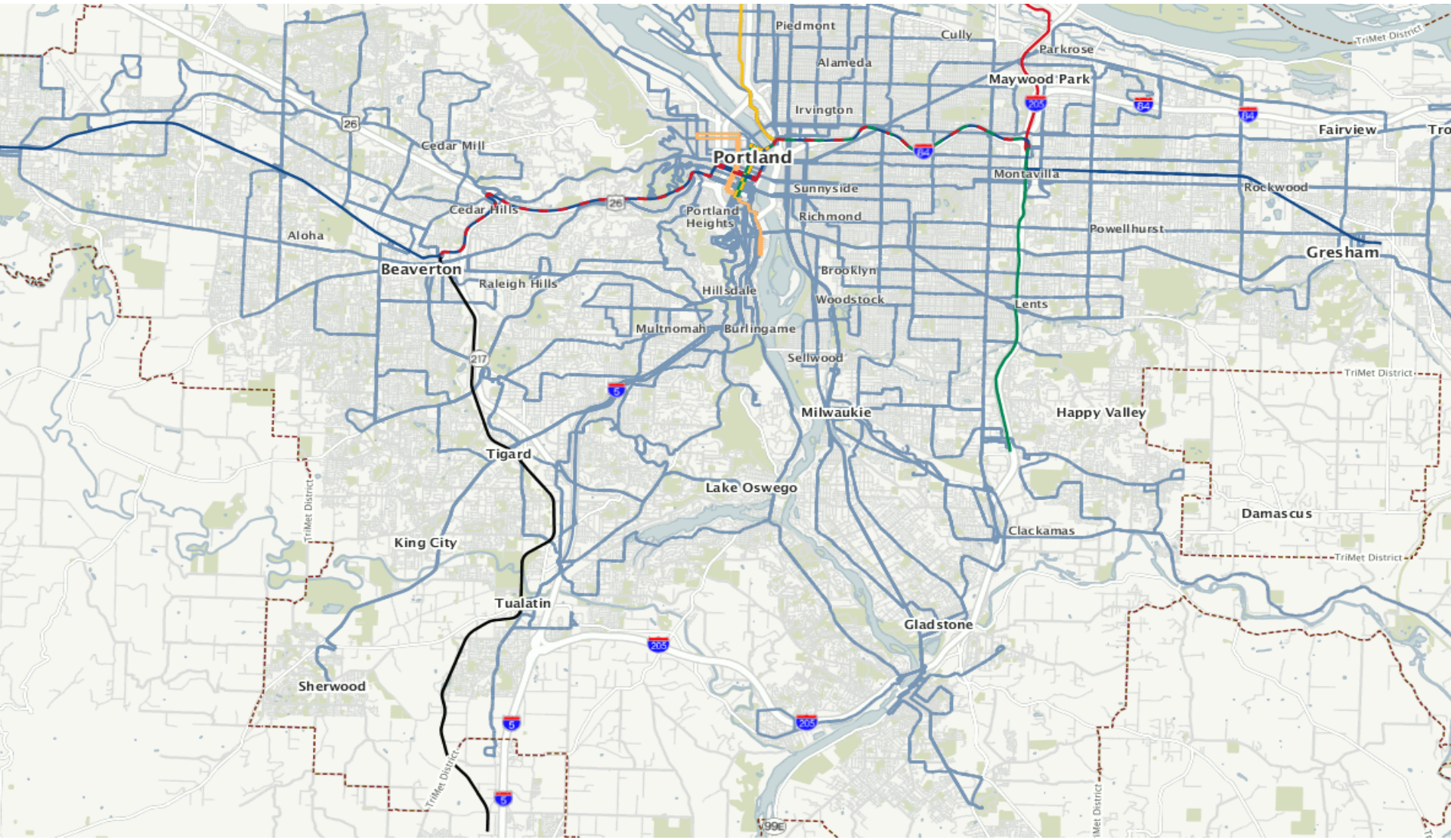
# Southwest Corridor

## Local Transit Service

- A SW Corridor investment recommendation
- Communities want input on local service
- Time for a major review



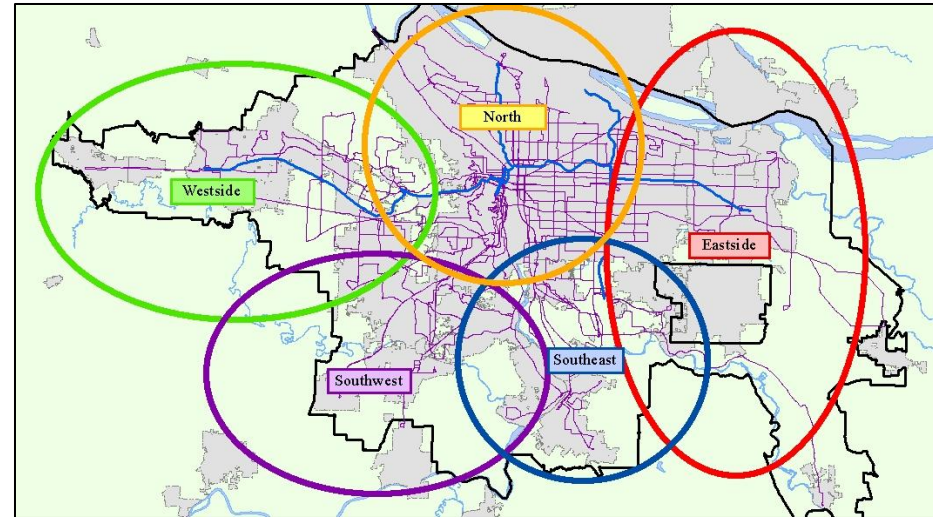
# Existing Service



# A Different Approach

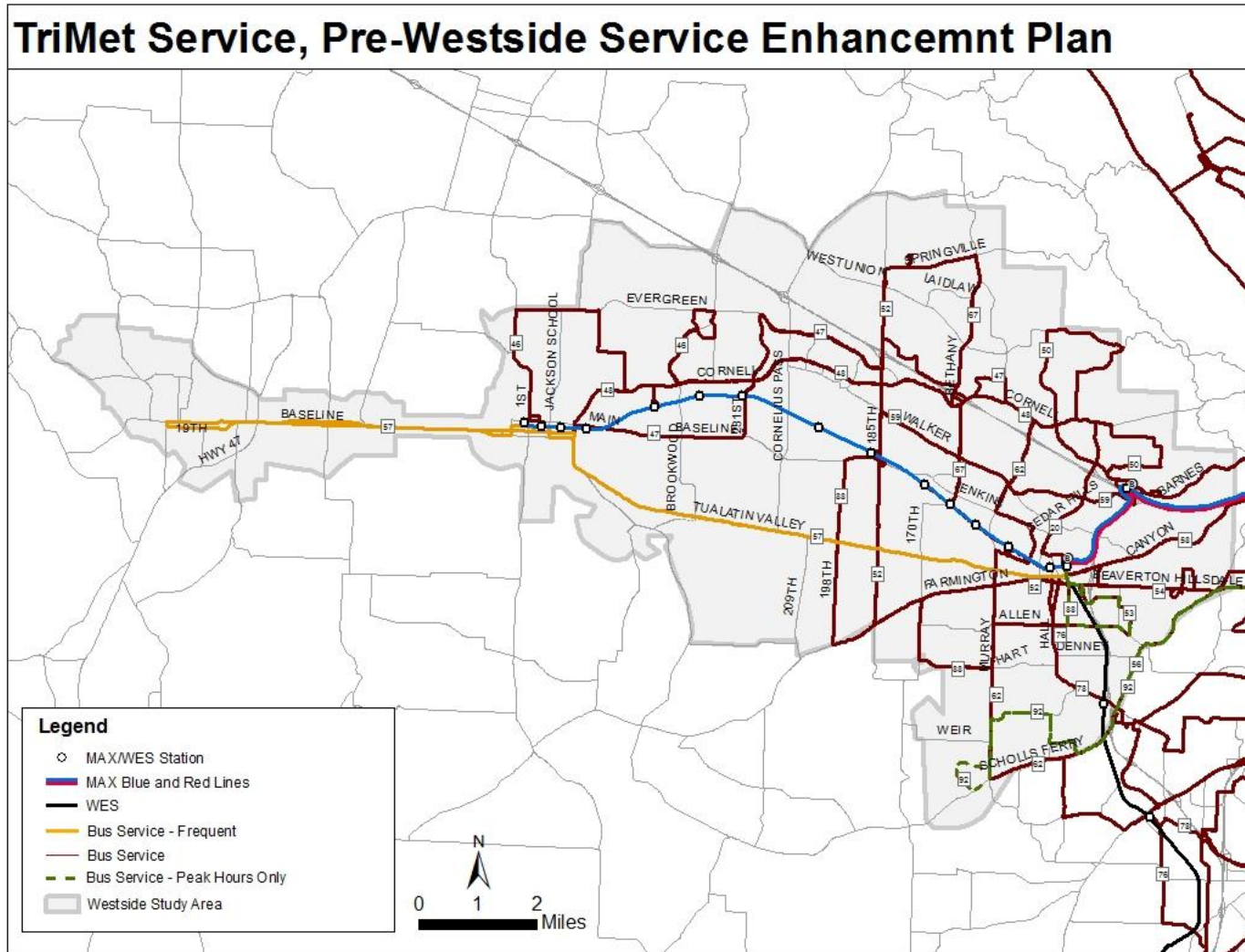
## Sub-Area Plans

- Near-term low-cost improvements
- Long-term vision for service
- Partnerships for improved operations and pedestrian improvements



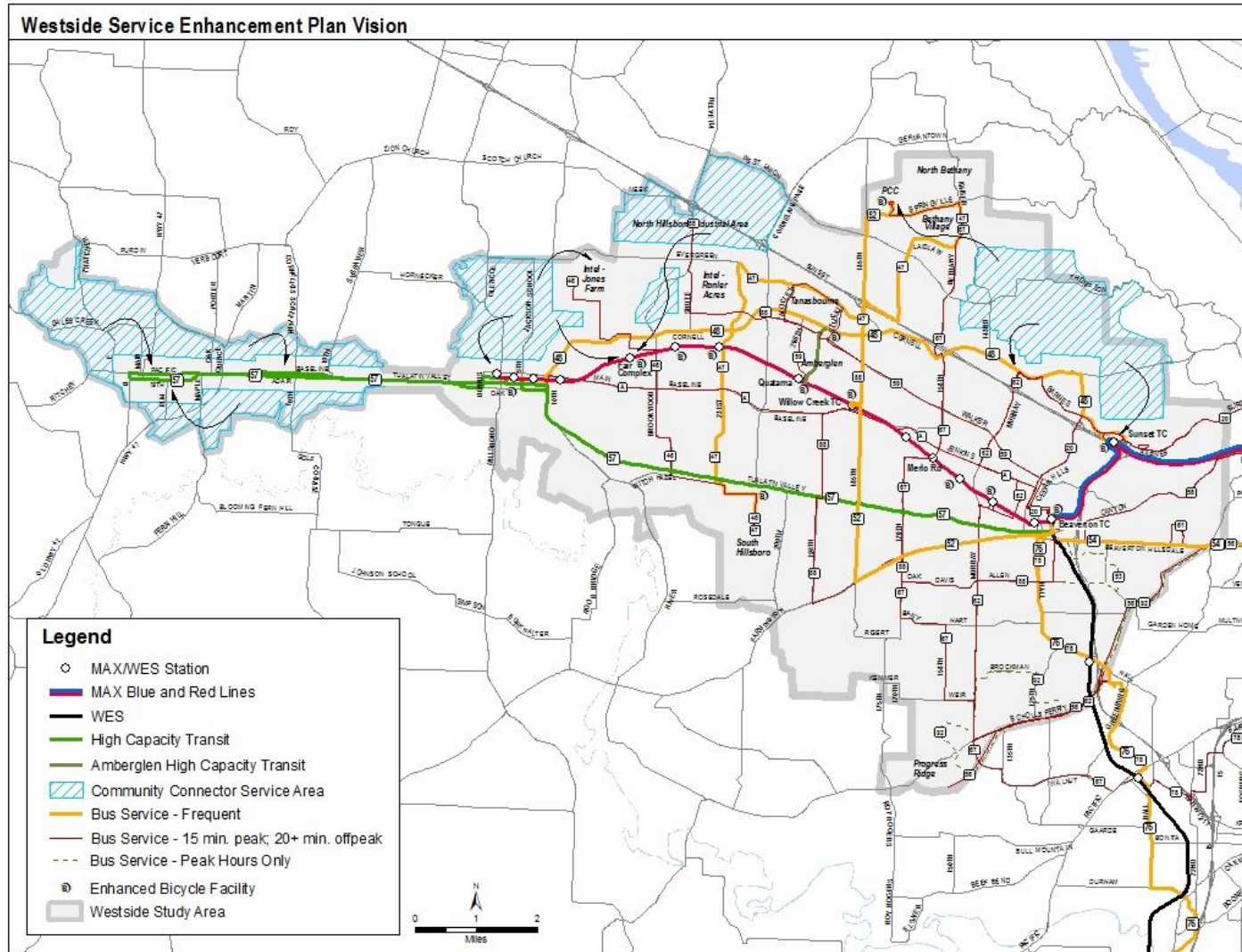


# Transit Service Before Westside Plan

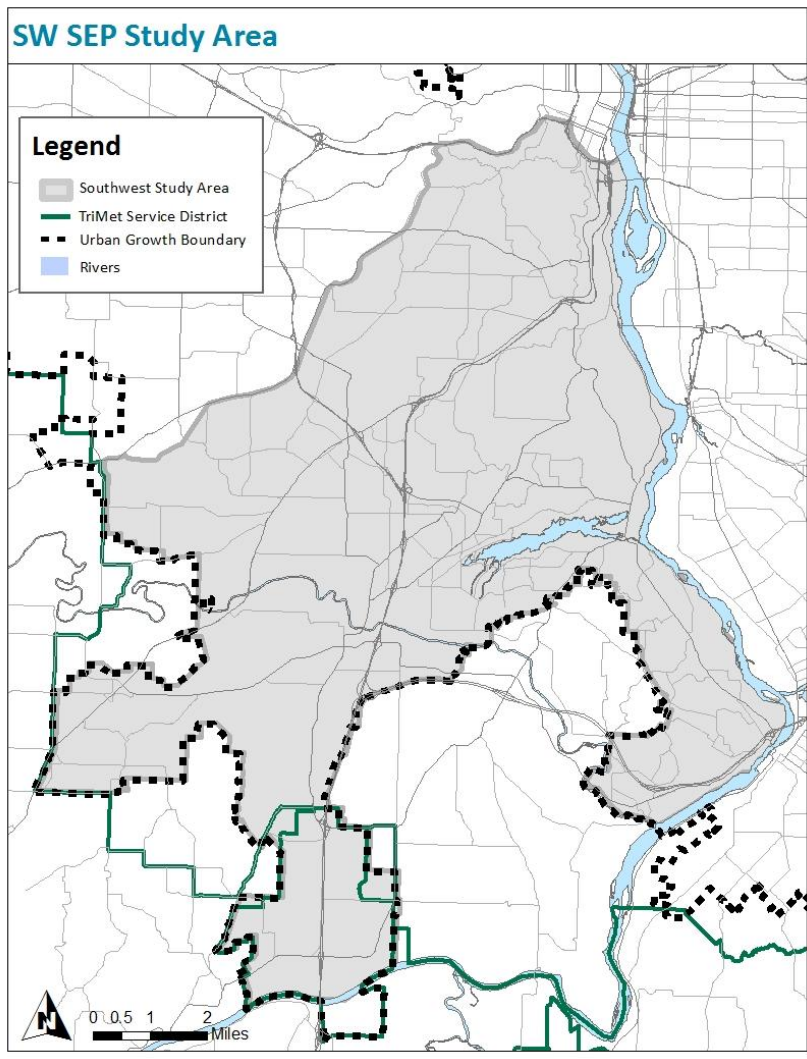


# Westside Service Enhancement Plan

Westside Service Enhancement Plan Vision



# Study Area



- Scholls Ferry Rd to the Willamette
- Within the UGB
- Doesn't preclude crossing boundary
- Includes:
  - Tualatin
  - Sherwood
  - Tigard
  - Wilsonville
  - Lake Oswego
  - SW Portland
  - King City
  - Durham
  - West Linn

# Process

Conduct Public Outreach & Research  
Existing Plans - Fall 2013

Collect Data - Fall 2013

**Objective:** Determine where people live and work, identify new transit markets, and uncover any constraints to transit service.

Share Common Themes - Winter 2014

**Objective:** Report back to citizens and jurisdictions on feedback and data collected.

Develop Draft Transit Service Vision & Partnerships - Late Spring/Early Summer 2014

**Objective:** Utilize information gathered to develop a draft transit service vision including route, frequency, span of service changes. Establish partnership opportunities.

Gather Feedback - Summer/Fall 2014

**Objective:** Answer questions and collect thoughts, concerns, and ideas about the transit service vision.

Refine & Finalize Transit Service Vision - Winter 2014/15

**Objective:** Refine the transit service vision based on feedback and data analysis.

# Outreach Phase Next Steps

- ✓ CIO Meeting – September 11<sup>th</sup>
- ✓ Chamber of Commerce Meeting – September 20<sup>th</sup>
- ✓ Tualatin City Council Meeting – October 14<sup>th</sup>
- CIO Land Use Officers Meeting – October 17<sup>th</sup>
- Tualatin Planning Commission – October 17<sup>th</sup>
- Corridor Forum Meeting (Open House – Tigard) – November 6<sup>th</sup>
- Other Ideas?

# Early Implementation



- Restore existing services
  - Frequent Bus Service
- Implementation prior to SW Corridor
  - Lines 47 & 48