



City of Tualatin

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OFFICIAL

TUALATIN PLANNING COMMISSION -

MINUTES OF October 17, 2013

TPC MEMBERS PRESENT:

Nic Herriges
Jeff DeHaan
Cameron Grile
Steve Klingerman

STAFF PRESENT:

Aquilla Hurd-Ravich
Lynette Sanford
Ben Bryant

TPAC MEMBER ABSENT: Alan Aplin, Mike Riley, Bill Beers

GUESTS: Tom Mills, TriMet; Kathy Newcomb; Diane Yates; Cindy Phillips

1. CALL TO ORDER AND ROLL CALL:

Nic Herriges, Acting Chair, called the meeting to order at 6:34 pm. and reviewed the agenda. Roll call was taken.

2. APPROVAL OF MINUTES:

Mr. Herriges asked for review and approval of the September 19, 2013 TPC minutes. MOTION by DeHaan SECONDED by Grile to approve the September 19, 2013 minutes. MOTION PASSED 4-0

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

Kathy Newcomb, 17515 SW Cheyenne Way, Tualatin. Ms. Newcomb brought up the concern that she was turned down for membership on the Planning Commission two-three years ago. She stated that it is not the fault of the Planning Commission but the responsibility of the City Council to select a good representation of the community for Planning Commission membership. She's concerned about the fact that there are no women or minority members on the Commission. Ms. Newcomb is writing a letter to the City Council regarding this issue. Mr. Klingerman asked Ms. Newcomb if she thought they were prejudiced against women. Ms. Newcomb stated that she thought they had a different viewpoint than a woman would have, but they are doing a good job. Mr. Dehaan agreed that he would like to see women, minorities, and youth represented on all committees. Mr. Herriges added that the Council Committee on Advisory Appointments is comprised of two women and one man and they have the capability of making decisions of who is chosen for the committees, but added that he would like to see a broader cross section of members. Mr. Grile stated that these are valid concerns and advised her to bring these up to the City Council members.

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.

4. COMMUNICATION FROM CITY STAFF

A. TriMet's Southwest Service Enhancement Plan

Ben Bryant, Management Analyst, introduced Tom Mills, Senior Planner with TriMet. Mr. Bryant stated that in June, the SW Corridor Plan was discussed. The number one recommendation to give to City Council was to focus on improvements with local service. TriMet will be meeting with community members to discuss making improvements to local service.

Mr. Mills stated that he is in attendance to discuss the Southwest Service Enhancement Plan. The Southwest Service Enhancement Plan is a recommendation from the SW Corridor process for TriMet to look at local service and determine ways to make improvements. Mr. Mills stated that as we talk about high capacity transit, communities want to learn about how they are going to connect, and if they will gain frequency in service. Mr. Mills displayed a map which showed existing service in our area and that most of the existing service is on the eastern side of Pacific Hwy. The Industrial area currently has no service.

Mr. Mills continued that they have just completed the Westside Service Enhancement Plan, which incorporates the Hillsboro, Beaverton, Cornelius, and Forest Grove areas. They are looking at other areas as well, including the East side. They are looking at near term and long term improvements, as well as partnerships with the jurisdictions. The SW Study area includes all the cities from Scholls Ferry Rd to the Willamette River, including Wilsonville.

The ongoing process in fall, 2013 includes conducting public outreach and the research of existing plans. The outreach phase included meeting with the Citizen Involvement Organizations, Chamber of Commerce, and CIO Land Use Officers. There will be a Corridor Forum Meeting in Tigard on November 6th at the Public Works Auditorium. Metro is anticipating having another meeting in Tualatin in the winter focusing on the SW Corridor process and the Service Enhancement Plan.

Mr. Klingerman asked if they were seeking input from the people who were actually taking public transportation. Mr. Mills replied that they track the ridership by using an automatic passenger counter. They also obtain input directly from riders by talking to them on board, phone surveys, and on-line surveys. Mr Mills added that it's important to also poll non-riders to obtain input on how TriMet can get them to use public transit. Mr. Klingerman asked how often they change a route based on public input and felt that it should be looked at every year to see what's working and what isn't. Mr. Mills responded that they look at their lines every quarter, looking at ridership gains and losses and make adjustments accordingly. He added that most of the lines that serve Tualatin meet the minimum threshold for ridership productivity. Mr. Grile asked how the Linking Tualatin plan fit into this process. Mr. Mills responded that it was very helpful as was the Transportation System Plan. Mr. Herriges asked about the I-205 Corridor and

if their outreach methods incorporate this. Mr. Mills responded that Tualatin-Sherwood Road does come up a lot and Metro's long term high capacity transit plan shows a line from Clackamas Town Center along I- 205. Mr. Herriges added that when he uses public transportation in other cities, and he looks at frequency of service as a determining factor. Mr. DeHaan commented that he favors the 96 express bus between Tualatin and Portland and added that many people may be unaware of this service.

Ms. Newcomb stated that she is concerned about the lack of park and rides on the west side and she submitted a map with her comments. The east side has four park and rides and many bus lines. At the end of the west side, it's difficult to get to the 93 or the 94 bus lines. Ms. Newcomb acknowledged that many people come into Tualatin to work and expressed her concern over not purchasing land for park and ride locations. Mr. Mills responded that most of the park and rides they own are related to light rail, due to the help of federal money. They are very expensive to build and maintain. With the SW Corridor Plan, there may be additional opportunities for park and ride locations.

5. **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.**

Ms. Hurd-Ravich, Planning Manager, presented the Recommended Chicken Ordinance, PTA-13-02, which included a PowerPoint presentation. The action is for the Planning Commission to consider the staff report, draft language and analysis and findings and make a recommendation to the City Council. Typically, the Planning Commission will give their recommendation in person to the City Council and Ms. Hurd-Ravich asked if Mr. Herriges would be willing to present on November 12th. Mr. Herriges said he is available, but will give the TPC Chair, Mr. Riley, the option first.

Ms. Hurd-Ravich stated this is a legislative matter and 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 only in the RL Planning District. The City Council will consider the ordinance in the Municipal Code. The proposed development code language will add the words "and chickens".

Ms. Hurd-Ravich stated that the proposed ordinance will include the following components:

- Location - Single-family residential area
- Type of birds – chickens only
- Secure enclosure – outdoors; rear yard; not to exceed 200 square feet and height of 8 feet; no coop fencing facing neighboring properties; free range under supervision

- Number – up to four over four months of age
- Roosters - not permitted
- Feed containers – metal or other vermin proof containers
- Permit and Fees – permit and fee through Community Development
- Complaints – written complaints; investigation by Community Services Officer
- Harvesting/butchering – not permitted
- Setbacks – 25 feet from all property lines
- Notice – Sent directly to adjacent neighbors

Ms. Hurd-Ravich reiterated that the Planning Commission's action is to make a formal recommendation to Council about the proposed Amendment to change the Development Code. Council will take action on proposed Chicken Ordinance for the Municipal Code. The public hearing will take place on November 12th.

Mr. Klingerman asked if you can have both a shed and a chicken coop. Mr. Herriges responded that you can have both, but you cannot turn a shed into a chicken coop. Mr. Grile asked if the Municipal Code only applied to the RL zoning and brought up the question of why we don't do the Municipal and Development code at the same time. The Development code language has no mention of setbacks and it can be a little misleading. Mr. Herriges added that a cross reference would be beneficial. Mr. Grile agreed. Ms. Hurd-Ravich stated that she would have to confer with the City Attorney about why that statement was crossed out. Mr. Klingerman stated that the majority of homes in Tualatin will not meet the minimum setback. Ms. Hurd-Ravich said that they looked at a small area of Tualatin about half met the requirement.

Diane Yates, 19217 SW Chesapeake. Ms. Yates had concerns about allowing chickens in Tualatin and is concerned that citizens will not follow the rules outlined. She grew up in Iowa and was raised around chickens, but she believes they do not belong in a residential neighborhood. Ms. Yates stated that chickens have to be looked after on a daily basis, or the nuisance complaints will come in. She believes that the 25 foot setback is in too close proximity and if the chickens aren't looked after properly, they will attract parasites, mice, feral cats, and raccoons. Ms. Yates passed out articles that support her view. She also stated that it's important that when the City receives an application for a permit, they visit the site and verify that it conforms to the requirements. Mr. Herriges stated that there is a nuisance law in place that will help with enforcement. Ms. Yates submitted materials with her comments.

Cindy Phillips, 11220 SW Apalache, seconded Ms. Yates' view. Ms. Phillips urged the Commission members to not pass this ordinance. Ms. Phillips stated that there are already chickens in Tualatin, so this ordinance is already being violated. Ms. Phillips brought up the issue of making this a Conditional Use. If it was a Conditional Use, you have more control over the requirements and if you are in violation, you lose your permit. Ms. Phillips is also concerned about the coyote problem here and that the chickens will attract them. Mr. Herriges stated there is an opportunity on November 12 to give feedback to the City Council.

Mr. Grile suggested a motion to add the language “and chickens” with the addition to a reference to the ordinance going before the Council referencing the Municipal Code, bringing back what was stricken by the City Attorney.

MOTION by Grile, SECONDED by DeHaan to Amend the TDC Chapter 40 Low Density Residential Planning District (RL) to include Chicken Keeping as a Permitted use with a reference to the Municipal Code ordinance for chickens. MOTION PASSED 3-1 (with Klingerman against).

Mr. Klingerman stated that he is opposed to chickens in Tualatin. He feels that it will be an enforcement problem and it is a bad idea unless it’s on a farm. He would rather see this go to a public vote, because it impacts everyone. He also believes that chickens should be kept in one large place where the owners would be charged to house them. Mr. Klingerman agrees with the audience members and doesn’t believe it will be enforced properly with one enforcement officer on staff. Mr. Herriges believes that the regulations are too restrictive and did not see the need for a permit fee up front. He also stated that the 25 foot setback and height requirement is too restrictive. Mr. Grile commented that he doesn’t believe that the setback is too restrictive with a lot size of 6500 square feet. Mr. Klingerman was curious about how many citizens were interested in raising chickens. Ms. Hurd-Ravich responded that in one of the Council Work Sessions, approximately twelve people were in favor of chickens, two were against. Discussion followed regarding Portland’s permit process and regulations.

MOTION by Herriges to recommend the City Council carefully examine the 25 foot setback and making it less restrictive if that can balance the needs of neighbors versus the ability of people to actually have a chicken coop and to make restrictions consistent with other out buildings. SECONDED by DeHaan. MOTION 2-2 with Klingerman against and Grile abstained.

6. FUTURE ACTION ITEMS

Mr. Hurd-Ravich commented that in November, there is no action items scheduled. There will be two communication items; an update on the Capital Improvement Plan and a preview of a Plan Text Amendment to implement Linking Tualatin.

7. ANNOUNCEMENTS/PLANNING COMMISSION COMMUNICATION

None

8. ADJOURNMENT

MOTION by Klingerman SECONDED by Herriges to adjourn the meeting at 8:28 pm. MOTION PASSED 4-0.



____ Lynette Sanford, Office Coordinator