



City of Tualatin

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OFFICIAL

TUALATIN PLANNING COMMISSION -

MINUTES OF April 20, 2017

TPC MEMBERS PRESENT:

Bill Beers
Kenneth Ball
Angela Demeo
Travis Stout
Mona St. Clair
Janelle Thompson

STAFF PRESENT

Aquilla Hurd-Ravich
Charles Benson
Lynette Sanford

TPC MEMBER ABSENT: Alan Aplin

GUESTS: None

1. CALL TO ORDER AND ROLL CALL:

Beer Beers, Chair, called the meeting to order at 6:30 pm and reviewed the agenda. Roll call was taken.

2. APPROVAL OF MINUTES:

Mr. Beers asked for review and approval of the February 16, 2017 TPC minutes. MOTION by Demeo SECONDED by St. Clair to approve the minutes as written. MOTION PASSED 6-0.

Mr. Beers asked for review and approval of the March 20, 2017 TPC/ARB minutes. MOTION by Stout SECONDED by Thompson to approve the minutes as written. MOTION PASSED 6-0.

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

None

4. ACTION ITEMS:

None

5. COMMUNICATION FROM CITY STAFF:

A. Consideration for the Planning Commission Review of Conditional Use Permit

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.

(CUP) Applications.

Mr. Beers stated that at the Council meeting on April 10, 2017 at the conclusion of the presentation of the Planning Commission Annual Report, he suggested the opportunity of transferring the purview over Conditional Use Permits (CUP's). The Mayor and Council were open to discuss this transfer.

Ms. Hurd-Ravich stated that back in 2011, the City Council and the Planning Advisory Committee held a joint meeting to discuss what applications a newly formed Planning Commission could transfer from the Council's purview. They decided on a discrete set of quasi-judicial applications including: Industrial Master Plans, Reinstatement of Use, Sign Variance, Variance and Transitional Use Permits. The Council decided that Conditional Use Permits should remain in their purview.

Charles Benson, Associate Planner, stated that research and background information was conducted regarding previous Conditional Use Permit (CUP) history. Mr. Benson stated that from 2007-2016 there has been 24 CUP's but only one in the past couple years.

Mr. Benson noted that the CUP approval criterion includes:

- The use is listed as a condition use in the underlying planning district
- The characteristics of the site are suitable for the proposed use, considering size, shape, location, topography, existence of improvements and natural features.
- The proposed development is timely, considering the adequacy of transportation systems, public facilities, and services existing or planned for the area affected by the use.
- The proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying planning district.
- The proposal satisfied those objectives and policies of the Tualatin Community Plan that are applicable to the proposed use.

Mr. Benson stated that conditions of approval are common for most land use approvals, and the applicant has two years to begin the use.

Mr. Beers asked if the criterion has to be met by the applicant before it gets forwarded to Council. Ms. Hurd-Ravich responded staff works with applicant to make sure they meet the criteria. If we feel they can't be met, we recommend conditions of approval then forward to Council to make a decision. Mr. Beers inquired about the CUP history and if all of the applications submitted were approved. Mr. Benson responded that he hasn't seen a denial, but sometimes applicants withdraw their application.

Ms. Demeo asked if the City staff conducts reviews on-site or if they rely on maps.

Ms. Hurd-Ravich responded that staff makes site visits but rely on the applicant to produce a complete application. Ms. Hurd-Ravich added that public testimony can also be a factor in determining the conditions.

Mr. Ball asked if CUP's cover temporary buildings. Ms. Hurd-Ravich responded that it does not cover structures.

Ms. Thompson asked if two meetings are necessary in the Conditional Use process. Ms. Hurd-Ravich responded that this can be accomplished in one meeting and since this is quasi-judicial, a decision has to be made during the meeting.

Ms. St. Clair asked if it will be helpful to the City Council if the Planning Commission assumes responsibility over the CUP's. Ms. Hurd-Ravich responded that it is unusual for a City Council to make decisions on CUP's – other cities typically do not get involved with quasi-judicial land use. If the Planning Commission assumes the decision making of CUP's, it will allow the Council to focus on other items.

Mr. Beers noted that if the Planning Commission is the approving authority and an appeal is made, it will go to City Council. Currently an appeal goes to the Land Use Board of Appeals (LUBA).

Mr. Benson stated that complete CUP applications are posted on our web site.

Mr. Stout asked if there are any negatives to taking on these decisions. Ms. Hurd-Ravich responded that the meetings and decision making process can become contentious. Another difference is that the meetings can last longer than the usual Planning Commission meetings since a decision has to be made immediately.

Mr. Ball asked if the State of Oregon allows non-citizens to conduct legislative activities. Ms. Hurd-Ravich responded that this is quasi-judicial and as long as it's in the code it's allowed. Ms. St. Clair added that other sections of our government have unelected citizens making decisions.

Ms. Hurd-Ravich stated that our next step is that the City Council would like to know where the Commission stands on this issue and if the Commission wants to take over the process.

Mr. Beers acknowledged that it would be helpful for the Commission members to consider it and have a discussion at our next meeting when all the members are present. The other Commission members agreed.

6. FUTURE ACTION ITEMS

Ms. Hurd-Ravich stated in May, a Plan Map Amendment regarding the former RV Park of Portland will be brought before them. There is currently 0.64 acres zoned general commercial, with the rest of the site (approximately 10 acres) is zoned high-density

residential. The Commission members will make a recommendation to Council regarding that small piece of land. In June, there will be an update on the development code.

7. **ANNOUNCEMENTS/PLANNING COMMISSION COMMUNICATION**

None

8. **ADJOURNMENT**

MOTION by Demeo to adjourn the meeting at 7:12 p.m.



Lynette Sanford, Office Coordinator