



TUALATIN CITY COUNCIL MEETING

MONDAY, APRIL 22, 2024

TUALATIN CITY SERVICES
10699 SW HERMAN ROAD
TUALATIN, OR 97062

Mayor Frank Bubenik
Council President Valerie Pratt
Councilor Maria Reyes Councilor Bridget Brooks
Councilor Christen Sacco Councilor Cyndy Hillier
Councilor Octavio Gonzalez

To the extent possible, the public is encouraged to watch the meeting live on local cable channel 28, or on the City's website.

For those wishing to provide comment during the meeting, there is one opportunity on the agenda: Public Comment. Written statements may be sent in advance of the meeting to Deputy City Recorder Nicole Morris up until 4:30 pm on Monday, April 22. These statements will be included in the official meeting record, but not read during the meeting.

For those who would prefer to make verbal comment, there are two ways to do so: either by speaking in person or entering the meeting using the zoom link and writing your name in chat. As always, public comment is limited to three minutes per person.

Phone: +1 669 900 6833

Meeting ID: 861 2129 3664

Password: 18880

Link: <https://us02web.zoom.us/j/86121293664?pwd=SS9XZUZyT3FnMk5rbDVKN2pWbnZ6UT09>

Work Session

- 1. 6:00 p.m. (30 min) – Parks Replacement Fund Discussion.** During the FY 2023-2024 budget process, members of the City Council and the Budget Committee discussed the desire to have a replacement fund for the new parks amenities that are being funded through the Parks Bond and the Parks Utility Fee. Staff will discuss what such a fund would look like and preferred options for setting aside appropriate funds to accumulate the projected amounts needed for replacing these assets in the future
 - 2. 6:30 p.m. (30 min) – Council Meeting Agenda Review, Communications & Roundtable.** Council will review the agenda for the April 22 City Council meeting and brief the Council on issues of mutual interest.
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7:00 P.M. CITY COUNCIL MEETING

Call to Order

Pledge of Allegiance

Announcements

- [1.](#) Proclamation Declaring the Week of April 21-27, 2024 as Volunteer Appreciation Week
- [2.](#) Proclamation Declaring the Week of May 5-11, 2024 as Public Service Recognition Week in the City of Tualatin
- [3.](#) Proclamation Declaring the Week of May 12-18, 2024 as National Police Week
4. New Employee Introduction- Bella DePhillipo, Parks Department Office Coordinator

Public Comment

This section of the agenda allows anyone to address the Council regarding any issue not on the agenda, or to request to have an item removed from the consent agenda. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

Consent Agenda

The Consent Agenda will be enacted with one vote. The Mayor will ask Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. If you wish to request an item to be removed from the consent agenda you should do so during the Citizen Comment section of the agenda.

- [1.](#) Consideration of Approval of the Work Session and Regular Meeting Minutes of April 8, 2024
- [2.](#) Consideration of Approval of Late Liquor License Renewals for 2024
- [3.](#) Consideration of Approval of a Change in Liquor License Application for Stickmen Brewing Company
- [4.](#) Consideration of **Resolution No. 5767-24** Increasing the Contract Authorization amount for the Transportation System Plan Update
- [5.](#) Consideration of **Resolution No. 5768-24** Authorizing the Purchase of Las Casitas Park Playground Equipment through an Interstate Cooperative Procurement Program
- [6.](#) Consideration of **Resolution No. 5769-24** Awarding the Contract for Construction of the Martinazzi Sanitary Sewer Upsizing Project
- [7.](#) Consideration of **Resolution No. 5770-24** Authorizing the City Manager to Execute a Grant Agreement with the Oregon Institute of Technology; and Appropriating Special Purpose Revenues in the City's General Fund During the FY 2023-24 Budget

Special Reports

1. Outside Agency Grant Awardee- Family Resource Center

Public Hearings - Legislative or Other

1. Consideration of **Ordinance Nos. 1484-24 and 1485-24** City-Initiated Updates to the Tualatin Development Code (File No. PTA 24-0001)

General Business

If you wish to speak on a general business item please fill out a Speaker Request Form and you will be called forward during the appropriate item. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

1. Consideration of **Ordinance No.1483-24** Adopting the 2023 Oregon Residential Specialty Code and the 2023 Oregon Plumbing Specialty Code
2. Consideration of Appointment of Ryan Wilson as Youth Liaison to the City of Tualatin Budget Advisory Committee

Items Removed from Consent Agenda

Items removed from the Consent Agenda will be discussed individually at this time. The Mayor may impose a time limit on speakers addressing these issues.

Council Communications

Adjournment

Meeting materials, including agendas, packets, public hearing and public comment guidelines, and Mayor and Councilor bios are available at www.tualatinoregon.gov/council.

Tualatin City Council meets are broadcast live, and recorded, by Tualatin Valley Community Television (TVCTV) Government Access Programming. For more information, contact TVCTV at 503.629.8534 or visit www.tvctv.org/tualatin.

In compliance with the Americans with Disabilities Act, this meeting location is accessible to persons with disabilities. To request accommodations, please contact the City Manager's Office at 503.691.3011 36 hours in advance of the meeting.



CITY OF TUALATIN Staff Report

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Don Hudson, Assistant City Manager/Finance Director
Ross Hoover, Parks and Recreation Director

DATE: April 22, 2024

SUBJECT:
Parks Replacement Fund Discussion

EXECUTIVE SUMMARY:

During the FY 2023-2024 budget process, members of the City Council and the Budget Committee discussed the desire to have a replacement fund for the new parks amenities that are being funded through the Parks Bond and the Parks Utility Fee. Staff will discuss what such a fund would look like and preferred options for setting aside appropriate funds to accumulate the projected amounts needed for replacing these assets in the future.



CITY OF TUALATIN
Staff Report

TO: Honorable Mayor and Members of the City Council
THROUGH: Sherilyn Lombos, City Manager
FROM: Stacy Ruthrauff, Human Resources Director
DATE: April 22, 2024

SUBJECT:
Proclamation Declaring the Week of April 21-27, 2024 as Volunteer Appreciation Week

EXECUTIVE SUMMARY:

National Volunteer Week occurs annually on the third week of April of each year. In 2023 over 800 volunteers contributed approximately 16,780 hours of their time, an equivalent of about 8 full time employees, to the betterment of our community. The City's volunteers give freely of their time, talents, and energy in service to the community. The City of Tualatin has a long standing tradition in our community for individuals, families, and local businesses to volunteer to make a difference in our community and it is fitting to recognize our volunteers for their dedicated service by way of this proclamation.

FINANCIAL IMPLICATIONS:

There are no fiscal implications associated with the proclamation

ATTACHMENTS:

-Proclamation Declaring the Week of April 21 – April 27, 2024 as Volunteer Appreciation Week

Proclamation

*Declaring the Week of April 21- April 27, 2024 as
Volunteer Appreciation Week
in the City of Tualatin*

WHEREAS, the entire community can inspire, equip and mobilize people to take action that changes the world; and

WHEREAS, in 2023 over 800 volunteers contributed approximately 16,780 hours of their time, an equivalent of about 8 full time employees, to the betterment of our community; and

WHEREAS, volunteers give freely of their time, talents, and energy in service to the community; and

WHEREAS, it has been a long standing tradition in our community for individuals, families, and local businesses to volunteer to make a difference in our community; and

WHEREAS, it is fitting to recognize our volunteers for their dedicated service;

NOW, THEREFORE, BE IT PROCLAIMED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, Oregon that:

Section 1. The week of April 21 – April 27, 2024 is hereby proclaimed to be “Volunteer Appreciation Week” in the City of Tualatin.

Section 2. The City of Tualatin takes great pleasure in honoring the volunteers of our community and conveying our sincere gratitude and appreciation for their committed, selfless, and compassionate efforts; our volunteers truly make a World of Difference.

INTRODUCED AND ADOPTED this 22nd day of April, 2024.

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder



CITY OF TUALATIN
Staff Report

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Stacy Ruthrauff, Human Resources Director

DATE: April 22, 2024

SUBJECT:
Proclamation Declaring the Week of May 5 – through May 11, 2024 as “Public Service Recognition Week”

RECOMMENDATION:
In honor of the hard work performed by the dedicated employees of the City of Tualatin, it is recommended that the City Council adopt the Proclamation recognizing May 5-11, 2024 as Public Service Recognition Week.

FINANCIAL IMPLICATIONS:
There are no fiscal implications associated with the recommendation.

ATTACHMENTS:

-Public Service Recognition Week Proclamation 2024

Proclamation

*Declaring the Week of May 5 - May 11, 2024 as
"Public Service Recognition Week"*

In Honor of the Public Employees of the City of Tualatin

WHEREAS, public service is an honorable calling that involves a wide variety of challenging and rewarding professions, including providing recreational services, maintaining public safety, improving transportation, protecting our environment, and performing administrative and management activities which are essential to efficient and effective operation of government; and

WHEREAS, Tualatin's city employees contribute significantly to the quality of life for the Tualatin community, with their commitment to excellence, high ethical standards, and diversity of skills; and

WHEREAS, excellence in the delivery of public service helps keep Tualatin strong, prosperous, and a wonderful place in which to live, work, play, and volunteer; and

WHEREAS, this commemoration provides an opportunity to express our appreciation for the many contributions public employees make to our daily lives.

NOW, THEREFORE, IT IS PROCLAIMED by the Tualatin City Council that the week of May 5-11, 2024 be Public Service Recognition Week in the City of Tualatin and the Council encourages everyone to recognize the accomplishments and contributions of public employees.

I INTRODUCED AND ADOPTED this 22nd day of April, 2024.

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder



CITY OF TUALATIN
Staff Report

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Greg Pickering, Chief of Police

DATE: April 22, 2024

SUBJECT: Proclamation Declaring the Week of May 12-18, 2024 as National Police Week in the City of Tualatin.

EXECUTIVE SUMMARY:

May 15 of each year has been dedicated by Congress as Police Memorial Day, and the week surrounding it is dedicated as National Police Week. On average, one law enforcement officer is killed in the line of duty somewhere in the United States every 54 hours. Since the first known line-of-duty death in 1791, more than 23,000 U.S. law enforcement officers have made the ultimate sacrifice. The City of Tualatin is proud of our law enforcement officers and wishes to recognize their commitment to the public safety profession.

ATTACHMENTS:

-Proclamation – National Police Week

Proclamation

Proclamation Declaring the Week of May 12-18, 2024 as National Police Week in the City of Tualatin

WHEREAS the Congress of the United States of America has designated May 15 as “*Peace Officers Memorial Day*” in honor of the Federal, State and Municipal Officers who have been killed or disabled in the line of duty; and the week in which it falls as “*National Police Week*”; and

WHEREAS it is known that on average, one law enforcement officer is killed in the line of duty somewhere in the United States every 54 hours. Since the first known line-of-duty death in 1791, more than 23,000 U.S. law enforcement officers have made the ultimate sacrifice; and

WHEREAS law enforcement officers, including Tualatin Police Officers are our guardians of life and property and defenders of the individual rights of freedom; and

WHEREAS the City of Tualatin is proud of our law enforcement officers and wish to recognize their commitment to the public safety profession; and

WHEREAS the Tualatin Police Department and officers provide the highest quality services and are committed to the highest professional standards, working in partnership with our community, to meet the challenges of reducing crime, creating a safe environment, and improving our quality of life for all.

NOW, THEREFORE BE IT PROCLAIMED that the City of Tualatin designates the week of May 12-18, 2024, as “*National Police Week*” in the City of Tualatin to call attention to our Tualatin Police Officers for the outstanding service they provided to our community.

INTRODUCED AND ADOPTED this 22nd day of April 2024.

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder



CITY OF TUALATIN
Staff Report

TO: Honorable Mayor and Members of the City Council
THROUGH: Sherilyn Lombos, City Manager
FROM: Nicole Morris, Deputy City Recorder
DATE: April 22, 2024

SUBJECT:
Consideration of Approval of the Work Session and Regular Meeting Minutes of April 8, 2024

RECOMMENDATION:
Staff respectfully recommends the Council adopt the attached minutes.

ATTACHMENTS:

- City Council Work Session Meeting Minutes of April 8, 2024
- City Council Regular Meeting Minutes of April 8, 2024



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL WORK SESSION MEETING FOR APRIL 08, 2024

Present: Mayor Frank Bubenik, Council President Valerie Pratt, Councilor Bridget Brooks, Councilor Maria Reyes, Councilor Cyndy Hillier, Councilor Christen Sacco, Councilor Octavio Gonzalez

Mayor Bubenik called the meeting to order at 6:20 p.m.

1. Parks Bond Projects Update.

Parks Planning and Development Manager Rich Muller and Parks Project Manager Kira Hein presented an update on the Parks Bond Projects. Manager Muller provided a brief overview of the bond's history and priorities since its passage in 2022, emphasizing a phased approach with planning and design in phase 1 until 2026. Manager Hein showcased recent park acquisitions in the Basalt Creek area, presenting concept plans for river access and upgrades underway at the Veterans Plaza. Completed enhancements at Atfalati and Ibach Park, as well as lighting upgrades at Tualatin Community Park, were highlighted. She also discussed upcoming projects such as improvements to the Nyberg Creek Trail and athletic fields in partnership with the school district. Additionally, she mentioned utility fee projects on various trails, a facility assessment, and American Rescue Plan Act projects in Las Casitas and Basalt Creek, along with grant-funded initiatives on the Tualatin River Greenway Trail Extension. Manager Hein shared communications efforts, including website updates, email newsletters, and social media posts, were also detailed.

Councilor Brooks inquired about the electronic play area at Atfalati Park. Manager Hein explained that they are sensory play objects incorporating sound.

Councilor Brooks also raised a question regarding restroom upgrades at city parks. Manager Mueller clarified upgrades are being considered as part of an assessment funded by utility fees.

Councilor Sacco sought clarification on the school district partnerships for athletic fields and whether funds would cover additional field purchases. Manager Mueller explained that the focus is on improving existing fields to enhance usability, with discussions about additional fields to come.

Councilor Hillier requested confirmation that youth leagues are being consulted regarding sports fields. Manager Mueller affirmed that stakeholder meetings will include discussions about improvements benefiting both school districts and youth leagues.

Councilor Gonzalez expressed concerns regarding Jurgen's Park and maintenance of synthetic fields. Manager Mueller highlighted the longer warranty and reduced maintenance required for these surfaces. Councilor Gonzalez further mentioned concerns about moss growth on synthetic surfaces.

Council President Pratt inquired about the Nyberg Creek Trail and where the underpass beneath I-5 will happen. Manager Mueller indicating it will cross near the south end of the trail.

2. Veterans Plaza Service-Inspired Art Update.

Recreation Manager Julie Ludemann provided an update on the Veterans Plaza Service-Inspired Art project. She stated the project began in 2019 with community meetings to define core themes and site selection. In August 2022, the Council adopted the Veteran's Plaza Plan and Design Report. Manager Ludemann stated the selection committee convened in March 2023 and issued a request for qualifications for artists. Final artist presentations and proposals took place in February 2024.

Manager Ludemann stated three sculptures will be installed as part of the project and shared a map indicating their locations. The final art proposal presentations occurred over two days, resulting in the unanimous selection of Sculptor Douwe Blumberg by the committee. The proposed pieces include Flames of Honor, Wings of Freedom, and Wings of Peace. Manager Ludemann noted that the contract for this project is on the consent agenda for this evening, with sculptures expected to be installed by Memorial Day 2025.

Councilor Brooks acknowledged staff and the selection committee for all their work on this project. She spoke highly of the selection process.

Councilor Sacco stated she was part of the initial subcommittee and is happy to see that these pieces really reflect the initial desires of the committee.

3. Council Meeting Agenda Review, Communications & Roundtable.

Mayor Bubenik reviewed the meeting agenda. Due to a lack of time communications will happen at the regular meeting.

Adjournment

Mayor Bubenik adjourned the meeting at 6:58 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Frank Bubenik, Mayor



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR APRIL 08, 2024

Present: Mayor Frank Bubenik, Council President Valerie Pratt, Councilor Bridget Brooks, Councilor Maria Reyes, Councilor Cyndy Hillier, Councilor Christen Sacco, Councilor Octavio Gonzalez

Call to Order

Mayor Bubenik called the meeting to order at 7:02 p.m.

Pledge of Allegiance

Announcements

1. Tualatin Youth Advisory Council Annual Report and National League of Cities Recap

The Tualatin Youth Advisory Committee (YAC) members presented their annual report, highlighting the committee's efforts to enhance the lives of young people by fostering relationships, advocating for diverse needs, and bridging the gap between youth and government. They outlined their mission, which involves goals related to advocacy, activities, and education. One initiative from the past year was a youth survey directed at high school students, which helped identify key issues affecting them. These included concerns about drugs and alcohol, mental health, social media, and the environment. YAC members also volunteered at various city events such as Concerts in the Parks, ¡Viva Tualatin!, the West Coast Giant Pumpkin Regatta, and Blender Dash. YAC members also participated in the 2024 Oregon Youth Summit and the National League of Cities Congressional Cities Conference. Their recommendations to the Council included efforts to promote open discourse and prevent political polarization in the community, as well as continued focus on improving youth mental health.

Councilor Sacco expressed gratitude to the YAC members for their dedicated service to the community and for using their voices to advocate for important issues.

Councilor Hillier thanked the students for their representation at various events and activities throughout the city.

Council President Pratt expressed appreciation for the YAC members' representation of the city at the National League of Cities Conference.

Mayor Bubenik invited members to share their takeaways from their experiences at the conference. Members shared their experiences and the value they took from being able to discuss key issues with other youth members from around the country.

2. New Employee Introduction- Zeleny Montes, Court Clerk

Court Administrator Cortney Kammerer introduced Court Clerk Zeleny Montes. The Council welcomed her.

3. State of the City Announcement

Mayor Bubenik announced the 2024 Tualatin State of the City will be held on Thursday, May 2, 7:30am, at the Marquis. He stated more information on how to register is available on the city's website.

4. Month of the Military Child Announcement

Mayor Bubenik announced April as the Month of the Military Child. He encouraged everyone to wear purple on April 11th as a visible way to show support and thanks for military youth for their strength and sacrifices.

Public Comment

Community Involvement Organization Representatives Victoria Fiske-Ibach, Ibach Secretary, and Byrom Land Use Officer Danny O'Neal addressed the issue of liability insurance for CIO programs and requested that the city cover these events. They explained that additional funding is needed to meet the expenses associated with obtaining liability insurance for events that serve the community.

Consent Agenda

Motion to adopt the consent agenda made by Council President Pratt, Seconded by Councilor Brooks.

Voting Yea: Mayor Bubenik, Council President Pratt, Councilor Brooks, Councilor Reyes, Councilor Hillier, Councilor Sacco, Councilor Gonzalez

MOTION PASSED

1. Consideration of Approval of the Work Session and Regular Meeting Minutes of March 25, 2024
2. Consideration of Approval of a New Liquor License Application for The Headliner's Club
3. Consideration of **Resolution No. 5764-24** Awarding a Contract for Water Meter Reading Services
4. Consideration of **Resolution No. 5765-24** Awarding the Contract for Commission of Public Art at Veterans Plaza
5. Consideration of **Resolution No. 5766-24** Awarding a Contract for Ki-a-Kuts Bridge Rehabilitation

Special Reports

1. Outside Agency Grant Awardee- Meals on Wheels People

Meals on Wheels People Grant Manager Bee Davis and Program Manager Angie Boyd presented information about their organization, emphasizing its vision to ensure that no senior experiences hunger or social isolation. They highlighted the program's founding in 1970 by three women who recognized a community need that was not being met. Operating across multiple locations in three counties, Meals on Wheels People served over 1.3 million meals last year, relying on the dedication of over 1,700 volunteers. They stated a meal site is available at the Juanita Pohl Center in Tualatin and ongoing volunteer opportunities are available in 1.5-hour

shifts every week. For more details or to volunteer, individuals can visit their website at www.mowp.org.

Councilor Brooks expressed gratitude for their service and inquired about changes in the number of individuals served. Manager Davis explained that their service model has evolved, leading to shifts in the numbers served.

Councilor Brooks reminded citizens about the availability of Ride Share for those needing transportation to the Juanita Pohl Center.

Councilor Reyes thanked them for their community work.

Council President Pratt asked if the organization provides assistance for rides to alternate locations. Manager Boyd clarified that while they provide information about such services, they don't directly offer transportation.

Councilor Hillier inquired about the status of their fundraisers. Manager Davis confirmed they are still being held annually.

Councilor Gonzalez asked about donation methods. Manager Davis mentioned donations can be made through their website.

Mayor Bubenik expressed gratitude for their community service.

2. Tualatin Valley Fire and Rescue State of the District

Tualatin Valley Fire and Rescue District (TVFR) Division Chief Cassandra Ulven presented their 2024 State of the District. She shared a video of their year in review. Chief Ulven spoke to their major emergency operations for the year, highlighting numbers and calls that happened during the winter storm which totaled 2,310 total incidents during that one event. She shared in 2023 Tualatin had 3,556 total incidents and shared the breakdown of those numbers by call. Chief Ulven spoke to updates to the EMS system stating that the transport system is in a better place this year than it was in years past.

Chief Ulven presented an update on the 2021 Bond that was aimed at capital infrastructure. She highlighted the updated Training Center that is being built. Chief Ulven also addressed Measure 34-332, a local option levy, which is a five-year levy valued at \$0.96 per \$1,000 of assessed value. If passed, the levy will retain existing first responders, add 36 more, purchase specialized medical equipment, and fund critical firefighting tools and vehicles. Failure to pass the levy would result in the loss of funding for at least 92 of 450 firefighters and paramedics, necessitating staffing reductions.

Councilor Hillier expressed gratitude to the department for their involvement in the upcoming Safety Town Event and for their contributions to the community as a whole.

Councilor Sacco praised the Community Academy and recommended it to everyone.

Councilor Brooks inquired about the Women's Academy. Chief Ulven stated the Portland Metro Fire Camp for women aged 15-21, is aimed at broadening their perspectives and encouraging their involvement in the field.

Councilor Brooks asked about the impact of climate change on TVFR's operations and how they mitigate it. Chief Ulven explained their collaboration with the state to understand their risk profile and adapt training and equipment accordingly.

Councilor Brooks asked whether retirement numbers increased due to pandemic burnout. Chief Ulven acknowledged some early retirements resulting from this and discussed mental health initiatives to support staff.

Council President Pratt shared her positive experience participating in the Community Academy.

3. Annual Report of the Tualatin Arts Advisory Committee

Recreation Manager Julie Ludemann and Tualatin Arts Advisory Committee (TAAC) Chair Janet Carr presented the committee's annual report. Chair Carr outlined TAAC's mission to support, connect, and inspire the creation and integration of all art forms into the city's rich cultural heritage and vibrant future. She emphasized the belief that that involvement in the arts creates a more energetic, engaging, welcoming, and livable community. Chair Carr highlighted TAAC's regular meetings, representation of Tualatin arts to the Council and the public, event attendance, and advocacy for arts recognition and support.

Chair Carr discussed TAAC's accomplishments in 2023, which included the installation of three signal box art wraps, financial backing for arts agencies, the issuance of the Community Enhancement Award, and the selection process for the Veterans Plaza Service-Inspired Art. She also mentioned the loaning of art to the Tualatin Heritage Center for public exhibitions. Chair Carr outlined goals for 2024 such as installing the Veterans Plaza Public Art, identifying future arts programs and projects, continuing support for local arts through grants and awards, and facilitating art installations within new parks bond projects.

Councilor Brooks thanked the committee for all of their expertise and work they do for the community.

Councilor Reyes thanked the committee for all their great work.

Mayor Bubenik thanked the committee for their enthusiasm and love the committee gives to the community.

Council Communications

Councilor Brooks sent her regrets for not being able to attend the State of the City event.

Councilor Sacco reported attending the sub-committee for Council Rules meeting and the interviews for the City Lobbyist Firm.

Councilor Hillier mentioned attending the sub-committee for Council Rules meeting. She announced the upcoming Dress to Dream event at Rolling Hills Community Church this weekend.

Council President Pratt attended the R1ACT Committee meeting with ODOT and the Clackamas County Coordinating Committee meeting.

Mayor Bubenik participated in the Metro Mayors Consortium meeting, the Small Cities Consortium meeting, Arbor Day Tree Planting event, and the City Lobbyist Firm interviews.

Adjournment

Mayor Bubenik adjourned the meeting at 8:50 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Frank Bubenik, Mayor



CITY OF TUALATIN Staff Report

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Nicole Morris, Deputy City Recorder

DATE: April 22, 2024

SUBJECT:

Consideration of Approval of Late Liquor License Renewals for 2024

RECOMMENDATION:

Staff respectfully recommends the Council approve endorsement of the liquor license renewals for 2024 as listed in Attachment A.

EXECUTIVE SUMMARY:

Annually, the Oregon Liquor Control Commission (OLCC) requires that all liquor licenses are renewed. According to the provisions of City Ordinance No. 680-85, establishing procedures for liquor license applicants, applicants are required to fill out a City application form, from which a review by the Police Department is conducted according to standards and criteria established in the Ordinance. The liquor license renewal applications are in accordance with all ordinances and the Police Department has conducted reviews of the applications.

According to the provisions of Section 5 of Ordinance No. 680-85 a member of Council or the Public may request a public hearing on any of the liquor license renewal requests. If such a public hearing request is made, a hearing will be scheduled and held on the license. It is important that any request for such a hearing include reasons for said hearing.

FINANCIAL IMPLICATIONS:

A renewal fee of \$35 has been paid by each applicant.

ATTACHMENTS:

-Attachment A- Liquor License Late Renewals 2024

[illegible]



CITY OF TUALATIN Staff Report

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Nicole Morris, Deputy City Recorder

DATE: 4/22/2024

SUBJECT:

Consideration of Approval of a Change in Liquor License Application for Stickmen Brewing Company

RECOMMENDATION:

Staff respectfully recommends the Council approve endorsement of the liquor license application for Stickmen Brewing Company.

EXECUTIVE SUMMARY:

Stickmen Brewing Company has submitted a change in application under the liquor license category of full on-premises. This would permit them to sell and serve distilled spirits, malt beverages, wine, and cider for consumption at their location. The business is located at 19475 SW 118th Ave. The application is in accordance with provisions of Ordinance No. 680-85 which establishes procedures for liquor license applicants. Applicants are required to fill out a City application form, from which a review by the Police Department is conducted, according to standards and criteria established in Section 6 of the ordinance. The Police Department has reviewed the new liquor license application and recommended approval. According to the provisions of Section 5 of Ordinance No. 680-85 a member of the Council or the public may request a public hearing on any of the liquor license requests. If such a public hearing request is made, a hearing will be scheduled and held on the license. It is important that any request for such a hearing include reasons for said hearing.

FINANCIAL IMPLICATIONS:

A fee has been paid by the applicant.

ATTACHMENTS:

-Application
-Vicinity Map



CITY OF TUALATIN

LIQUOR LICENSE APPLICATION

Return Completed form to:
City of Tualatin
Attn: Finance
18880 SW Martinazzi Ave
Tualatin, OR 97062

Date 3/22/2024

IMPORTANT: This is a three-page form. You are required to complete all sections of the form.
If a question does not apply, please indicate N/A. Please include full names (last, first middle) and full dates of birth (month/day/year). Incomplete forms shall receive an unfavorable recommendation.
Thank you for your assistance and cooperation.

SECTION 1: TYPE OF APPLICATION

- ☐ Original (New) Application - \$100.00 Application Fee.
☒ Change in Previous Application - \$75.00 Application Fee.
☐ Renewal of Previous License - \$35.00 Application Fee. Applicant must possess current business license. License # _____
☐ Temporary License - \$35.00 Application Fee.

SECTION 2: DESCRIPTION OF BUSINESS

Name of business (dba): Stickmen Brewing Company
Business address 19475 SW 118th Ave Suite 1 City Tualatin State OR Zip Code 97062
Mailing address Same City _____ State _____ Zip Code _____
Telephone # 503-702-8668 Fax # N/A
Email tim@stickmenbeer.com
Name(s) of business manager(s) First Tim Middle Allen Last Schoenheit

Type of business Brewery / Restaurant
Type of food served Pizza, Salads
Type of entertainment (dancing, live music, exotic dancers, etc.) None
Days and hours of operation m-Th 11am-9pm (10pm Summer) F-Sat 11am-10pm (11pm Summer)
Food service hours: Breakfast N/A Lunch 11am Dinner to 10pm
Restaurant seating capacity 118 Outside or patio seating capacity 64
How late will you have outside seating? 10pm How late will you sell alcohol? 10pm

How many full-time employees do you have? 9 Part-time employees? NZ8

SECTION 3: DESCRIPTION OF LIQUOR LICENSE

Name of Individual, Partnership, Corporation, LLC, or Other applicants Timothy Allen Schoenheit

Type of liquor license (refer to OLCC form) Fcam

Form of entity holding license (check one and answer all related applicable questions):

☐ **INDIVIDUAL:** If this box is checked, provide full name, date of birth, and residence address.
Full name _____ Date of birth _____
Residence address _____

☐ **PARTNERSHIP:** If this box is checked, provide full name, date of birth and residence address for each partner. If more than two partners exist, use additional pages. If partners are not individuals, also provide for each partner a description of the partner's legal form and the information required by the section corresponding to the partner's form.
Full name _____ Date of birth _____
Residence address _____
Full name _____ Date of birth _____
Residence address _____

☒ **CORPORATION:** If this box is checked, complete (a) through (c).
(a) Name and business address of registered agent.
Full name Timothy Allen Schoenheit
Business address 19425 SW 118th Ave., Suite 1 Tualatin OR 97062

(b) Does any shareholder own more than 50% of the outstanding shares of the corporation? If yes, provide the shareholder's full name, date of birth, and residence address.
Full name _____ Date of birth _____
Residence address _____

(c) Are there more than 35 shareholders of this corporation? Yes X No. If 35 or fewer shareholders, identify the corporation's president, treasurer, and secretary by full name, date of birth, and residence address.

Full name of president: Timothy Allen Schoenheit _____
Full name of treasurer: Same As Secretary _____ Date of birth: _____
Residence address: _____
Full name of secretary: Ronald Allen Schoenheit _____
Residence address: _____

☐ **LIMITED LIABILITY COMPANY:** If this box is checked, provide full name, date of birth, and residence address of each member. If there are more than two members, use additional pages to complete this question. If members are not individuals, also provide for each member a description of the member's legal form and the information required by the section corresponding to the member's form.

Full name: _____ Date of birth: _____
Residence address: _____

Full name: _____ Date of birth: _____
Residence address: _____

☐ **OTHER:** If this box is checked, use a separate page to describe the entity, and identify with reasonable particularity every entity with an interest in the liquor license.

SECTION 4: APPLICANT SIGNATURE

A false answer or omission of any requested information on any page of this form shall result in an unfavorable recommendation.

Signature of Applicant

Date

3/22/2024

For City Use Only

Sources Checked:

☒ DMV by AP

☒ LEDS by AP

☒ TuPD Records by AP

☒ Public Records by AP

☒ Number of alcohol-related incidents during past year for location.

☒ Number of Tualatin arrest/suspect contacts for _____

It is recommended that this application be:

☒ Granted

☐ Denied

Cause of unfavorable recommendation: _____

Signature

Date

Greg Pickering
Chief of Police
Tualatin Police Department

3/29/24





CITY OF TUALATIN Staff Report

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Cody Field, Management Analyst II

DATE: April 22, 2024

SUBJECT:

Consideration of Resolution 5767-24 increasing the contract authorization amount for the Transportation System Plan Update.

RECOMMENDATION:

Staff recommends that Council approve the resolution authorizing the City Manager to execute a budget amendment to the contract with Fehr & Peers for the Transportation System Plan update for up to 14% of the original contract amount of \$427,577.

EXECUTIVE SUMMARY:

On April 24, 2023, Council approved Resolution No. 5686-23 awarding a contract for consulting on the Transportation System Plan to Fehr & Peers, and authorizing the City Manager to execute the contract in the amount of \$427,577.

The original contract outlined a scope of work including seven key tasks: (1) project management; (2) development of goals and objectives; (3) equitable public engagement; (4) quantitative multimodal analysis; (5) modal network development and multimodal level of service policy development; (6) draft project list creation; (7) draft and final document creation.

In conversation with Fehr & Peers, and sub-consultants Alta Planning & Design, staff recognized the need to expand the project scope to include additional public engagement and updates to existing facility data sets (roadway lanes, town center, existing bike facilities, existing pedestrian facilities, crossing locations, RRFB locations). The additional engagement scope will increase the number of Community Advisory Committee meetings from four to six. The additional scope will also allow Community Engagement Liaisons (CELs), in collaboration with Alta, to conduct three additional 1.5-hour affinity focus groups, providing meaningful opportunities for diverse and historically excluded community members to share perspectives that will inform project decisions. CELs will also identify opportunities to engage community members either by phone or at local gathering places to gather personalized feedback.

While the additional cost of the additional scope is more than the 10% allowance for change orders previously authorized by Resolution No. 5686-23, staff believes the additional scope outlined in the budget amendment will greatly improve the final TSP document by providing the community additional opportunities to weigh in and by fine tuning the City's existing data.

OUTCOMES OF DECISION:

Adopting the resolution and authorizing contract execution will allow the work outlined above to proceed as part of the existing contract.

FINANCIAL IMPLICATIONS:

Adequate funds for the TSP update, including the budget amendment, are available in the Road Operating Fund. Grant funding from the Oregon Department of Land Conservation and Development (DLCD) will cover some of the costs for enhanced public engagement.

ATTACHMENTS:

- Resolution No, 5767-24
- Tualatin TSP Outreach Amendment 12.22.23

RESOLUTION NO. 5767-24

A RESOLUTION INCREASING THE CONTRACT AUTHORIZATION AMOUNT FOR
THE TRANSPORTATION SYSTEM PLAN UPDATE

WHEREAS, on April 24, 2023 Council authorized the City Manager to execute a contract with Fehr & Peers in the amount of \$427,577 for consulting on the City's transportation system plan update;

WHEREAS, staff and the consultant team recognized a need to expand the project scope to include additional public engagement and updates to existing facility data sets;

WHEREAS, expanding this existing contract allows the consultant team to proceed with work outlined in the contract amendment; and

WHEREAS, there are funds budgeted for this work in the Road Operating Fund.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The City Manager, or the City Manager's designee, is authorized to execute Change Orders totaling up to 14% of the original contract amount authorized on April 24, 2023.

Section 2. This resolution is effective upon adoption.

Adopted by the City Council this 22nd day of April, 2024.

ATTEST:

CITY OF TUALATIN, OREGON

BY _____
City Recorder

BY _____
Mayor



To: Briana Calhoun, Fehr & Peers, and City of Tualatin

From: Katie Mangle and Katie Selin, Alta Planning + Design

Date: December 22, 2023

Re: Tualatin Transportation System Plan Update - Contract Amendment 1 Request

Contract Amendment 1

Amendment 1 provides additional budget for new engagement scope items and expenses outlined below.

Task 3 Public Engagement

Community Advisory Committee

The Transportation Community Advisory Committee (CAC) will serve as a community sounding board to guide the TSP.

The CAC will be an opportunity to offer active, direct feedback on key pieces of the TSP to shape Plan outcomes. Specific expectations include:

- Provide feedback on draft goals and plan priorities.
- Review the draft TSP projects and provide feedback on prioritization.
- Review the draft plan and confirm project recommendations.

Assumptions

The CAC will meet up to six times, for two hours each in person at the City of Tualatin. The first meeting is complete and covered transportation planning context. A second meeting will share and get input on goals and purpose of the TSP and seek input from members on their transportation challenges and questions. A third meeting will address project prioritization and a fourth meeting will present and seek feedback on the draft TSP. Up to two additional meetings will be scheduled as needed. Background and process update information will be shared ahead of meetings.

- Alta's Role
 - Lead preparation of 5 presentations and agendas
 - Attend and present technical information at 5 meetings, assumes 1 staff, in-person.
 - Draft action items and answer questions from CAC
 - Take meeting notes and post these to the project SharePoint
- Fehr and Peers Role
 - Contribute content to 5 presentations and development of agendas
 - Attend and present technical information at 5 meetings, assumes 1 staff, in-person
 - Contribute to responding to action items and questions from CAC
- City Role
 - Review and approve 5 presentations and agendas
 - Host and attend 5 meetings
 - Coordinate with CAC members and schedule meetings
 - Provide food and transportation vouchers.

Assumptions

- Assumes no new materials are created for CAC, except agendas and presentations of technical content prepared in other tasks.
- Assumes all CAC meetings are in-person

Additional Equitable Engagement

Affinity Focus Groups

Community Engagement Liaisons (CELs), in collaboration with Alta, will conduct 3 additional 1.5-hour affinity focus groups (i.e., groups sharing a common identity characteristic) of 7-10 participants each to provide meaningful opportunities for diverse and historically excluded community members to share perspectives that will inform project decisions.

These groups will continue to engage the community members assembled for the first round of affinity groups focusing on: Latino, renters, regular transit users, or BIPOC more broadly. The focus groups will be conducted during Phase 2 Reflect in 2024.

Focus groups:

- Latino (in Spanish)
- BIPOC
- Transit riders, low income, and renters

In addition to the second round of focus groups, CELs will identify opportunities to engage community members either by phone or at local gathering places to gather personalized feedback during Phase 2 Reflect and Phase 3 Refine in 2024. The details of this engagement will be specified in an update to the public engagement plan. CELs staff will attend 1-2 meetings with City and consultant team for each phase (2-4 meetings total).

- Alta's Role
 - Create targeted flyer and social media graphics to promote the focus groups
 - Provide short project overview presentation, and key questions
 - Provide project maps, (assumes no new maps will need to be created)
 - Integrate feedback into technical work
- CELs Role
 - Recruit for and coordinate focus groups
 - Translate written materials (presentation and flyer)
 - Facilitate focus groups
 - Purchase and distribute stipends
 - Attend additional outreach events in Phase 2 and Phase 3 to engage hard-to-reach communities
- Fehr and Peers Role
 - Review and provide comments on flyers, graphics, and agendas/questions for the focus groups
 - Integrate feedback into technical work
 - Coordinate with CELs for project management and website updates

Task 4

The project team will update City of Tualatin existing facility data sets (roadway lanes, town center, existing bike facilities, existing pedestrian facilities, crossing locations, RRFB locations) based on City of Tualatin edits and make corresponding adjustments to the existing conditions analysis, maps, and memo.



Task 999: Expenses

The expenses will cover the following:

- Printing:
 - Flyers
 - Half sheet flyers
 - Surveys
 - Lawn Signs
 - Banner
 - Presentation Boards
- Focus group, event, and survey incentives
- Mailchimp subscription

Budget

The following is a summary of estimated costs for each firm to execute the above scope. Also included separately is a spreadsheet with an hours breakdown by firm and task.

Task	Fehr & Peers	Alta	CEls	Task Total
Task 3 Outreach	\$11,170	\$24,932	\$11,840	\$47,582
Task 4 Technical Foundation	\$1,670	\$1,974	\$0	\$3,644
Task 999 Expenses	\$0	\$5,063	\$3,030	\$8,093
Firm Total	\$12,840	\$31,969	\$14,510	\$59,319

Task	Phase	Alta Planning + Design, Inc.			Total Task Fee
		Vendor	Quantity	Cost	
999	Expenses				
	Print Flyer (English/Spanish)	City Graphics	1600	\$420.00	\$450.00
	Print 1/2 Flyer (English/Spanish)	City Graphics	1600	\$75.00	\$200.00
	Print Surveys (English and Spanish)	City Graphics	600	\$400.00	\$400.00
	Print Lawn signs (English/Spanish)	Digitype Design	50	\$30.00	\$1,500.00
	Print Banner (English/Spanish)	Fast Signs	1	\$359.00	\$359.00
	Print Presentation boards (English/Spanish)	Precision Images	18	\$78.00	\$1,404.00
	Focus Group Incentives	Grocery Store Gift Card	30	\$51.00	\$1,530.00
	Follow up Focus Group Incentives	Grocery Store Gift Card	60	\$25.00	\$1,500.00
	Survey and Event Incentives	Grocery Store Gift Card	6	\$50.00	\$300.00
	Mailchimp Subscription	Monthly Fee	15	\$30.00	\$450.00
	Total				\$8,093.00



CITY OF TUALATIN Staff Report

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Ross Hoover, Parks and Recreation Director
Rich Mueller, Parks Planning and Development Manager

DATE: April 22, 2024

SUBJECT:

Consideration of **Resolution No. 5768-24** Authorizing the Purchase of Las Casitas Park Playground Equipment through an Interstate Cooperative Procurement Program.

RECOMMENDATION:

Staff recommends approval of Resolution No. 5768-24

EXECUTIVE SUMMARY:

The adopted Parks and Recreation Master Plan informed the need to renovate and replace amenities and facilities at Stoneridge Park. A community planning process was held in 2019/20 to redesign the park with extensive community engagement. Results of the planning process was the selection of a conceptual park design included in the City's Reimagina el parque/Stoneridge Park Redesign report. The report and plan was accepted by Council in December 2020. Community members, through a public involvement process, requested the park name be changed to parque Las Casitas/Las Casitas Park, which Council approved. Park design began in 2023 and is nearly completed. The project is expected to go out for bid in 2024 with construction beginning in 2025. As part of the project, the City will need to purchase playground equipment, which it will receive approximately six months from the date ordered. The playground theme and colors were selected by the neighborhood, and recommended by the Parks Advisory Committee. The purchase of playground equipment would be under the terms and conditions of a Cooperative Procurement Agreement with National Purchasing Partners Government (NPPGov) through a Master Price Agreement with the League of Oregon Cities.

OUTCOMES OF DECISION:

Safe and accessible updated playground equipment.

Achieves Council Vision and Priorities that include:

- Inclusive Community that promotes equity, diversity and access.
- Safe, vibrant and accessible Gathering Places.
- Safe, desirable, welcoming, and sustainable Neighborhoods.

FINANCIAL IMPLICATIONS:

The Las Casitas Park renovation project is funded through the American Rescue Plan Act (ARPA).

ATTACHMENTS:

Resolution No. 5768-24

RESOLUTION NO. 5768-24

A RESOLUTION AUTHORIZING THE PURCHASE OF LAS CASITAS PARK
PLAYGROUND EQUIPMENT THROUGH AN INTERSTATE COOPERATIVE
PROCUREMENT PROGRAM

WHEREAS, the City is a member of National Purchasing Partners Government (NPPGov) cooperative purchasing program;

WHEREAS, the City intends to award a contract through NPPGov's cooperative purchasing program with Ross Recreation Equipment, Inc. for the purchase and replacement of playground equipment at Las Casitas Park; and

WHEREAS, the procurement complied with the City's and State public contracting requirements.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The City awards authorization to Ross Recreation Equipment, Inc. for the purchase and replacement of playground equipment at Las Casitas Park for \$205,628.88, under the terms and conditions of the Cooperative Procurement Agreement with NPPGov through a Master Price Agreement with League of Oregon Cities.

Section 2. The City Manager is authorized to execute any and all documents necessary to effectuate the procurement.

Section 3. The City Manager, or the City Manager's designee, is authorized to execute amendments totaling up to 10% of the original contract amount.

Section 4. This resolution is effective upon adoption.

Adopted by the City Council this 22 day of April, 2024.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder



CITY OF TUALATIN Staff Report

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Mike McCarthy, City Engineer
Bryce Donovan, Engineering Associate

DATE: April 22, 2024

SUBJECT:

Consideration of **Resolution No. 5769-24** Awarding the Contract for Construction of the Martinazzi Sanitary Sewer Upsizing (Priority 2): North Trunk - SW Seminole Tr to SW Sagert St.

RECOMMENDATION:

Staff recommends that Council approve the resolution awarding and allowing the City Manager to execute a contract with Landis & Landis Construction, LLC to construct the Martinazzi Sanitary Sewer Upsizing (Priority 2): North Trunk - SW Seminole Tr to SW Sagert St in the amount of \$2,123,456.25.

EXECUTIVE SUMMARY:

The Martinazzi SS Upsizing (Priority 2): North Trunk - Seminole Tr to Sagert St project is the second of three phases of project SS-6: North Martinazzi Trunk, described on Page 68 of the 2019 Tualatin Sanitary Sewer Master Plan. Its purpose is to improve flow capacity associated with future development of the eastern portion of the Basalt Creek Planning Area in the south of the city. Major items of work consist of the following:

- Install approximately 1,214 LF of new sanitary sewer main between two existing manholes, which includes approx. 1,031 LF of new 16-inch ductile iron (DI) sanitary sewer main and approx. 183 LF of new 15-inch PVC sanitary sewer main.
- Install approximately four (4) new sanitary sewer manholes along the new pipe segment.
- Reconstruction of three (3) sidewalk ramps.
- Roadway reconstruction and rehabilitation, striping and signing, and planters.

The construction contract was advertised in the Daily Journal of Commerce on March 15, 2024 and the Business Tribune on March 19, 2024. 2 bids were received before the bid period closed on April 9, 2024. Landis & Landis Construction, LLC submitted the lowest responsible bid for the project in the amount of \$2,123,456.25.

OUTCOMES OF DECISION:

Adopting the resolution and authorizing contract execution would allow construction of this project to proceed.

FINANCIAL IMPLICATIONS:

Funds for this project are available in the Sewer Operating Fund, the Road Utility Fee Fund, and Clean Water Services will also provide funding.

ATTACHMENTS:

Resolution No. 5769-24 Awarding Contract

RESOLUTION NO. 5769-24

A RESOLUTION AWARDING A CONTRACT FOR CONSTRUCTION OF THE
MARTINAZZI SANITARY SEWER UPSIZING (PRIORITY 2): NORTH TRUNK - SW
SEMINOLE TR TO SW SAGERT ST

WHEREAS, the above-referenced project was posted on March 15, 2024 in the *Daily Journal of Commerce* and on March 19, 2024 in the *Business Tribune* and the City requested competitive sealed bids as part of its capital improvement program;

WHEREAS, 2 bids were received prior to the close of the bid period on April 9, 2024;

WHEREAS, Landis & Landis Construction, LLC submitted the lowest responsible bid for the project in the amount of \$2,123,456.25; and

WHEREAS, there are funds budgeted for this project in the Sewer Operating Fund, the Road Utility Fee Fund, and Clean Water Services will also provide funding.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. Landis & Landis Construction, LLC is hereby awarded a contract for the Martinazzi Sanitary Sewer Upsizing (Priority 2): North Trunk - SW Seminole Tr to SW Sagert St.

Section 2. The City Manager is authorized to execute a contract with Landis & Landis Construction, LLC in the amount of \$2,123,456.25.

Section 3. The City Manager, or the City Manager's designee, is authorized to execute Change Orders totaling up to 10% of the original contract amount.

Section 4. This resolution is effective upon adoption.

Adopted by the City Council this 22nd day of April, 2024.

ATTEST:

CITY OF TUALATIN, OREGON

BY _____
City Recorder

BY _____
Mayor



CITY OF TUALATIN Staff Report

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Jerianne Thompson, Library Director

DATE: April 22, 2024

SUBJECT:

Consideration of Resolution no. 5770-24 authorizing the City Manager to execute a grant agreement with the Oregon Institute of Technology; and appropriating special purpose revenues in the city's general fund during the FY 2023-24 budget.

RECOMMENDATION:

Staff recommends approval of Resolution 5770-24.

EXECUTIVE SUMMARY:

In January 2024, the Library was invited by the South Metro – Salem STEM Partnership (SMSP) to apply for a grant through the Oregon Institute of Technology for **\$1,600**. The Library was awarded the grant in April 2024. This grant is to support participation in the SMSP Family STEAM Night, scheduled for April 2024.

The city needs to authorize the acceptance of the unbudgeted grant through a Council action. During the year the Council may authorize the acceptance of special purpose revenues, such as this, and the associated appropriations through a special purpose revenue budget adjustment resolution.

OUTCOMES OF DECISION:

Approval of Resolution no. 5770-24 authorizes the City Manager to accept the grant funding, mid-budget cycle, and places it into the City's General Fund to be used for the Family STEAMNight.

FINANCIAL IMPLICATIONS:

This grant would wholly fund the SMSP Family STEAM Night program at the Library.

ATTACHMENTS:

Resolution No. 5770-24

RESOLUTION NO. 5770-24

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT AGREEMENT WITH THE OREGON INSTITUTE OF TECHNOLOGY; AND APPROPRIATING SPECIAL PURPOSE REVENUES IN THE CITY'S GENERAL FUND DURING THE FY 2023-24 BUDGET.

WHEREAS, the State of Oregon, acting by and through the Oregon Department of Education, Oregon Institute of Technology, is an intergovernmental entity formed under ORS 190;

WHEREAS, ORS 190 authorizes the City and the Oregon Department of Education, Oregon Institute of Technology, to enter into intergovernmental agreements;

WHEREAS, under ORS 294.338(2), during the year the Council may authorize the acceptance of special purpose revenues and the associated appropriations through a special purpose revenue budget adjustment resolution; and

WHEREAS, the City received a \$1,600 grant from the Oregon Institute of Technology, South Metro Salem STEM Partnership (SMSP), for a SMSP Family STEAM Night.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The City Manager or designee is authorized to execute a grant agreement with the Oregon Institute of Technology. The City Manager is authorized to make administrative modifications to the agreement to fully implement its intent.

Section 2. Adjustments to the adopted 2023-2024 budget should be made as follows:

General Fund Revenues: \$1,600

General Fund Expenditures, Library: \$1,600

Section 3. This resolution is effective upon adoption.

INTRODUCED AND ADOPTED this 22nd day of April, 2024.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder

2022-2023 CS Initiative: Partner Subcontract

No. STM454 Family STEAM Night-001 ("Subcontract")

Under Oregon Department of Education ("Prime Awarding Agency") Prime Award/Grant No. 23642 ("Prime Award")

This Agreement is entered into between the parties, the Contractor and Subcontractor named below, for the performance of a portion of the Statement of Work originally awarded to the Contractor. The parties agree to the following terms and conditions:

Contractor ("Contractor") Organization Name: Oregon Institute of Technology South Metro Salem STEM Partnership Address: 27500 SW Parkway Ave, Wilsonville, OR 97070 Contractor Principal Investigator: Julia Betts	Subcontractor ("Subcontractor") Organization Name: Tualatin Public Library 18878 SW Martinazzi Ave. Address: Tualatin OR 97062 Subcontractor Name: Jerianne Thompson
Subcontract Period of Performance: Start: March 2, 2024 End: June 30, 2024	Subcontract Value: Amount Funded This Action: \$1,600 Total Amount Obligated: \$1,600
Subcontract Type: Cost Reimbursement	

Project Title: 2024 Family STEAM Night event production

1. **Subcontractor's Work:** Subcontractor shall supply all personnel, equipment, and materials necessary to accomplish the tasks set forth in Attachment 2, "Subcontractor Statement of Work, Budget, and Reporting Requirements," which is hereby made part of this Subcontract.
2. **Limitation on Costs:** Contractor is not liable for any cost in excess of the amount listed above as "Total Amount Obligated" without prior formal modification to this Subcontract. Attachment 2, "Subcontractor Statement of Work, Budget, and Reporting Requirements," is hereby made part of this Subcontract.
3. **Payment:** Subcontractor shall invoice Contractor not more often than monthly and not less frequently than quarterly for allowable costs incurred. All invoices shall be submitted using Subcontractor's standard invoice, but at a minimum shall include current and cumulative costs, Subcontract number, and certification as to truth and accuracy of invoice. *Invoices that do not reference Subcontract Number may be returned to Subcontractor.* Invoices and questions concerning invoice receipt or payments should be directed to the appropriate party's Financial Contact as shown in Attachments 3A & 3B. All payments shall be considered provisional and subject to adjustment if adjustment is necessary as a result of an adverse audit finding against Subcontractor. Contractor reserves the right to reject any invoice that does not comply with the terms of this Subcontract. Subcontractor shall have the right to submit a correct invoice. A corrected invoice should be submitted as soon as possible, and no later than thirty (30) days following the end of the Period of Performance.
4. **Incorporation of Terms and Conditions:** In the performance of this Subcontract, all terms and conditions in Attachment 1-3 listed below in section 5 "Order of Precedence," are hereby made part of this Subcontract.
5. **Order of Precedence:** Any inconsistencies in this Subcontract shall be resolved by giving precedence in the following order:
 - a. Attachment 1, "OIT Standard Terms and Conditions";
 - b. Attachment 2, "Subcontractor Statement of Work, Budget, and Reporting Requirements";
 - c. Attachment 3A-B, "PTE Contacts" and "Subcontractor Contacts"
6. **Entire Agreement:** This Subcontract constitutes the entire agreement between the parties regarding the subject matter herein. Any modification to this Subcontract shall be made in writing and must be signed by an authorized representative of each party.

IN WITNESS WHEREOF, duly authorized representative of the parties have entered into this Subcontract as of the date of the last signature set forth below:

Contractor Signature

Subcontractor Signature

Name: _____

Name: Jerianne Thompson

Title:

Title: Library Director

Date:

Date:

Attachment 1
Oregon Institute of Technology Standard Terms and Conditions
Subcontract No. STM454 Family STEAM Night-001

ACCESS TO RECORDS. Subcontractor shall maintain books, records, documents, and other evidence and accounting procedures and practices sufficient to reflect properly all costs of whatever nature claimed to have been incurred and anticipated to be incurred in the performance of this Subcontract. Oregon Tech, Oregon Secretary of State, the Federal government, and their respective duly authorized representatives shall have access to the books, documents, papers, and records of Subcontractor which are directly pertinent to this Subcontract for the purpose of making audit, examination, excerpts, and transcripts. Such books and records shall be maintained by Subcontractor for three years from the date of subcontract expiration unless a shorter period is authorized in writing. Subcontractor is responsible for any audit discrepancies involving deviation from the terms of this Contract and for any commitments or expenditures in excess of amounts authorized by Oregon Tech.

ASSIGNMENT. Subcontractor shall not assign or transfer its interest nor delegate its obligation in this Subcontract without the express written consent of the Oregon Tech.

AVAILABILITY OF FUNDS. Oregon Tech certifies that sufficient funds are available and authorized for expenditure to finance costs of this subcontract within its current biennial appropriation or expenditure limitation, provided, however, that continuation of the subcontract, or any extension, after the end of the fiscal period in which it is written, is contingent upon a new appropriation or limitation for each succeeding fiscal period for the purpose of this Subcontract.

CAPTIONS. The captions or headings in this Subcontract are for convenience only and in no way define, limit, or describe the scope or intent of any provisions of this Subcontract.

COMPLIANCE WITH APPLICABLE LAW. Subcontractor agrees to comply with all federal, state, county, and local laws, ordinances, and regulations applicable to the work to be done under this Subcontract. Subcontractor specifically agrees to comply with all applicable requirements of federal and state civil rights and rehabilitation statutes, rules, and regulations. Subcontractor also shall comply with the Americans with Disabilities Act of 1990 (Pub L No. 101-336), ORS 659.425, and all regulations and administrative rules established pursuant to those laws. Failure or neglect on the part of Subcontractor to comply with any or all such laws, ordinances, rules, and regulations shall not relieve Subcontractor of these obligations nor of the requirements of this Subcontract. Subcontractor further agrees to make payments promptly when due, to all persons supplying to such Subcontractor, labor or materials for the prosecution of the work provided in this Subcontract; pay all contributions or amounts due its workers' compensation insurer incurred in the performance of this Subcontract; not permit any lien or claim to be filed or prosecuted against the state on account of any labor or material furnished; pay to the Department of Revenue all sums withheld from employees pursuant to ORS 316.167.

CONFLICT OF INTEREST. Subcontractor covenants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of its services hereunder. Subcontractor further covenants that in the performance of this Subcontract no person having any such interest shall be employed.

PAYMENT AND DUAL PAYMENT. All payments shall be in accordance with Oregon Tech Policy 580-061-0050. Subcontractor shall not be compensated for work performed under this Subcontract from any other entity of the State of Oregon.

EXECUTION AND COUNTERPARTS. This Subcontract may be executed in several counterparts, each of which shall be an original, all of which shall constitute but one and the same instrument.

GOVERNING LAW. This Subcontract shall be governed and construed in accordance with the laws of the State of Oregon. Any claim, action, or suit between Oregon Tech and Subcontractor that arises out of or relates to performance of this Subcontract shall be brought and conducted solely and exclusively within the Circuit Court for Clackamas County, for the State of Oregon. Provided, however, that if any such claim, action, or suit may be brought only in a federal forum, it shall be brought and conducted solely and exclusively within the United States District Court for the District of Oregon.

HAZARD COMMUNICATION. Subcontractor shall notify Oregon Tech prior to using products containing hazardous chemicals to which Oregon Tech employees may be exposed. Products containing hazardous chemicals are those products defined by Oregon Administrative Rules, Chapter 437. Upon Oregon Tech's request, Subcontractor shall immediately provide Material Safety Data Sheets, as required by OAR 437-155-025, for the products subject to this provision.

INDEMNITY, RESPONSIBILITY FOR DAMAGES. Subcontractor shall be responsible for all damage to property, injury to persons, and loss, expense, inconvenience, and delay which may be caused by, or result from, the conduct of work under this contract, or from any act, omission, or neglect of Subcontractor, its contractors, or employees. Subcontractor shall save, defend, indemnify, and hold harmless Oregon Tech and its officers, board members, employees, and agents from all claims, suits, and actions of any nature resulting from or arising out of the activities or omissions of Subcontractor or its contractors, officers, agents, or employees acting under this contract.

INDEPENDENT SUBCONTRACTOR STATUS. The service(s) to be rendered under this Subcontract are those of an independent Subcontractor. Subcontractor is not to be considered an agent or employee of Oregon Tech for any purpose, and neither Subcontractor nor any of contractor's agents or employees are entitled to any of the benefits that Oregon Tech provides for its employees. Subcontractor will be solely and entirely responsible for its acts and for the acts of its agents or employees during the performance of this Subcontract.

INSURANCE. Subcontractor shall secure at its own expense and keep in effect during the term of this Contract general liability insurance. Insurance policies, which cannot be excess to a self-insurance program, are to be issued by an insurance company authorized to do business in the State of Oregon. Oregon Tech and its officers, board members, employees, and agents shall be included as additional insured in said insurance policy.

NOTICES AND REPRESENTATIVES. All notices, certificates, or communications shall be delivered or mailed postage prepaid to the parties at their respective places of business as identified in the signature block of this Subcontract, unless otherwise designated in writing. Copies of such correspondence shall also be sent to all other Subcontract signatories.

OVERDUE PAYMENTS. Any charges claimed by the Subcontractor for payment of an overdue amount shall be in accordance with the provisions of ORS 293.462.

OWNERSHIP OF WORK PRODUCT. All work products or any form of property originated or prepared by Subcontractor which result from this Subcontract are the exclusive property of Oregon Tech.

SEVERABILITY. If any term or provision of this Subcontract is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Subcontract did not contain the particular term or provision held to be invalid.

SUBCONTRACTS AND ASSIGNMENTS. Subcontractor shall not enter into any subcontracts for any of the work scheduled under this Subcontract, or assign or transfer any of its interest in this Subcontract, without obtaining prior written approval from the Oregon Tech.

SUCCESSORS IN INTEREST. The provisions of this Subcontract shall be binding upon and shall inure to the benefit of the parties hereto, and their respective successors and assigns.

TERMINATIONS. This Subcontract may be terminated at any time by mutual consent of both parties, or by either party upon thirty (30) days' notice in writing and delivered by certified mail or in person to the other party. In addition, the Oregon Tech may terminate this Subcontract effective upon delivery of written notice to Subcontractor, or at such later date as may be established by the Oregon Tech, if (a) Federal or state regulations or guidelines are modified, changed, or interpreted in such a way that the services are no longer allowable or appropriate for purchase under this Subcontract; or (b) Any license or certificate required by law or regulation to be held by the Subcontractor to provide the services required by this Contract is for any reason denied, revoked, or not renewed. This Subcontract may also be terminated by Oregon Tech for default (including breach of contract) if (a) Subcontractor fails to provide services or materials called for by this Subcontract within the time specified; or (b) Subcontractor fails to perform any of the other provisions of this Subcontract, or so fails to pursue the work as to endanger performance of this Subcontract in accordance with its terms, and after receipt of written notice from Oregon Tech, fails to correct such failures within ten days. The rights and remedies of Oregon Tech provided in the above clause related to defaults (including breach of contract) by Subcontractor shall not be exclusive and are in addition to any other rights and remedies provided by law or under this Subcontract.

TERMINATION DUE TO NONAPPROPRIATION OF FUNDS. If sufficient funds are not provided in future legislatively approved budgets of Oregon Tech (or from applicable Federal, state, or other sources) to permit Oregon Tech in the exercise of its reasonable administrative discretion to continue this Subcontract, or if Oregon Tech or program for which this Subcontract was executed is abolished, the Oregon Tech may terminate this Subcontract without further liability by giving Subcontractor not less than thirty (30) days notice. In determining the availability of funds from the Oregon Legislature for this Subcontract, Oregon Tech may use the budget adopted for it by the Joint Ways and Means Committee of the Oregon Legislative Assembly.

FOREIGN SUBCONTRACTOR. If Subcontractor is not domiciled in or registered to do business in the State of Oregon, Subcontractor shall promptly provide to the Oregon Department of Revenue and the Secretary of State, Corporation Division, all information required by those agencies relative to this Contract. Subcontractor shall demonstrate its legal capacity to perform these services in the State of Oregon prior to entering into this Subcontract.

FORCE MAJEURE. Neither Oregon Tech nor Subcontractor shall be held responsible for delay or default caused by fire, riot, pandemic, epidemic or other health emergency as declared by the health authority, acts of God, or war where such cause was beyond, respectively, Oregon Tech's or Subcontractor's reasonable control. Subcontractor shall, however, make all reasonable efforts to remove or eliminate such a cause of delay or default and shall, upon the cessation of the cause, diligently pursue performance of its obligations under this Subcontract.

WAIVER. The failure of Oregon Tech to enforce any provision of this Subcontract shall not constitute a waiver by Oregon Tech of that or any other provision.

APPROVALS. In some instances, another state agency may be required to approve this Subcontract before any work may commence under this Subcontract.

RECYCLED PRODUCTS: Subcontractors will use recycled products, as defined in ORS 279A.010(1)(ii), to the maximum extent economically feasible in the performance of the Subcontract.

WORKERS' COMPENSATION. All employers, including Subcontractor, that employ subject workers who work under this Subcontract in the State of Oregon shall comply with ORS 656.017 and provide the required workers' compensation coverage, unless such employers are exempt under ORS 656.126. Subcontractor shall ensure that each of its Subcontractors complies with these requirements.

TRAVEL EXPENSES. Unless otherwise stated in the scope of work, Subcontractor shall make and pay for their travel arrangements in performance of the Subcontract. For all contract travel itineraries, Subcontractor shall obtain pre-approval by Oregon Tech prior to execution of travel. Subcontractor's travel expenses must be reasonable and economical in order to maximize the contract value. Any air transportation to, from, between, or within a country other than the United States must

be in accordance with the Fly America Act (49 USC 40118). Travel expenses are included in the sum not-to-exceed amount indicated in this Subcontract. Unauthorized travel expenses or those not included in the sum not-to-exceed amount will not be reimbursed. Travel expense receipts are not required with invoices. Travel expenses must be included collectively as a separate line item on invoices. Receipts must be retained by Subcontractor and available for audit at any time during the term of the contract and for three years from the date of Subcontract expiration. Subcontractor's request for reimbursement of expenses must be submitted on an invoice within 90 days after the date the travel has been completed. Expenses submitted after the 90 days will not be reimbursed.

FEDERALLY REQUIRED PROVISIONS

ANTI-KICKBACK ACT (40 U.S.C. 3145). Subcontractor certifies compliance with the Copeland "Anti-Kickback" Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each Contractor or Subcontractor must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The Subcontractor must report all suspected or reported violations to Oregon Tech.

BYRD ANTI-LOBBYING AMENDMENT (31 U.S.C. 1352). Contractors that apply or bid for a contract of \$100,000 or more, must file the required certification that it will not and has not used Federally appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Contractor must require any Subcontractor who applies or bids for subcontract of \$100,000 or more to provide a similar certification to the next higher tier (Contractor or Subcontractor as applicable). Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Contractor or Subcontractor must forward any disclosures from tier to tier up to Oregon Tech

CLEAN AIR ACT (42 U.S.C. 7401-7671q.) AND THE FEDERAL WATER POLLUTION CONTROL ACT (33 U.S.C. 1251-1387), AS AMENDED. If this Contract provides for payments in excess of \$150,000, Subcontractor must comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations shall be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

CONTRACT WORK HOURS AND SAFETY STANDARDS ACT (40 U.S.C. 3701-3708). For all contracts awarded in excess of \$100,000 that involve the employment of mechanics or laborers, the Subcontractor must comply with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each Subcontractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

COVERED TELECOMMUNICATIONS EQUIPMENT OR SERVICES. Pursuant to 2 CFR 200.216 and 2 CFR 200.471, which implement Section 889 of the NDAA (Public Law 115-232), Oregon Tech is prohibited from obligating or expending grant funds to procure equipment, services or systems that use **covered telecommunications equipment or services** as a substantial or essential component of any system, or critical technology as part of any system. Subcontractor represents and warrants that in performing under this contract it will not provide or use covered telecommunications equipment or services as defined by Public Law 115-232, Section 889(f).

<https://www.congress.gov/115/plaws/publ232/PLAW-115publ232.pdf>

DEBARMENT AND SUSPENSION EXECUTIVE ORDERS 12549 AND 12689. A contract award (see 2 CFR 180.220) must not be made to parties listed on the government-wide Excluded Parties List System in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension." The Excluded Parties List System in SAM contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549. Before a contract award of \$25,000 or more is made, verification is required that the intended awarded party is not on the government-wide exclusions in the SAM. Required verification must be made by checking the SAM Exclusions. Compliance with Subpart C of 2 CFR Part 180 by checking that the intended awarded party is not listed on the SAM Exclusions, before making a contract award, will flow down from tier to tier for contract awards of \$25,000 or more. Subcontractor must include a term or condition similar to this term, in any subsequent lower tier contract awards of \$25,000 or more. Subcontractor hereby certifies they are not listed on the government-wide exclusions in the SAM.

DOMESTIC PREFERENCE. In accordance with 2 CFR 200.322, as appropriate and to the extent consistent with law, Subcontractor should, to the greatest extent practicable under this subcontract, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subcontracts including purchase orders for work or products under this award.

ENERGY POLICY AND CONSERVATION ACT. Subcontractor agrees to comply with mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (42 U.S.C. 6201).

EQUAL EMPLOYMENT OPPORTUNITY. Subcontractor must comply with Executive Order 11246, "Equal Employment Opportunity" (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and implementing regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."

REMEDIES FOR CONTRACTOR'S DEFAULT. In the event Subcontractor is in default (which includes without limitation, incomplete services), Oregon Tech may, at its option, pursue any or all of the remedies available to it under this Subcontract and at law or in equity, including, but not limited to: (a) rejection of the services, (b)

requiring Subcontractor to correct any defects without charge, (c) negotiation with Subcontractor to sell the services to Oregon Tech at a reduced price, (d) termination of the Subcontract, (e) withholding all moneys due for the services Subcontractor has failed to deliver within any scheduled completion dates or has performed inadequately or defectively, (f) initiation of an action or proceedings for damages, specific performance, or declaratory or injunctive relief, or (g) exercise of its right of set off. These remedies are cumulative to the extent the remedies are not inconsistent, and Oregon Tech may pursue any remedy or remedies singly, collectively, successively, or in any order whatsoever.

RIGHTS TO INVENTIONS MADE UNDER A SUBCONTRACT OR AGREEMENT. If this Subcontract is for the performance of experimental, developmental, or research work, the Federal Government and Oregon Tech has rights in any resulting invention in accordance with 37 CFR part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

Attachment 2
Subcontractor Statement of Work and Reporting Requirements
Subcontract No. STM454 Family STEAM Night-001

Background

In response to the 2022-2024 Computer Science Initiative grant program as part of the Governor's Emergency Education Funds (GEER), the South Metro Salem STEM Partnership (SMSP; "STEM Hub") is committed to establishing a foundation for **CS community-building and knowledge sharing** through direct partnerships with educational institutions, community-based organizations, non-profit program providers and educators that have **established models** of instruction, programming, and networking.

As a means to bring CS opportunities that provide initial access to computer science (CS) in our service region, SMSP has partnered with Rainbow Dance Theatre, to provide training(s) in support of the second annual regional SMSP Family STEAM Night. The event is a hands-on family-centered computer-science experience in which students (primarily K-5, including K-8) partner with family members to complete a fun STEAM-related activity.

SMSP has invited regional schools & organizations to serve as host sites for the program (held **during the months of March or April, with preference for the week of April 15-19th, 2024**). Sites will serve as subcontractors for the broader GEER program grant, with primary services including execution and documentation of Family STEAM Night events across the region.

Subcontractor responsibilities and deliverables:

- Host a "Family STEAM Night" event for K-8 students in your service area, including a hands-on activity that incorporates computer science, and with emphasis on opportunities for family engagement.
- If hosting an event that showcases Rainbow Dance Theatre activities, ensure a minimum of one (1) educator or volunteer participates in training provided by the contractor. Training schedule to be provided by contractor, and including virtual and in-person options, as well as site-specific options where applicable.
- Designate organizer(s) to support planning, marketing, and recruitment of families to the event; it is *highly encouraged* to identify at least one (1) point person for each host site, with multiple point persons if the organization is hosting several schools to maximize outreach & recruitment potential. **Once designated, point person contact information shall be shared with the contractor.**
- Identify and execute recruitment efforts that meet the grant requirements to "increase access, participation, and engagement in computer science opportunities of K-12 students in Oregon public schools with a focus on students who are historically and systemically underrepresented in computer science education and careers"
- Communicate with the contractor regarding any and all language support needs associated with the event at the earliest convenience or no fewer than twenty (20) days prior to the event to facilitate successful administration of support.
- Identify a system for recording and reporting attendance of the event (i.e. use of provided sign-up forms, attendance sheets at sign-in table. etc.) that will be shared with the contractor no later than thirty (30) days post-event.
- Supply all receipts associated with event expenses to accompany invoices submitted to the contractor.
- If CS-related equipment or non-consumable supplies are purchased to support ongoing CS engagement with participants:
 - documentation regarding the intended use and impact of purchases must be included in post-event organizer survey responses

- any equipment purchased must be age-appropriate and accessible for intended grade bands (K-8) served by the Family STEAM Night event
- Promotion of the event through fliers, newsletters, and social media to recruit families. If using social media, including the following hashtags and tags for collaborative promotion with the contractor whenever possible.
 - #SMSPFamilySTEAMNight; #SMSPcommunity
 - @SMSSTEMPartnership

NOTE: Follow your media release policy to approve images of children and families

Contractor (SMSP) responsibilities and deliverables:

- Contractor will provide educator training(s) to implement a fun, hands-on activity (STEAM mask-making) in collaboration with Rainbow Dance Theatre. Training(s) will take place both virtually and in-person, and include instructional materials, consumables, and follow-up support as needed.
- A variety of materials to support event planning, advertising, and execution including but not limited to social media templates, digital flyers and other family-awareness outreach materials.
- Contractor will provide language support services as requested by the subcontractor which may include translation of marketing materials, day-of materials, and feedback surveys; in-person interpreters for the event day-of based on the needs of communities being served and feedback from event leads.
- Contractor will provide a post-event feedback survey (electronic form, physical copies upon request) for distribution to all event participants and translated into requested languages to be shared at the end of the Family STEAM Night event.
- Contractor will provide ongoing organizer support opportunities including materials, office hours, and communications in support of event execution.

Budget Breakdown & Narrative:

Tualatin Public Library
18878 SW Martinazzi Ave
Tualatin, OR 97062

Budget breakdown for STEAM Night event

Food	300
Coding Books	300
Mask Supplies	1000
Total	1600

Examples of subcontract fund uses for this event include but are not limited to:

- Staff or teacher stipends
- Family welcome dinner on site
- Transportation for attendees
- Raffle prizes, gifts for attendees (excluding gift cards)
- Supplies or equipment related to CS activities for event or ongoing CS engagement

Funds may not be used for the following purposes:

- Programs limited to single-gender activities that violate provisions of Title IX.
- Costs associated with construction and other capital expenses unless pre approved by ODE.
- Travel outside of Oregon without prior consent from ODE.
- Equipment and supplies that are dedicated solely to administrative functions.

Reporting Requirements:

Work with the program coordinator for any questions related to timely and complete reporting. A post-event organizer survey will be available to review and questions prior to April 15th. Successful reporting includes completion of a post-event organizer survey no later than thirty (30) days post-event that includes but is not limited to:

- documentation regarding the intended use and impact of any equipment purchases
- Documentation of recruitment efforts that meet the grant requirements to "increase access, participation, and engagement in computer science opportunities of K-12 students in Oregon public schools with a focus on students who are historically and systemically underrepresented in computer science education and careers"
- Demographic information of event attendees including gender, race/ethnicity, and other pertinent information as defined by post-event survey
- Event attendance numbers including staff/volunteers, students & family members

Invoice schedule & directions

- **Payment:**

Payment of event invoice contingent on submission of post-event organizer survey and satisfaction of reporting requirements. If requirements have not been fulfilled, notifications will be provided until payments can be made.

- Invoice due no later than thirty (30) days and/or one pay cycle after the date of your event. Invoice must include all pertinent receipts for event expenses in order to be processed.
 - Email invoices to: lesly.rodriguez@oit.edu; cc julia.betts@oit.edu, nadia.wallace@oit.edu
 - Reference: "STM454 Family STEAM Night-001 "

Attachment 3A-3B

Subaward Contacts

Subaward No. __STM454-Family STEAM Night-001__

3A: PTE Contacts:

Project PI

Oregon Institute of Technology

Attn: Julia Betts, Executive Director of South Metro-Salem STEM Partnership

27500 SW Parkway Ave

Wilsonville, OR 97070

julia.betts@oit.edu

Project Invoicing

Oregon Institute of Technology

Attn: Lesly Rodriguez, Operations Coordinator, SMSP

27500 SW Parkway Ave

Wilsonville, OR 97070

lesly.rodriguez@oit.edu

Sponsored Projects and Grants Administration

Oregon Institute of Technology

Attn: Lara Pracht, Executive Director of SPGA – Interim

27500 SW Parkway Ave

Wilsonville, OR 97070

lara.pracht@oit.edu

Grants Accounting / Invoicing

Oregon Institute of Technology

Attn: Jennifer Day, Grants Accountant

3201 Campus Drive

Klamath Falls, OR 97601

jennifer.day@oit.edu

3B: Subrecipient Contacts:

Project PI:

Organization Name

Attn: Point person, Title

Street Address

City, State, Zip

Email address

Subrecipient:

Organization Name

Attn: Point person, Title

Street Address

City, State, Zip

Email address

Phone number

CITY OF TUALATIN GRANT 2023–24

Impact on TTSD Families

Social Services Manager

Colleen Nakanishi

she/her

503-603-1588

cnakanishi@ttsd.k12.or.us

Long-Term Impact of Covid-19

FOOD INSECURITY

Access to school meals
and loss of income

HOUSING INSECURITY

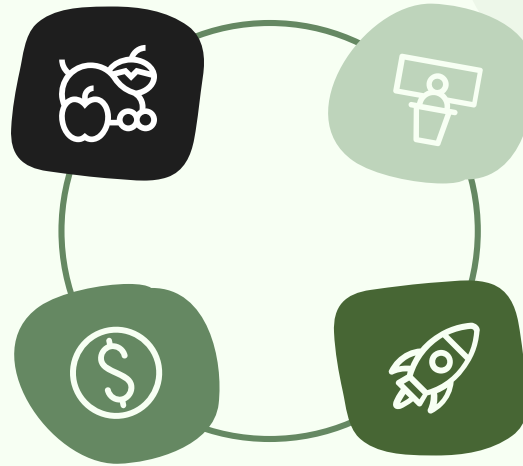
Job loss and increased rent

HEALTHCARE

Lack of access to healthcare

ACCESS TO EDUCATION

Switch to online learning &
school to home communication
barriers



The effects of the Covid-19 pandemic on families

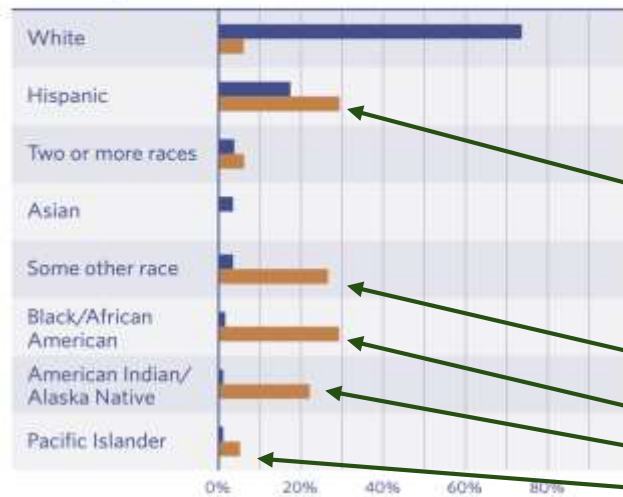
Washington County Issues of Poverty 2020

A report from Community Action₂

TUALATIN

Poverty Rate	10%
Children under 5 in Poverty	11%
All Children in Poverty	15%
Seniors in Poverty	5%

Total Population by Race Percentage below Poverty Line



Poverty disproportionately affects our historically underserved communities

Attendance

TTSD Mission: Educate Every Child

Top Reasons Why Children Miss School₁

- Chronic health issues
- Mobility
- Child care
- Shelter
- Food
- Clothing
- Mental health
- Environmental factors (*e.g. lice, no clean clothes, transportation*)
- Parenting support issues
- Cultural issues



Maslow's hierarchy of needs

HOW GRANT FUNDS SUPPORT FAMILIES

2023–2024 School Year
(August to April)

	FUNDED	STABILITY	TOTAL NEEDED
UTILITIES	\$1,229	✓	\$2,822
RENTAL	\$757	✓	\$3,822
FURNITURE	\$600	✓	\$600
OTHER	\$400	✓	\$300

Service	Families Served
Clothing Resources	344
Community Resource Referral	42
Food-Related	211
Housing	132
Internet/Technology	73
Laundry	6
Legal	16
Medical/Health Related	50
Transportation	51

**Other includes gas gift cards, laundry gift cards, scholarships, and various other basic needs items*

Connecting the Dots

LONG TERM IMPACT OF COVID

*Families struggling with housing,
food, other basic needs*



POVERTY

*Poverty disproportionately affects
historically underserved
populations in Tigard and Tualatin*

ATTENDANCE

*Students are more likely to
miss school when their
basic needs are not met*



TTSD'S ROLE

*FPA's work to remove barriers
to students accessing their
education*



TTSD Mission: Educate Every Child

Future Hopes & Sustainability

- Partnership with **SOAR Legal** to host legal services and citizenship/English classes for parents
- Initial meetings with Washington County **ODHS Self Sufficiency** offices to host in-house services
- Initial meetings with **OHP community outreach** to host OHP assisters on our campuses
- Focus on **prevention** rather than band-aid solutions

Thank You!

Social Services Manager



Colleen Nakanishi

she/her

503-603-1588

cnakanishi@ttssd.k12.or.us



CITY OF TUALATIN Staff Report

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Steve Koper, AICP, Assistant Community Development Director
Erin Engman, AICP, Senior Planner

DATE: April 22, 2024

SUBJECT:

Consideration of **Ordinance Nos. 1484-24 and 1485-24**, city-initiated updates to the Tualatin Development Code (File No. PTA 24-0001)

RECOMMENDATION:

The Planning Commission has unanimously recommended that Council approve Ordinance Nos. 1484-24 and 1485-24 adopting the Short-Term Priority Code Bundle (PTA 24-0001).

EXECUTIVE SUMMARY:

Throughout 2023, a handful of property and business owners have reached out to the City with various requests to amend the development code in an effort to support business retention, growth, and attraction (Comprehensive Plan Goal 4.2). As a result of these discussions, staff presented a Planning Division Work Plan for 2024-25, which included a “Short-Term Priority Code Bundle” that incorporated these property and business owner generated code update requests.

Because the proposed updates amend the Tualatin Development Code (Chapters 39, 53, 54, 57, and 80) they are processed as a Plan Text Amendment (Exhibit 2). The proposed change would expand and modernize permitted land uses in various commercial zoning districts in support of economic enterprise. In particular, these amendments would:

- Add Durable Goods Sales – Retail Sales of Home Improvement Materials and Supplies as a limited use in the Central Commercial (CC) Zone;
- Add Commercial Recreation – Health and Fitness Facility as a limited use in the General Commercial (CG) Zone;
- Add Durable Goods Sales – Battery Electric Vehicle Showroom as a limited use in the Mixed Use Commercial (MUC) Zone; and
- Expand hours of operation for retail sales and medical dispensary cannabis facilities.

The proposed amendments are consistent with the applicable goals and policies of the Tualatin Comprehensive Plan as well as with application Oregon Statewide Planning Goals and Oregon Administrative Rules as further detailed within the Findings and Analysis (Exhibit 1).

The proposed amendments were reviewed by the Tualatin Planning Commission on March 27, 2024 in which commission made a unanimous recommendation for Council to approve the proposed amendments.

OUTCOMES OF DECISION:

The proposed amendments have been divided into two separate Ordinances. Although the Planning Commission recommended approval of the code updates within both, each Ordinance will have a separate reading and separate vote by Council.

If approved, Ordinance 1484-24 will amend Chapters 39, 53, 54, and 57 of the Tualatin Development Code to expand and modernize permitted land uses in various commercial zoning districts in support of economic enterprise.

If approved, Ordinance 1485-24 will adopt the Short-Term Priority Code Bundle (PTA 24-0001) to amend Chapter 80 of the Tualatin Development Code to expand the hours of operation for retail sales and medical dispensary cannabis facilities.

ALTERNATIVES TO THE RECOMMENDATION:

- Continue the discussion to a later date
- Approve the amendments and adopt the Ordinance(s) with additional changes
- Deny the amendments and decline to adopt the Ordinance(s)

FINANCIAL IMPLICATIONS:

Approval of Ordinance No. 1484-24 and 1485-24 will advance Comprehensive Plan Goal 4.2 to support business retention, growth, and attraction in ways that strengthen the local tax base.

ATTACHMENTS:

Ordinance 1484-24

Ordinance 1485-24

-Attachment A - Presentation

-Exhibit 1 - Findings and Analysis PTA 24-0001

-Exhibit 2 - Short-Term Priority Code Bundle PTA 24-0001

-Exhibit 3 – Noticing Materials

-Exhibit 4 – Public Comments



SHORT-TERM PRIORITY CODE BUNDLE

Tualatin City Council
April 22, 2024

Presented by: Erin Engman, Senior Planner
Steve Koper, Assistant Community Development Director



AGENDA

- Project Purpose
- Overview of Changes
- Approval Criteria
- Planning Commission Recommendation

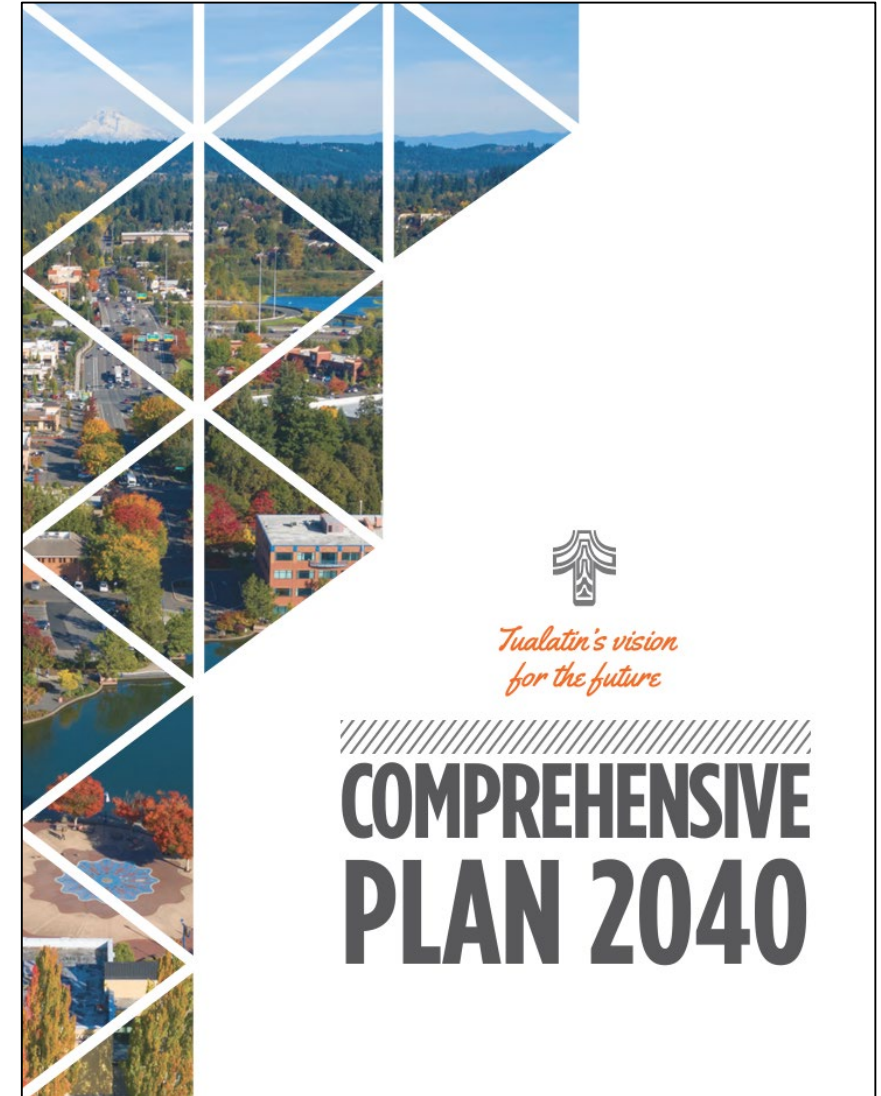


PROJECT PURPOSE

Background

- 2023: Staff received various requests to amend the code by property and business owners;
- January 22: Council directed staff to implement the code bundle amendment;
- February 26: Council previewed draft code; and
- March 27: Planning Commission recommendation to approve the proposed amendments

Project supports Comprehensive Plan Goal 4.2

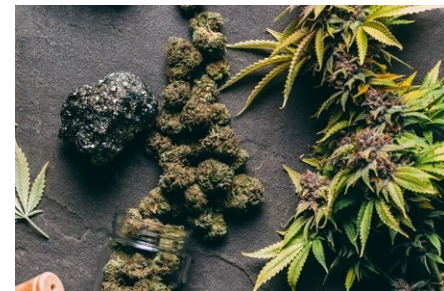


PROJECT PURPOSE

Short-term code bundle

This project is a plan text amendment that would:

- Add Retail Sales of Home Improvement Materials as a limited use in the Central Commercial (CC) Zone;
- Add Health and Fitness Facility as a limited use in the General Commercial (CG) Zone;
- Add Battery Electric Vehicle Showroom as a limited use in the Mixed Use Commercial (MUC) Zone; and
- Expand hours of operation for retail sales and medical cannabis facilities.



OVERVIEW OF CHANGES

Chapter	Title	Draft Amendment to Code
39	Use Categories	<ul style="list-style-type: none">• Use definition additions in support of amendments.• Adds battery electric vehicle showroom as an example of Durable Good Sales; clarifies that outdoor storage of automobiles or sales of automobiles that are not battery electric vehicle showrooms or automobile leasing offices is not permitted in any zone.
53	Central Commercial Zone	<ul style="list-style-type: none">• Adds retail sales of home improvement materials and supplies as a limited Durable Goods Sales use. This use is subject to a square footage limitation of 65,000 square feet.• Corrects dated code citation for temporary use permit.• Clarifies approval criteria for an outdoor storage conditional use.
54	General Commercial Zone	<ul style="list-style-type: none">• Adds Health and Fitness Facility as a Commercial Recreation use.• Outdoor fitness facility uses are subject to additional standards and limitations.
57	Mixed Use Commercial Zone	<ul style="list-style-type: none">• Adds Battery Electric Vehicle Showroom as a Durable Goods Sales use.• Battery electric vehicle showroom uses are subject to additional standards and limitations.
80	Cannabis Facilities	<ul style="list-style-type: none">• Expands hours of operation for retail sales of cannabis facilities & medical dispensaries (<i>Existing</i>: 10:00 a.m. to 8:00 p.m. → (<i>Proposed</i>: 7:00 a.m. to 10:00 p.m.).

OVERVIEW OF CHANGES

CHAPTER 39 - USE CATEGORIES

TDC 39.115 - Use Definitions.

Battery Electric Vehicle Showroom. Means an establishment engaged in the sale or lease of new vehicles designed to operate exclusively on electricity stored in a rechargeable battery, multiple batteries, or battery pack. Showrooms do not include exterior vehicle storage or activities related to vehicle repair and servicing.

TDC 39.320. - Durable Goods Sales.

(2) *Examples of Uses.*

- Battery electric vehicle showroom (as defined in TDC 39.115) and automobile leasing office.

(3) *Exceptions.*

- Outdoor storage of automobiles or sale of automobiles that are not battery electric vehicle showrooms or automobile leasing offices, is not permitted in any zone.

CHAPTER 53 CENTRAL COMMERCIAL ZONE (CC)

Use Categories in the CC Zone

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
COMMERCIAL USE CATEGORIES		
Durable Goods Sales	P (L)	Permitted uses limited to: <ul style="list-style-type: none">• Furniture store, including antiques and second-hand furniture; and• Appliance store, subject to TDC 53.210(12); <u>and</u>• <u>Retail sales of home improvement materials and supplies, subject to TDC 53.210(3).</u>

TDC 53.210. Additional Limitations on Uses.

[...]

- (3) Retail Sales of Home Improvement Materials and Supplies. The retail sales of home improvement materials and supplies must not be greater than 65,000 square feet of gross floor area per building or tenant. ~~Outdoor Uses.~~ [...]
- (4) Outdoor Uses. All uses must be conducted wholly within a completely enclosed building, except off-street parking and loading, Basic Utilities, Wireless Communication Facilities, outdoor play areas of child day care centers, as required by state day care certification standards, and as provided in (a)—(b), below.

[...]

CHAPTER 54 - GENERAL COMMERCIAL ZONE (CG)

Use Categories in the CG District

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
COMMERCIAL USE CATEGORIES		
Commercial Recreation	P/C (L)	Permitted uses limited to: <ul style="list-style-type: none">• Health studio or fitness facility, outdoor uses limited subject to TDC 54.220(2).

TDC 54.220. Outdoor Uses.

- (2) Limited Uses. Health and Fitness Facility uses that include outdoor activities are limited and subject to additional standards.
- (a) The subject lot is not within 500 feet of a residential planning district.
- (b) The outdoor area must:
- (i) Be completely enclosed with a minimum 8-foot-tall sight-obscuring fence. Slatted chain link fencing is not an appropriate screening measure; and
- (ii) Outdoor activities must not occur between the hours of 10:00 pm and 7:00 am.

CHAPTER 57 MIXED USE COMMERCIAL ZONE (MUC)

Table 57-1
Use Categories in the MUC

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
COMMERCIAL USE CATEGORIES		
Durable Goods Sales	P/C (L)	Permitted uses limited to: <ul style="list-style-type: none"> • Retail sale of furniture and large appliances, pursuant to TDC 57.210; and • <u>Battery electric vehicle showroom, subject to TDC 57.210.</u> [...]

TDC 57.210. Additional Limitations on Uses.

- (1) *Durable Goods Sales.* Uses are limited to the retail sale of furniture and large appliances and battery electric vehicle showroom subject to the following standards:
- (a) *Retail sale of furniture and large appliances.* ~~The building footprint is less than 60,000 square feet of gross floor area.~~
 - (i) The building footprint is less than 60,000 square feet of gross floor area.
 - (ii) Incidental repair of appliances is permitted as an accessory use.
 - (b) *Battery Electric Vehicle Showroom.* ~~Incidental repair of appliances is permitted as an accessory use.~~
 - (i) The gross floor area must not exceed 10,000 square feet and the showroom must not exceed 7,500 square feet;
 - (ii) Must contain all sales inventory, materials, equipment, and up to four vehicles for test drives inside a building.
- [...]

CHAPTER 80 – CANNABIS FACILITIES

[...]

TDC 80.070. Cannabis Facility Operating Restrictions.

- (1) Retail sales and medical dispensary Cannabis facilities are restricted to the following operating hours:
 - (a) The hours of operation that a retail sales Cannabis facility may be open to the public is between 7~~10~~:00 a.m. and 10~~8~~:00 p.m. of the same day.
 - (b) The hours of operation that a medical dispensary Cannabis facility may be open to registry identification cardholders is between 7~~10~~:00 a.m. and 10~~8~~:00 p.m. of the same day.

APPROVAL CRITERIA

- Statewide Planning Goals
- Oregon Administrative Rules
- Metro Code
- Tualatin Development Code:
 - Chapter 33.250 Type IV-B
 - Chapter 33.070 Plan Amendments



RECOMMENDATION

The Tualatin Planning Commission recommends that City Council approve the proposed amendments.



COUNCIL ACTION

Council is asked to consider:

- (1) Ordinance No. 1484-24 (all amendments, *except* for those to TDC Chapter 80 – Cannabis Facilities)
- (2) Ordinance No. 1485-24 (amendments to TDC Chapter 80 – Cannabis Facilities)



ORDINANCE NO. 1484-24

AN ORDINANCE RELATED TO LAND USE; AMENDING TUALATIN DEVELOPMENT CODE CHAPTERS 39, 53, 54, AND 57; PTA 24-0001.

WHEREAS, the Tualatin Development Code (TDC) establishes the land use and development requirements of the City;

WHEREAS, the City initiated Plan Text Amendment (PTA 24-0001) known as the Short-Term Priority Code Bundle, to expand and modernize permitted land uses in various commercial zoning districts in support of business retention, growth, and attraction (Comprehensive Plan Goal 4.2);

WHEREAS, the City provided notice of the proposed amendments to the Oregon Department of Land Conservation and Development, as provided in ORS 197.610;

WHEREAS, the City provided notice to government agencies and other interested parties, as required by TDC 32.250 and TDC 33.070;

WHEREAS, a public hearing was held before the City Council of the City of Tualatin on April 22, 2024, to consider adopting the proposed amendments;

WHEREAS, at the public hearing, the Council heard and considered the testimony and evidence presented by City staff, and those appearing at the public hearing, and approved the proposed amendments; and

WHEREAS, the Council finds the proposed amendments to be in the best interest of the residents and inhabitants of the City and the public, the public interest will be served by adopting the amendments at this time, and the amendments conform to the Tualatin Comprehensive Plan and the Tualatin Development Code.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. Tualatin Development Code (TDC) Chapter 39 is amended as follows:

TDC 39.115 - Use Definitions.

[...]

Battery Electric Vehicle Showroom. Means an establishment engaged in the sale or lease of new vehicles designed to operate exclusively on electricity stored in a rechargeable battery, multiple batteries, or battery pack. Showrooms do not include exterior vehicle storage or activities related to vehicle repair and servicing.

[...]

Health or Fitness Facility. A facility designed to accommodate indoor or outdoor activities such as racquetball courts, pickleball courts, tennis courts, gymnasiums, weight lifting rooms and other exercise areas, swimming pools and similar uses.

[...]

TDC 39.320. - Durable Goods Sales.

- (1) *Characteristics.* Durable Goods Sales are the sale, rental, or lease of new and used goods having extended utility. Durable Goods Sales may require extensive indoor and/or outdoor display areas.
- (2) *Examples of Uses.*
 - Retail sale of home improvement materials and supplies, including but not limited to: interior/exterior building and construction materials, electrical supplies, plumbing supplies and fixtures, lawn and landscaping equipment, floor coverings, home décor, indoor/outdoor household appliances, paint and painting supplies, and tools and hardware.
 - Retail sale of furniture and large appliances.
 - New and used sales of motorcycles, boats, recreational vehicles, or trailers.
 - Retail nurseries or greenhouses.
 - Battery electric vehicle showroom (as defined in TDC 39.115) and automobile leasing office.
- (3) *Exceptions.*
 - Sales of building and landscaping materials primarily sold to contractors is classified as Wholesale Sales.
 - Sales, leasing, or rental of industrial, farm, or construction equipment is classified as Wholesale Sales.
 - Sales of bicycles are classified as Retail Sales and Service.
 - Outdoor storage of automobiles or sale of automobiles that are not battery electric vehicle showrooms or automobile leasing offices, is not permitted in any zone.

[...]

TDC 39.350. - Quick Vehicle Servicing.

- (1) *Characteristics.* Quick Vehicle Servicing provides direct services for motor vehicles at a drive-through facility, which may include a mini-mart in certain zones, where the service is performed and where the driver generally waits for the service to be performed.
- (2) *Examples of Uses.*
 - Automobile Service Station (as defined in TDC 39.115).
 - Non-Retail Cardlock Fueling Station (as defined in TDC 39.115).
 - Car washes.
 - Quick lubrication services.
 - Department of Environmental Quality vehicle emission test sites.
- (3) *Exceptions.*
 - Refueling facilities for the vehicles that belong to a specific use (fleet vehicles) which are on the site where the vehicles are kept are accessory to the primary use.

- Outdoor storage of automobiles or sale of automobiles that are not battery electric vehicle showrooms or automobile leasing offices, is not permitted in any zone.

[...]

TDC 39.365 - Vehicle Repair.

- (1) *Characteristics.* Vehicle Repair provides vehicle repair and servicing to passenger vehicles, light and medium trucks, motorcycles, boats, recreational vehicles, and other consumer motor vehicles. Generally, the customer does not wait at the site while the service or repair is being performed.
- (2) *Examples of Uses.*
 - Alignment shop.
 - Auto body and/or paint shop.
 - Auto detailing.
 - Auto upholstery shop.
 - Tire sales and mounting.
 - Transmission or muffler shop.
 - Vehicle repair.
- (3) *Exceptions.*
 - Repair and service of industrial vehicles and equipment, and of heavy trucks; towing and vehicle storage are classified as Light Manufacturing.
 - Outdoor storage of automobiles or sale of automobiles that are not battery electric vehicle showrooms or automobile leasing offices, is not permitted in any zone.

[...]

TDC 39.430. - Vehicle Storage.

- (1) *Characteristics.* Vehicle Storage are storage facilities for vehicles including automobiles, boats, buses, recreational vehicles, and trailers.
- (2) *Examples of Uses.*
 - Vehicle impoundment yards.
 - Vehicle fleet storage and maintenance facilities.
 - Towing and vehicle storage operations.
 - School bus yards.
 - Recreational vehicle storage.
 - Transit vehicle storage and maintenance yards.
- (3) *Exceptions.*
 - Auto wrecking yards are not permitted in any zones.
 - Outdoor storage of automobiles or sale of aAutomobiles sales that are not battery electric vehicle showrooms or automobile leasing offices, are is not permitted in any zones.

Section 2. TDC Chapter 53 is amended as follows:

[...]

TDC 53.200. Use Categories.

- (1) *Use Categories.* Table 53-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the CC zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 53-1 and restrictions identified in TDC 53.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.
- (2) *Overlay Zones.* Additional uses may be allowed in a particular overlay zone. See the overlay zone Chapters for additional uses.

**Table 53-1
Use Categories in the CC Zone**

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
RESIDENTIAL USE CATEGORIES		
Residential Accessory Uses	P (L)	Permitted uses limited to Family Child Care Home subject to ORS 329A.440.
COMMERCIAL USE CATEGORIES		
Commercial Lodging	P	—
Commercial Recreation	P (L)	Permitted uses limited to: <ul style="list-style-type: none"> • Amusement enterprise, including pool hall, bowling alley, dance hall or skating rink; • Private meeting hall, club or lodge hall, or fraternal organizations; and • Health studio.
Commercial Parking	P	—
Durable Goods Sales	P (L)	Permitted uses limited to: <ul style="list-style-type: none"> • Furniture store, including antiques and second-hand furniture; and • Appliance store, subject to TDC 53.210(12); and • <u>Retail sales of home improvement materials and supplies, subject to TDC 53.210(3).</u>
Eating and Drinking Establishments	P	Some restrictions in the Central Tualatin Overlay Zone see TDC Chapter 58.
Medical Office	P	—
Office	P	—
Retail Sales and Services	P/C	Conditional use permit required for veterinary clinic. Memorial Planning and Products Center (as defined in TDC 39.115) not permitted.

		All other uses permitted outright. All uses subject to TDC 53.210(4).
INSTITUTIONAL USE CATEGORIES		
Assembly Facilities	C	—
Colleges, Universities and Private Career Schools	P/C (L)	Permitted uses limited to business college. All other use are conditional uses.
Community Services	P	—
Schools	C	—
INFRASTRUCTURE AND UTILITIES USE CATEGORIES		
Basic Utilities	P/C (L)	Permitted uses limited to sewer and water pump stations and pressure reading stations. Conditional uses limited to utility substations.
Greenways and Natural Areas	P	—
Parks and Open Space	P	—
Public Safety Facilities	P/C (L)	Conditional uses limited to publicly- and privately-operated ambulance facilities. All other uses permitted outright.
Transportation Facilities	P	—
Wireless Communication Facilities	P(L)	Permitted uses limited to: • Wireless Communication Facility Attached; and • Wireless Communication Facility, located within 300 feet of the centerline of I-5.

TDC 53.210. Additional Limitations on Uses.

- (1) *Appliance Stores*. Incidental repair of appliances is permitted as an accessory use.
- (2) *Veterinary Clinic*. Veterinary clinics may be permitted as a conditional use if treatment is limited to small animals.
- (3) *Retail Sales of Home Improvement Materials and Supplies*. The retail sales of home improvement materials and supplies must not be greater than 65,000 square feet of gross floor area per building or tenant. ~~*Outdoor Uses*. All uses must be conducted wholly within a completely enclosed building, except off-street parking and loading, Basic Utilities, Wireless Communication Facilities, outdoor play areas of child day care centers, as required by state day care certification standards, and as provided in (a) — (c), below.~~
 - ~~(a) Outside storage or sales requires a conditional use permit.~~
 - ~~(b) Outdoor sales, as defined in TDC 31.060 and as provided for in TDC 34.011, are permitted as a temporary use.~~
 - ~~(c) Portable collection facilities as an accessory use require a conditional use permit, and are subject to the following standards:~~

- ~~(i) The facility must be sited such that it is either adjacent to existing vegetation or in a location where vegetation can be installed to enhance the appearance of the facility;~~
- ~~(ii) If vegetation is not already in place, landscaping, as approved through the Architectural Review process, must be installed adjacent to the location of the portable collection facility;~~
- ~~(iii) Items must not be stored outside the facility, except for temporary storage of oversized goods;~~
- ~~(iv) Oversized goods stored outside must be collected daily and removed from the premises or stored inside the portable collection facility; and~~
- ~~(v) Adequate receptacle must be provided for items dropped off during times the facility is not attended.~~

(4) Outdoor Uses. All uses must be conducted wholly within a completely enclosed building, except off-street parking and loading, Basic Utilities, Wireless Communication Facilities, outdoor play areas of child day care centers, as required by state day care certification standards, and as provided in (a)—(b), below.

(a) Temporary Uses. Temporary outdoor sales, as defined in TDC 31.060, are permitted as a temporary use subject to TDC 33.090.

(b) Conditional Uses.

(i) Any outdoor storage, display, and sales use requires a conditional use permit and is subject to the following standards:

(A) The outdoor area must not exceed ten percent of the store's gross floor area or 15,000 square feet, whichever is less.

(B) Not less than 50 percent of the outdoor area must be covered by a permanent roof.

(C) The outdoor area must abut a wall of the store.

(D) All sides of the outdoor area not abutting a wall of the store must be screened with a sight obscuring fence, wall, berm, or dense evergreen landscaping not less than six feet in height.

(E) Stored materials must not exceed the height of the sight obscuring barrier when viewed from street level.

(ii) Portable collection facilities, as an accessory use, require a conditional use permit and are subject to the following standards:

(A) The facility must be sited such that it is either adjacent to existing vegetation or in a location where vegetation can be installed to enhance the appearance of the facility;

(B) If vegetation is not already in place, landscaping, as approved through the Architectural Review process, must be installed adjacent to the location of the portable collection facility;

(C) Items must not be stored outside the facility, except for temporary storage of oversized goods;

- (D) Oversized goods stored outside must be collected daily and removed from the premises or stored inside the portable collection facility; and
- (E) Adequate receptacle must be provided for items dropped off during times the facility is not attended.

[...]

Section 3. TDC Chapter 54 is amended as follows:

[...]

TDC 54.200. Use Categories.

- (1) *Use Categories.* Table 54-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the CG zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 54-1 and restrictions identified in TDC 54.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.
- (2) *Overlay Zones.* Additional uses may be allowed in a particular overlay zone. See the overlay zone Chapters for additional uses.

Table 54-1
Use Categories in the CG District

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
RESIDENTIAL USE CATEGORIES		
Residential Accessory Uses	P (L)	Permitted uses limited to Family Child Care Home, subject to ORS 329A.440.
COMMERCIAL USE CATEGORIES		
Commercial Lodging	P	—
Commercial Recreation	P/C (L)	<p>Permitted uses limited to:</p> <ul style="list-style-type: none"> • Amusement enterprise, including pool hall, bowling alley, dance hall or skating rink; and • Health studio or fitness facility, outdoor <u>uses limited subject to TDC 54.220(2).</u> <p>Conditional uses limited to:</p> <ul style="list-style-type: none"> • Family recreation center, as defined in TDC 31.060; and • Private meeting hall, club or lodge hall, or fraternal organizations.
Commercial Parking	P	—
Durable Goods Sales	P (L)	<p>Permitted uses limited to:</p> <ul style="list-style-type: none"> • Furniture store, including antiques and second-hand furniture; • Appliance store, subject to TDC 54.210(2); • Home improvement store, subject to

		TDC 534.210(3) and TDC 54.220(34); • Auto leasing office, subject to TDC 54.210(4) and TDC 54.220(34); and • Boat, boat motor and boat trailer sales subject to TDC 54.210(5) and TDC 54.220(34). All uses subject to TDC 54.210(1).
Eating and Drinking Establishments	P	—
Medical Office	P	—
Office	P	—
Other Educational and Vocational Services	P	—
Quick Vehicle Servicing	P (L)	Permitted uses limited to Automobile Service Stations subject to TDC 54.210(6).
Retail Sales and Services	P/C (L)	Conditional use permit required for outdoor pet activity area associated with Pet Day Care, subject to subject to TDC 54.220(34). Pet Day Care without outdoor activity area is permitted outright. Mortuary not permitted. All other retail sales and service uses permitted outright. All uses subject to TDC 54.210(1).
Vehicle Repair	P	—
INDUSTRIAL USE CATEGORIES		
Light Manufacturing	P (L)	Permitted uses limited to: Optical lens grinder; and Testing laboratory.
Vehicle Storage	P (L)	Permitted uses limited to automobile towing company office and dispatch office, subject to TDC 54.220(34).
Warehouse and Freight Movement	P (L)	Permitted uses limited to frozen food locker.
INSTITUTIONAL USE CATEGORIES		
Assembly Facilities	C (L)	Conditional uses limited to: • Auditoriums, exhibition halls, or rooms for public assembly; • Churches, synagogues, mosques, temples or other places of worship; and • Theaters.
Colleges, Universities, and Private Career Schools	P/C	Permitted uses limited to a private career school. All other uses require conditional use permit.
Community Services	P	—

Schools	C	—
INFRASTRUCTURE AND UTILITIES USE CATEGORIES		
Basic Utilities	P/C (L)	Permitted uses limited to sewer and water pump stations, pressure reading stations. Conditional uses limited to utility substations.
Greenways and Natural Areas	P	—
Parks and Open Space	P (L)	Golf courses and country clubs prohibited. All other uses permitted outright.
Public Safety Facilities	P/C (L)	Conditional uses limited to: <ul style="list-style-type: none"> • Fire stations; and • Publicly- and privately-operated ambulance facilities. All other uses permitted outright.
Transportation Facilities	P	—
Wireless Communication Facility	P/C (L)	Permitted uses limited to: <ul style="list-style-type: none"> • Wireless Communication Facility, if located within 300 feet of the centerline of Interstate 5; and • Wireless Communication Facility Attached. Conditional uses limited to Wireless Communication Facility. Subject to maximum height and minimum setback standards defined by TDC Chapter 73F.

[...]

TDC 54.220. Outdoor Uses.

All uses must be conducted wholly within a completely enclosed building, except as provided by this section.

- (1) *Permitted Uses.* Off-street parking and loading, outdoor play areas of child day care centers as required by state day care certification standards, Basic Utilities, Wireless Communication Facilities, and nursery or greenhouse uses are permitted outright as outdoor uses.
- (2) *Limited Uses.* Health and Fitness Facility uses that include outdoor activities are limited and subject to additional standards.
 - (a) The subject lot is not within 500 feet of a residential planning district.
 - (b) The outdoor area must:
 - (i) Be completely enclosed with a minimum 8-foot-tall sight-obscuring fence. Slatted chain link fencing is not an appropriate screening measure; and
 - (ii) Outdoor activities must not occur between the hours of 10:00 pm and 7:00 am.

(23) *Temporary Uses.* Temporary outdoor sales, as defined in TDC 31.060, are permitted as a temporary use subject to TDC 33.090.

(34) *Conditional Uses.* ~~Any outdoor storage, display, and sales use requires a conditional use permit.~~ The following specific outdoor uses require a conditional use permit and are subject to additional standards.

(a) Outdoor Storage, Display, and Sales.

- (i) The outdoor area must not exceed ten percent of the store's gross floor area or 15,000 square feet, whichever is less.
- (ii) Not less than 50 percent of the outdoor area must be covered by a permanent roof.
- (iii) The outdoor area must abut a wall of the store.
- (iv) All sides of the outdoor area not abutting a wall of the store must be screened with a sight obscuring fence, wall, berm, or dense evergreen landscaping not less than six feet in height.
- (v) Stored materials must not exceed the height of the sight obscuring barrier when viewed from street level.

(a**b**) Home Improvement Stores.

- (i) The store's gross floor area must be 50,000 square feet or more.
- (ii) The outdoor area must not exceed ten percent of the store's gross floor area or 15,000 square feet, whichever is less.
- (iii) Not less than 50 percent of the outdoor area must be covered by a permanent roof.
- (iv) The outdoor area must abut a wall of the store.
- (v) All sides of the outdoor area not abutting a wall of the store must be screened with a sight obscuring fence, wall, berm, or dense evergreen landscaping not less than six feet in height.
- (vi) Stored materials must not exceed the height of the sight obscuring barrier when viewed from street level.

(b**c**) Boat, Motor Boat, and Boat Trailer Sales.

- (i) Boats, motors, and trailers are allowed, but only if boats, motors, and trailers are not the primary products sold by the store.
- (ii) The outdoor area must abut a wall of the store.
- (iii) The outdoor area must not exceed ten percent of the store's gross floor area or 5,000 square feet, whichever is less.
- (iv) Not less than 25 percent of the outdoor area must be covered by a permanent roof.
- (v) All sides of the outdoor area not abutting a wall of the store must be screened with a sight obscuring fence, wall, berm, or dense evergreen landscaping not less than six feet in height.
- (vi) Stored materials must not exceed the height of the sight obscuring barrier when viewed from street level.

(e**d**) Portable Collection Facilities. Portable collection facilities that are an accessory use are subject to the following standards:

- (i) The facility must be sited such that it is either adjacent to existing vegetation or in a location where vegetation can be installed to enhance the appearance of the facility;
 - (ii) If vegetation is not already in place, landscaping, as approved through the Architectural Review process, must be installed adjacent to the location of the portable collection facility;
 - (iii) Items must not be stored outside the facility, except for temporary storage of oversized goods;
 - (iv) Oversized goods stored outside must be collected daily and removed from the premises or stored inside the portable collection facility; and
 - (v) Adequate receptacle must be provided for items dropped off during times the facility is not attended.
- (de) *Automobile Towing Company Office and Dispatch Office.* Outdoor storage of towed vehicles requires a conditional use permit and is subject to the following standards:
- (i) Vehicle storage must be screened with a solid sight-obscuring wall or fence not less than six feet in height;
 - (ii) A perimeter landscaped area at least five feet in width must be provided on the outside of the storage area wall or fence as approved through the Architectural Review process. The perimeter landscaped area must be planted with evergreen plant materials which will reach the height of the wall or fence within three years from the time of planting; and
 - (iii) The storage area must be paved with asphalt or concrete.
- (ef) *Outdoor Pet Activity Area Associated with Pet Day Care.* Use of an outdoor pet activity area requires a conditional use permit, which must include a noise, odor and animal waste material mitigation plan for the design and management of the outdoor pet day care facility, showing how impacts on neighboring properties and businesses will be eliminated or minimized. Outdoor pet activity areas are subject to the following standards:
- (i) The subject lot is not within 500 feet of a residential planning district and is not in Blocks 11, 28, and 29 of the Central Urban Renewal District (CURD).
 - (ii) The outdoor pet activity area must:
 - (A) Be completely enclosed with a minimum 8-foot-tall sight-obscuring fence. Slatted chain link fencing is not an appropriate screening measure;
 - (B) Be a continuously paved impervious surface; and
 - (C) Have a drainage system that contains all animal waste material for discharge to the sanitary sewer system;
 - (iii) Outdoor pet day care activities including exercise and training must not occur between the hours of 8:00 pm and 7:00 am.

[...]

Section 4. TDC Chapter 57 is amended as follows:

TDC 57.200. Use Categories.

- (1) *Use Categories.* Table 57-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the MUC. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 57-1 and restrictions identified in TDC 57.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.

**Table 57-1
Use Categories in the MUC**

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
RESIDENTIAL USE CATEGORIES		
Household Living	P/C	Permitted housing types subject to TDC 57.220
COMMERCIAL USE CATEGORIES		
Commercial Lodging	P	—
Commercial Recreation	P	—
Commercial Parking	P	—
Durable Goods Sales	P/C (L)	Permitted uses limited to: <ul style="list-style-type: none">• Retail sale of furniture and large appliances, pursuant to TDC 57.210; and• <u>Battery electric vehicle showroom, subject to TDC 57.210.</u> Conditional uses limited to: <ul style="list-style-type: none">• Outdoor sales subject to TDC 57.210.
Eating and Drinking Establishments	P	P
Medical Office	P (L)	Accessory research and development square footage must be less than the primary office use square footage.
Office	P (L)	Accessory research and development square footage must be less than the primary office use square footage.
Other Educational and Vocational Servicing	P	—
Quick Vehicle Servicing	C (L)	Conditional uses limited to: <ul style="list-style-type: none">• Automobile service station subject to TDC 57.210.
Retail Sales and Services	P/C (L)	Pet day care without outdoor activity area is permitted outright. Mortuary not permitted. Conditional uses limited to:

		<ul style="list-style-type: none"> Outdoor sales subject to TDC 57.210. All other retail sales and service uses permitted outright.
INSTITUTIONAL USE CATEGORIES		
Assembly Facilities	C (L)	Conditional uses limited to: <ul style="list-style-type: none"> Religious institutions or major event entertainment.
Colleges, Universities, and Private Career Schools	C	—
Community Services	P	—
Medical Centers	C	—
Schools	C	—
INFRASTRUCTURE AND UTILITIES CATEGORIES		
Basic Utilities	P (L)	Permitted uses limited to: <ul style="list-style-type: none"> Sewer and water pump stations; Pressure reading stations.
Greenways and Natural Areas	P	P
Parks and Open Space	P (L)	Golf courses and country clubs prohibited. All other uses permitted outright.
Public Safety Facilities	P/C (L)	Conditional uses limited to: <ul style="list-style-type: none"> Fire stations; and publicly- and privately-operated ambulance facilities. All other uses permitted outright.
Transportation Facilities	P	—
Wireless Communication Facility	P (L)	Permitted uses limited to: <ul style="list-style-type: none"> Wireless communication facility attached.

TDC 57.210. Additional Limitations on Uses.

- (1) *Durable Goods Sales.* Uses are limited to the retail sale of furniture and large appliances and battery electric vehicle showroom subject to the following standards:
 - (a) Retail sale of furniture and large appliances. ~~The building footprint is less than 60,000-square feet of gross floor area.~~
 - (i) The building footprint is less than 60,000 square feet of gross floor area.
 - (ii) Incidental repair of appliances is permitted as an accessory use.
 - (b) Battery Electric Vehicle Showroom. ~~Incidental repair of appliances is permitted as an accessory use.~~
 - (i) The gross floor area must not exceed 10,000 square feet and the showroom must not exceed 7,500 square feet;
 - (ii) Must contain all sales inventory, materials, equipment, and up to four vehicles for test drives inside a building.

[...]

Section 5. Findings. The Council adopts the Findings and Analysis as set forth in Exhibit 1, which is attached and incorporated by reference.

Section 6. Severability. Each section of this ordinance, and any part thereof, is severable. If any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

Section 7. Effective Date. As provided in the Tualatin Charter, this ordinance is effective 30 days from the date of adoption.

ADOPTED by the City Council this 22nd day of April, 2024.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder

ORDINANCE NO. 1485 -24

AN ORDINANCE RELATED TO LAND USE; AMENDING TUALATIN
DEVELOPMENT CODE CHAPTER 80; PTA 24-0001.

WHEREAS, the Tualatin Development Code (TDC) establishes the land use and development requirements of the City;

WHEREAS, the City initiated Plan Text Amendment (PTA 24-0001) known as the Short-Term Priority Code Bundle, to expand and modernize permitted land uses in support of business retention, growth, and attraction (Comprehensive Plan Goal 4.2);

WHEREAS, the City provided notice of the proposed amendments to the Oregon Department of Land Conservation and Development, as provided in ORS 197.610;

WHEREAS, the City provided notice to government agencies and other interested parties, as required by TDC 32.250 and TDC 33.070;

WHEREAS, a public hearing was held before the City Council of the City of Tualatin on April 22, 2024, to consider adopting the proposed amendments;

WHEREAS, at the public hearing, the Council heard and considered the testimony and evidence presented by City staff, and those appearing at the public hearing, and approved the proposed amendments; and

WHEREAS, the Council finds the proposed amendments to be in the best interest of the residents and inhabitants of the City and the public, the public interest will be served by adopting the amendments at this time, and the amendments conform to the Tualatin Comprehensive Plan and the Tualatin Development Code.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. Tualatin Development Code (TDC) Chapter 80 is amended as follows:

[...]

TDC 80.070. Cannabis Facility Operating Restrictions.

- (1) Retail sales and medical dispensary Cannabis facilities are restricted to the following operating hours:
 - (a) The hours of operation that a retail sales Cannabis facility may be open to the public is between 740:00 a.m. and 108:00 p.m. of the same day.
 - (b) The hours of operation that a medical dispensary Cannabis facility may be open to registry identification cardholders is between 740:00 a.m. and 108:00 p.m. of the same day.
- (2) All Cannabis facilities must comply with the following operating restrictions:
 - (a) Comply with the restrictions on edible Cannabis as provided in TDC 80.100;

- (b) All Cannabis odors and other objectionable odors must be confined to levels undetectable at the property line;
- (c) Primary entrances must be located on street-facing facades and clearly visible from a public or private street; and
- (d) Outdoor storage of merchandise, plants, or other materials is prohibited.

[...]

Section 2. Findings. The Council adopts the Findings and Analysis as set forth in Exhibit 1, which is attached and incorporated by reference.

Section 3. Severability. Each section of this ordinance, and any part thereof, is severable. If any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

Section 4. Effective Date. As provided in the Tualatin Charter, this ordinance is effective 30 days from the date of adoption.

ADOPTED by the City Council this 22nd day of April, 2024.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder



ANALYSIS AND FINDINGS

SHORT-TERM PRIORITY CODE BUNDLE

April 22, 2024

Case #:	PTA 24-0001
Project:	Short-Term Priority Code Bundle
Procedure:	Type IV-B, Legislative

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I. INTRODUCTION

A. Applicable Criteria

Applicable Statewide Planning Goals; Oregon Administrative Rules Chapter 660 Divisions 12 and 18; Tualatin Comprehensive Plan Chapter 4 and Tualatin Development Code Chapters 32 and 33.

B. Project Description

At the beginning of 2024, City Council directed staff to work on a bundle of legislative plan text amendments that benefit business retention, growth, and attraction, as summarized in the table below.

Table 1—Summary of proposed code amendments

CHAPTER	TITLE	PROPOSED AMENDMENT
39	Use Categories	<ul style="list-style-type: none">• Use definition additions in support of amendments.• Adds battery electric vehicle showroom as an example of Durable Good Sales; clarifies that outdoor storage of automobiles or sales of automobiles that are not battery electric vehicle showrooms or automobile leasing offices is not permitted in any zone.
53	Central Commercial Zone	<ul style="list-style-type: none">• Adds retail sales of home improvement materials and supplies as a limited Durable Goods Sales use. This use is subject to a square footage limitation of 65,000 square feet.• Corrects dated code citation for temporary use permit.• Clarifies approval criteria for an outdoor storage conditional use.
54	General Commercial Zone	<ul style="list-style-type: none">• Adds Health and Fitness Facility as a Commercial Recreation use.• Outdoor fitness facility uses are subject to additional standards and limitations.
57	Mixed Use Commercial Zone	<ul style="list-style-type: none">• Adds Battery Electric Vehicle Showroom as a Durable Goods Sales use.• Battery electric vehicle showroom uses are subject to additional standards and limitations.
80	Cannabis Facilities	<ul style="list-style-type: none">• Expands hours of operation for cannabis facilities & medical dispensaries.

C. Exhibits

2. Short-Term Priority Code Bundle PTA 24-0001
3. Noticing Materials

II. PLANNING FINDINGS

A. Oregon Statewide Planning Goals

Goal 1 – Citizen Involvement

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Finding:

Legislative amendments are subject to the public notification requirements specified in TDC 32.250, which include newspaper notice of the City Council hearing. On March 20, 2024, the City of Tualatin will hold a public Planning Commission meeting, to discuss the proposed amendments and to gather input. Additionally, interested parties will be informed that public testimony may be received during the City Council hearing tentatively scheduled for April 22, 2024. Any comments submitted by the community will be included in the City Council hearing packet. Each form of engagement is described in detail below.

Planning Commission Public Meetings:

A “hybrid” in-person and virtual Planning Commission public meetings was held on March 20, 2024. The Tualatin Planning Commission serves as the committee for citizen involvement in the Land Conservation and Development Commission planning process. They review, advise, and make recommendations to City Council on matters affecting land use planning.

Public Notice:

The Oregon Department of Land Conservation and Development (DLCD) was be notified of subject amendments in accordance with the minimum number of days required by ORS Chapter 197. The City Council hearing was noticed in accordance with TDC 32.250. (See Exhibit C.2).

The proposed amendments conform to Goal 1.

Goal 2 – Land Use Planning

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.

Finding:

The City of Tualatin’s Comprehensive Plan and Development Code provide an acknowledged and established land use planning process and policy framework which service as the basis for all decisions and actions related to land use, and include approval criteria to assure than an adequate factual base is provided for those decisions and actions. The proposed text amendments to the Tualatin Development Code have been processed in accordance with these procedures.

The proposed amendments conform to Goal 2.

Goal 5 – Open Spaces, Scenic and Historic Area, and Natural Resource

To protect natural resources and conserve scenic and historic areas and open spaces.

Finding:

The subject text amendments do not modify the City’s existing open space and natural resources requirements as regulated by TDC Chapter 71 (Wetlands Protection District) and TDC Chapter 72 (Natural Resource Protection Overlay District).

The proposed amendments conform to Goal 5.

Goal 6 – Air, Water and Land Resources Quality

To maintain and improve the quality of the air, water and land resources of the state.

Finding:

The subject text amendments do not modify the City's existing environmental regulations as regulated by TDC Chapter 63 (Industrial Uses and Utilities and Manufacturing Zones - Environmental Regulations).

The proposed amendments conform to Goal 6.

Goal 7 – Areas Subject to Natural Disasters and Hazards

To protect people and property from natural hazards.

Finding:

This proposed amendments do not modify the City's existing natural hazards requirements as regulated by TDC Chapters 70 (Floodplain District) and 72 (Natural Resource Protection Overlay District).

The proposed amendments conform to Goal 7.

Goal 8 – Recreation Needs

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Finding:

Tualatin's recreation needs, as well as those of the citizens of the state and visitors thereto, are addressed in the 2019 Tualatin Parks and Recreation Master Plan, the Comprehensive Plan, and also in Ordinance 1427-19. The proposed amendments do not affect policies associated with recreational needs.

The proposed amendments conform to Goal 8.

Goal 9 – Economy of the State

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Finding:

The proposed amendments support economic goals in the Comprehensive Plan; specifically Goal 4.2 to support business retention, growth, and attraction in ways that strengthen the local tax base [...].

The proposed amendments conform to Goal 9.

Goal 10 – Housing

To provide for the housing needs of citizens of the state.

Finding:

The proposed amendments do not affect policies related to housing.

The proposed amendments conform to Goal 10.

Goal 11 – Public Facilities and Services

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Finding:

The proposed amendments do not affect policies related to public facilities and services including water, sewer, and emergency services.

The proposed amendments conform to Goal 11.

Goal 12 – Transportation

To provide and encourage a safe, convenient and economic transportation system.

Finding:

The proposed amendments do not affect policies related to the public transportation system. Findings for the Transportation Planning Rule under, OAR 660-012-0060 are included in Section B. of this document, but ultimately the proposed amendments do not trigger a significant impact as determined by the TPR Analysis.

The proposed amendments conform to Goal 12 and satisfy the applicable OAR requirements.

Goal 13 – Energy

To conserve energy.

Findings:

The proposed amendments do not impact Tualatin's land use regulations pertaining to energy consumption.

The proposed amendments conform to Goal 13.

B. Oregon Administrative Rules

660-012-0060

Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that

would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

[...]

Finding:

The intent of the TPR (OAR 660-12-0060) is to ensure that future land use and traffic growth is consistent with transportation system planning and does not create a significant effect on the surrounding transportation system beyond currently allowed uses. The definition of a significant effect varies by jurisdiction; however the Tualatin Development Code does not provide a definition for the term.

Additionally the code regulates permitted land uses under use categories based on common functional, product or physical characteristics, including the type and intensity of activity typical of impact, types of customers, typical off-site impacts, and building type. While the proposed amendments do not include the addition of new use categories to zoning districts, they do include minimal expansion of permitted uses within existing use categories. Specifically:

- *General Commercial (CG) Zone: Adding Health and Fitness Facility to the existing permitted Commercial Recreation Use Category*
- *Central Commercial (CC) Zone: Adding Retail Sales of Home Improvement Materials and Supplies to the existing permitted Durable Goods Sales Category*
- *Mixed Use Commercial (MUC) Zone: Adding Battery Electric Vehicle Showroom to the existing permitted Durable Goods Sales Category*

General Commercial Zone:

The General Commercial Zone presently permits the following uses under the Commercial Recreation category: Amusement enterprise, including pool hall, bowling alley, dance hall or skating rink; and Health studio.

As shown in the table below, adding health and fitness facilities will have a similar traffic impact as uses already permitted in the use category of the zone.

Description/ ITE Code	Weekday Rates	PM Peak Rates
Bowling Alley (437)	33.33	1.71
Recreation Commercial Center (495)	33.82	2.74
Health/Fitness Club (492)	32.93	3.53

Central Commercial Zone:

The Central Commercial Zone presently permits the following uses under the Durable Goods Sales category: Furniture store; and appliance store.

As shown in the table below, adding retail sales of home improvement materials will have a similar traffic impact as uses already permitted in the use category of the zone.

Description/ ITE Code	Weekday Rates	PM Peak Rates
Specialty Retail (826)	44.32	2.71
Electronics Store (863)	45.04	4.5
Building Materials (812)	45.16	4.49

Mixed Use Commercial Zone:

The Mixed Use Commercial Zone presently permits the following uses under the Durable Goods Sales category: Furniture store; and large appliance store.

As shown in the table below, adding battery electric vehicle showroom will have a similar traffic impact as uses already permitted in the use category of the zone- as it would fall under the specialty retail category (826).

Description/ ITE Code	Weekday Rates	PM Peak Rates
Specialty Retail (826)	44.32	2.71
Electronics Store (863)	45.04	4.5

Lastly, there is no change to functional classification or standards of the existing transportation facilities under this amendment.

The proposed amendments are consistent with these requirements.

660-018-0020

Notice of a Proposed Change to a Comprehensive Plan or Land Use Regulation

(1) Before a local government adopts a change to an acknowledged comprehensive plan or a land use regulation, unless circumstances described in OAR 660-018-0022 (Exemptions to Notice Requirements Under OAR 660-018-0020) apply, the local government shall submit the proposed change to the department, including the information described in section (2) of this rule. The local government must submit the proposed change to the director at the department's Salem office at least 35 days before holding the first evidentiary hearing on adoption of the proposed change.

Finding:

The amendments propose a change to Tualatin's land use regulation and will be noticed accordingly as shown. The proposed amendments are consistent with OAR 660-18-0020.

C. Metro Code

Chapter 3.07, Urban Growth Management Functional Plan

Title 4 – Industrial and Other Employment Areas

3.07.440 Protection of Employment Areas

(a) Except as provided in subsections (c), (d), and (e), in Employment Areas map pursuant to Metro Code section 3.07.450, cities and counties shall limit new and expanded commercial retail uses to those appropriate in type and size to serve the needs of businesses, employees, and residents of the Employment Areas.

(b) Except as provided in subsections (c), (d), and (e), a city or county shall not approve a commercial retail use in an Employment Area with more than 60,000 square feet of gross leasable area in a single building, or commercial retail uses with a total of more than 60,000 square feet of retail sales area on a single lot or parcel, or on contiguous lots or parcels, including those separated only by transportation right-of-way.

Finding:

The proposed amendments comply with Metro's charge to protect employment lands. As shown in the Plan Text Amendments, included in Exhibit 1, a Health and Fitness Facility use will be added to the existing permitted Commercial Recreation Use Category within the General Commercial zone. Portions of General Commercial zoning lie within designated Employment Areas. The proposed amendments do not affect existing commercial retail use limitations on Employment Area land found in TDC 54.210(1). The proposed amendments are consistent with Title 4.

Title 6: Centers, Corridors, Station Communities and Main Streets

Finding:

While the project includes amendments to permitted uses with the Central Commercial zone and, in turn, to land designated town center; there are no policies in Title 6 to address in the project findings.

E. Tualatin Development Code

Chapter 32: Procedures

TDC 32.010. - Purpose and Applicability.

(2) Applicability of Review Procedures. All land use and development permit applications and decisions, will be made by using the procedures contained in this Chapter. The procedure "type" assigned to each application governs the decision-making process for that permit or application. There are five types of permit/application procedures as described in subsections (a) through (e) below. Table 32-1 lists the City's land use and development applications and corresponding review procedure(s).

(e) Type IV-B Procedure (Legislative Review). The Type IV-B procedure is used to review proposals to amend the Tualatin Comprehensive Plan, the City's land use regulations, and large-scale changes to the Comprehensive Plan or Plan Maps, and involve the creation, revision, or implementation of broad public policy. Type IV-B reviews are first considered by the Planning Commission, which makes a recommendation to City Council. City Council makes the final decision on a legislative proposal through the enactment of an ordinance. Appeals of Type IV-B decisions are heard by the Land Use Board of Appeals (LUBA).

(3) Determination of Review Type. Unless specified in Table 32-1, the City Manager will determine whether a permit or application is processed as Type I, II, III, IV-A or IV-B based on the descriptions above. Questions regarding the appropriate procedure will be resolved in favor of the review type providing the widest notice and opportunity to participate. An applicant may choose to elevate a Type I or II application to a higher numbered review type, provided the applicant pays the appropriate fee for the selected review type.

Table 32-1—Applications Types and Review Procedures

Application/Action	Procedure Type	Decision Body*	Appeal Body*	Pre-Application Conference Required	Neighborhood/Developer Mtg Required	Applicable Code Chapter
Plan Amendments						
• Legislative Map or Text Amendments	IV-B	CC	LUBA	No	No	TDC 33.070

* City Council (CC); Planning Commission (PC); Architectural Review Board (ARB); City Manager or designee (CM); Land Use Board of Appeals (LUBA).

Finding:

The proposed application is a text amendment to the Tualatin Development Code. The proposed amendments are legislative in nature as they apply to broad areas of the City, as opposed to specific properties. The proposed application is being processed in accordance with the Type IV-B procedures. These criteria are met.

TDC 32.250. - Type IV-B (Legislative Decisions).

Type IV-B decisions are legislative land use decisions made by the City Council. Legislative land use proceedings include proposals to amend the Tualatin Comprehensive Plan and zoning maps, and involve the creation, revision, or implementation of broad public policy generally impacting more than one property owner or a large number of individual properties. The City Council may initiate its own legislative proposals at any time. Legislative requests are not subject to the 120-day review period under ORS 227.178. In most cases a public hearing is required. However, no public hearing is required in a legislative land use proceeding if the purpose of the amendment is to conform to new requirements in state land use statutes, Statewide Land Use Planning Goals, or administrative rules of the Oregon Land Conservation and Development Commission implementing state land use statutes or Statewide Land Use Planning Goals, if the Oregon Department of Land Conservation and Development confirms in writing that the only effect of the proposed change is to conform the City's Comprehensive Plan or land use regulations to the new state requirements. The Council may, in its discretion, hold a public hearing although one is not required.

(1) **Submittal Requirements—Type IV-B.** Legislative land use proceedings may be initiated by the City Council or City staff.

(2) **Notice of Public Hearing—Type IV-B.** Hearings on Legislative Land Use requests must conform to state land use laws (ORS 227.175), as follows:

(a) **DLCD Pre-Adoption Notice.** The City Manager will notify in writing the Oregon Department of Land Conservation and Development (DLCD) of legislative amendments (zone change, rezoning with annexation, or comprehensive plan amendment) in accordance with the minimum number of days required by ORS Chapter 197.

[...]

(c) Other Public Notice. In addition to any other notice required, at least 14 calendar days before the scheduled City Council public hearing date, the City must mail by regular first class mail Notice of a Public Hearing to the following individuals and agencies.

- (i)** Any affected governmental agency;
- (ii)** Any person who requests notice in writing;
- (iii)** For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175;
- (iv)** Designated representatives of recognized Citizen Involvement Organizations;
- (v)** For an amendment which affects the transportation system, ODOT and Metro; and
- (vi)** For a plan amendment or land use regulation amendment that significantly impacts school capacity, the Tigard-Tualatin School District.

(d) At least 14 calendar days before the scheduled City Council public hearing date, public notice must be provided by publication in a newspaper of general circulation in the city.

(e) At least 14 calendar days before the scheduled City Council public hearing date, public notice must be posted in two public and conspicuous places within the City.

[...]

Finding:

As discussed in response to the previous criterion, the proposed amendments are legislative in nature and have been processed consistent with the Type IV-B requirements. The City Council has initiated the proposed amendments, and City staff will follow the appropriate notification procedures including DLCD notice, agency notice, newspaper notice, and posted notice. These criterion are met.

(4) Conduct of the Hearing—Type IV-B. A Type IV-B land use hearing will follow the City's legislative hearing procedures. There can be pre-hearing contact between citizens and the decision makers on legislative matters. "Ex parte contact" is not a concern.

(5) Notice of Adoption and Effective Date of a Type IV-B Decision.

(a) Notice of Adoption must be mailed to the applicant, all participants of record, and the Department of Land Conservation and Development within 20 business days after the City Council decision is filed with the City Manager. The City must also provide notice to all persons as required by other applicable laws.

(b) A Legislative Land Use decision, if approved, takes effect and becomes final as specified in the enacting ordinance or, if not approved, upon mailing of the Notice of Adoption to the applicant.

Finding:

The City Council public hearing to consider the Planning Commission's recommendation on the proposed amendments is tentatively scheduled for April, consistent with the above requirements. If adopted, a notice of adoption will be mailed and effective consistent with the above provisions. These criteria can be met.

Chapter 33: Applications and Approval Criteria

Section 33.070 Plan Amendments

[...]

(2) Applicability. [...] Legislative amendments may only be initiated by the City Council.

(3) Procedure Type.

(b) Map or text amendment applications which are legislative in nature are subject to Type IV-B Review in accordance with TDC Chapter 32.

Finding:

The proposed amendments are legislative in nature, in that they apply broadly across the City. The application was processed consistent with the Type IV-B Review requirements in accordance with Chapter 32, which included publishing a newspaper notice at least 14 days prior to the City Council hearing, sending notice to the state DLCD. (See Exhibit C.3). These criteria have been satisfied.

(5) Approval Criteria.

(a) Granting the amendment is in the public interest.

Finding:

Throughout 2023, a handful of property and business owners have reached out to the City with various requests to amend the development code in an effort to support business retention, growth, and attraction (Comprehensive Plan Goal 4.2). Then staff was directed to implement the proposed amendments by Council on January 22, 2024. The draft code was then previewed by the City Council on February 26, 2024. On March 20, the Planning Commission has deemed the proposed amendments to be in the public interest and has recommended their approval to City Council. Public engagement noticing and comments are included in Exhibit C.3. Therefore, granting the proposed amendments is in the public interest. This criterion is met.

(b) The public interest is best protected by granting the amendment at this time.

Finding:

The public interest is best protected by granting the amendment at this time. As discussed at the previous criterion, the amendment is in the public interest. The amendments also serve to satisfy Comprehensive Plan Goal 4.2 to support business retention, growth, and attraction in ways that strengthen the local tax base. The addition of the uses proposed are consistent with the existing needs of the community. Therefore, the public interest is best served by granting the amendments at this time. This criterion is met.

(c) The proposed amendment is in conformity with the applicable objectives of the Tualatin Community Plan.

Finding:

The proposed amendments are in conformity with the following applicable objectives of the Tualatin Comprehensive Plan:

- *GOAL 4.2 Support business retention, growth, and attraction in ways that strengthen the local tax base [...].*

The proposed amendments are in response to business owners' requests to amend the development code in an effort to support business retention, growth, and attraction. This effort is further supported by Strategy 2 in the 2014 Economic Development Strategic Plan, which calls for identifying Development Code related issues which create barriers to development. By making measured and period updates to the development code, we can respond to trends and developments in the economic market. Therefore, the proposed amendments are in conformity with the Tualatin Comprehensive Plan and this criterion is met.

(d) The following factors were consciously considered:

(i) The various characteristics of the areas in the City;

(ii) The suitability of the areas for particular land uses and improvements in the areas;

Finding:

The proposed amendments are legislative in nature but will generally affect commercially zoned land, as described below.

Central Commercial (CC) Zone:

The amendments will add Retail Sales of Home Improvement Materials and Supplies as a permitted use in the Durable Goods Sale use category, subject to a size limitation of 65,000 square feet to ensure the footprint and impact of this use is appropriate for the Tualatin town center.

The zone also permits outdoor storage as a conditional use; however the code does not provide any approval criteria for the conditional outdoor storage. The amendments include a correction to this administrative omission.

General Commercial (CG) Zone:

The amendments will add Health and Fitness Facility as a permitted use in the Commercial Recreation use category. Those facilities that include outdoor activities are limited and are subject to additional standards, including buffering from residential planning districts; screening; and the observance of quiet hours to ensure suitability for the neighboring areas.

The zone also permits outdoor storage as a conditional use; however the code does not provide any approval criteria for the conditional outdoor storage. The amendments include a correction to this administrative omission.

Mixed Use Commercial (MUC) Zone:

The amendments will add Battery Electric Vehicle Showroom as a permitted use in the Durable Goods Sale use category, subject to a size limitation of 10,000 square feet. All inventory for this use must be housed inside of a building to make efficient use of the district land.

These criterion are met.

(iii) Trends in land improvement and development;

Finding:

The majority of Tualatin's commercial land has been developed. Expanding and modernizing permitted uses, will encourage more efficient use of developed and vacant building space. The proposed amendments have consciously considered trends in land improvement and development and this criterion is met.

(iv) Property values;

Finding:

Expanding and modernizing permitted uses, will encourage more efficient use of developed and vacant building space; and therefore, the proposed amendments support property values. This criterion is met

(v) The needs of economic enterprises and the future development of the area; needed right- of-way and access for and to particular sites in the area;

Finding:

The proposed amendments support economic enterprise by expanding and modernizing permitted uses in certain commercial zones. The proposed amendments do not modify existing right-of-way and access standards. This criterion is met.

(vi) Natural resources of the City and the protection and conservation of said resources;

(vii) Prospective requirements for the development of natural resources in the City;

Finding:

The proposed amendments do not impact natural resource protection nor application of requirements to future development, which would fully apply to any new development. Therefore, this criterion is met.

(viii) The public need for healthful, safe, esthetic surroundings and conditions;

Finding:

The amendments do include standards and limitations for permitted uses that include outdoor activities. These factors were consciously considered and the criterion is met.

(e) If the amendment involves residential uses, then the appropriate school district or districts must be able to reasonably accommodate additional residential capacity by means determined by any affected school district.

Finding:

The amendments do not involve residential uses; therefore this criterion is not applicable.

(f) Granting the amendment is consistent with the applicable State of Oregon Planning Goals and applicable Oregon Administrative Rules, including compliance with the Transportation Planning Rule TPR (OAR 660-012-0060).

Finding:

Discussion of State of Oregon Planning Goals and applicable Oregon Administrative Rules is found in Sections II-A and B of these findings and find consistency. This criterion is met.

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

Finding:

The proposed amendments will remain consistent with the Metro Urban Growth Management Functional Plan, specifically Title 4 as discussed in Section II-C of these findings. Therefore, these requirements were consciously considered. This criterion is met.

(h) 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 10-4), and E/E for the rest of the 2040 Design Types in the City's planning area.

Finding:

The areas of the city that will be affected by the subject amendments are identified as Employment Area (EA) and Town Center (TC) on Map 10-4. As described in Section II-B, the additional uses included in the proposed amendments are anticipated to share similar ITE rates as uses already allowed in the corresponding use category. Therefore, the proposal will have not have a appreciable impact on the level of service for transportation facilities and the criterion is addressed.

(i) Granting the amendment is consistent with the objectives and policies regarding potable water, sanitary sewer, and surface water management pursuant to TDC 12.020, water management issues are adequately addressed during development or redevelopment anticipated to follow the granting of a plan amendment.

[...]

Finding:

The proposed changes do not impact objectives and policies regarding the above referenced utilities. These factors were consciously considered but this criterion is not applicable.

CHAPTER 39 - USE CATEGORIES

TDC 39.115 - Use Definitions.

[...]

Battery Electric Vehicle Showroom. Means an establishment engaged in the sale or lease of new vehicles designed to operate exclusively on electricity stored in a rechargeable battery, multiple batteries, or battery pack. Showrooms do not include exterior vehicle storage or activities related to vehicle repair and servicing.

Health or Fitness Facility. A facility designed to accommodate indoor or outdoor activities such as racquetball courts, pickleball courts, tennis courts, gymnasiums, weight lifting rooms and other exercise areas, swimming pools and similar uses.

[...]

TDC 39.320. - Durable Goods Sales.

- (1) *Characteristics.* Durable Goods Sales are the sale, rental, or lease of new and used goods having extended utility. Durable Goods Sales may require extensive indoor and/or outdoor display areas.
- (2) *Examples of Uses.*
 - Retail sale of home improvement materials and supplies, including but not limited to: interior/exterior building and construction materials, electrical supplies, plumbing supplies and fixtures, lawn and landscaping equipment, floor coverings, home décor, indoor/outdoor household appliances, paint and painting supplies, and tools and hardware.
 - Retail sale of furniture and large appliances.
 - New and used sales of motorcycles, boats, recreational vehicles, or trailers.
 - Retail nurseries or greenhouses.
 - Battery electric vehicle showroom (as defined in TDC 39.115) and automobile leasing office.
- (3) *Exceptions.*
 - Sales of building and landscaping materials primarily sold to contractors is classified as Wholesale Sales.
 - Sales, leasing, or rental of industrial, farm, or construction equipment is classified as Wholesale Sales.
 - Sales of bicycles are classified as Retail Sales and Service.
 - Outdoor storage of automobiles or sale of automobiles that are not battery electric vehicle showrooms or automobile leasing offices, is not permitted in any zone.

[...]

TDC 39.350. - Quick Vehicle Servicing.

- (1) *Characteristics.* Quick Vehicle Servicing provides direct services for motor vehicles at a drive-through facility, which may include a mini-mart in certain zones, where the service is performed and where the driver generally waits for the service to be performed.
- (2) *Examples of Uses.*
 - Automobile Service Station (as defined in TDC 39.115).
 - Non-Retail Cardlock Fueling Station (as defined in TDC 39.115).
 - Car washes.

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- Quick lubrication services.
- Department of Environmental Quality vehicle emission test sites.

(3) *Exceptions.*

- Refueling facilities for the vehicles that belong to a specific use (fleet vehicles) which are on the site where the vehicles are kept are accessory to the primary use.
- Outdoor storage of automobiles or sale of automobiles that are not battery electric vehicle showrooms or automobile leasing offices, is not permitted in any zone.

[...]

TDC 39.365 - Vehicle Repair.

- (1) *Characteristics.* Vehicle Repair provides vehicle repair and servicing to passenger vehicles, light and medium trucks, motorcycles, boats, recreational vehicles, and other consumer motor vehicles. Generally, the customer does not wait at the site while the service or repair is being performed.

(2) *Examples of Uses.*

- Alignment shop.
- Auto body and/or paint shop.
- Auto detailing.
- Auto upholstery shop.
- Tire sales and mounting.
- Transmission or muffler shop.
- Vehicle repair.

(3) *Exceptions.*

- Repair and service of industrial vehicles and equipment, and of heavy trucks; towing and vehicle storage are classified as Light Manufacturing.
- Outdoor storage of automobiles or sale of automobiles that are not battery electric vehicle showrooms or automobile leasing offices, is not permitted in any zone.

[...]

TDC 39.430. - Vehicle Storage.

- (1) *Characteristics.* Vehicle Storage are storage facilities for vehicles including automobiles, boats, buses, recreational vehicles, and trailers.

(2) *Examples of Uses.*

- Vehicle impoundment yards.
- Vehicle fleet storage and maintenance facilities.
- Towing and vehicle storage operations.
- School bus yards.
- Recreational vehicle storage.
- Transit vehicle storage and maintenance yards.

(3) *Exceptions.*

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- Auto wrecking yards are not permitted in any zones.
- Outdoor storage of automobiles or sale of automobiles that are not battery electric vehicle showrooms or automobile leasing offices, ~~are~~ is not permitted in any zones.

CHAPTER 53 CENTRAL COMMERCIAL ZONE (CC)

[...]

TDC 53.200. Use Categories.

- (1) *Use Categories.* Table 53-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the CC zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 53-1 and restrictions identified in TDC 53.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.
- (2) *Overlay Zones.* Additional uses may be allowed in a particular overlay zone. See the overlay zone Chapters for additional uses.

**Table 53-1
Use Categories in the CC Zone**

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
RESIDENTIAL USE CATEGORIES		
Residential Accessory Uses	P (L)	Permitted uses limited to Family Child Care Home subject to ORS 329A.440.
COMMERCIAL USE CATEGORIES		
Commercial Lodging	P	—
Commercial Recreation	P (L)	Permitted uses limited to: <ul style="list-style-type: none"> • Amusement enterprise, including pool hall, bowling alley, dance hall or skating rink; • Private meeting hall, club or lodge hall, or fraternal organizations; and • Health studio.
Commercial Parking	P	—
Durable Goods Sales	P (L)	Permitted uses limited to: <ul style="list-style-type: none"> • Furniture store, including antiques and second-hand furniture; and • Appliance store, subject to TDC 53.210(12); <u>and</u> • <u>Retail sales of home improvement materials and supplies, subject to TDC 53.210(3).</u>
Eating and Drinking Establishments	P	Some restrictions in the Central Tualatin Overlay Zone see TDC Chapter 58.
Medical Office	P	—
Office	P	—
Retail Sales and Services	P/C	Conditional use permit required for veterinary clinic. Memorial Planning and Products Center (as defined in TDC 39.115) not permitted. All other uses permitted outright. All uses subject to TDC 53.210(4).
INSTITUTIONAL USE CATEGORIES		
Assembly Facilities	C	—
Colleges, Universities and Private Career Schools	P/C (L)	Permitted uses limited to business college. All other use are conditional uses.

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Community Services	P	—
Schools	C	—
INFRASTRUCTURE AND UTILITIES USE CATEGORIES		
Basic Utilities	P/C (L)	Permitted uses limited to sewer and water pump stations and pressure reading stations. Conditional uses limited to utility substations.
Greenways and Natural Areas	P	—
Parks and Open Space	P	—
Public Safety Facilities	P/C (L)	Conditional uses limited to publicly- and privately-operated ambulance facilities. All other uses permitted outright.
Transportation Facilities	P	—
Wireless Communication Facilities	P(L)	Permitted uses limited to: <ul style="list-style-type: none"> • Wireless Communication Facility Attached; and • Wireless Communication Facility, located within 300 feet of the centerline of I-5.

TDC 53.210. Additional Limitations on Uses.

[...]

- (3) Retail Sales of Home Improvement Materials and Supplies. The retail sales of home improvement materials and supplies must not be greater than 65,000 square feet of gross floor area per building or tenant. Outdoor Uses. All uses must be conducted wholly within a completely enclosed building, except off-street parking and loading, Basic Utilities, Wireless Communication Facilities, outdoor play areas of child day care centers, as required by state day care certification standards, and as provided in (a)–(c), below:
- (a) ~~Outside storage or sales requires a conditional use permit.~~
 - (b) ~~Outdoor sales, as defined in TDC 31.060 and as provided for in TDC 34.011, are permitted as a temporary use.~~
 - (c) ~~Portable collection facilities as an accessory use require a conditional use permit, and are subject to the following standards:~~
 - (i) ~~The facility must be sited such that it is either adjacent to existing vegetation or in a location where vegetation can be installed to enhance the appearance of the facility;~~
 - (ii) ~~If vegetation is not already in place, landscaping, as approved through the Architectural Review process, must be installed adjacent to the location of the portable collection facility;~~
 - (iii) ~~Items must not be stored outside the facility, except for temporary storage of oversized goods;~~
 - (iv) ~~Oversized goods stored outside must be collected daily and removed from the premises or stored inside the portable collection facility; and~~
 - (v) ~~Adequate receptacle must be provided for items dropped off during times the facility is not attended.~~
- (4) Outdoor Uses. All uses must be conducted wholly within a completely enclosed building, except off-street parking and loading, Basic Utilities, Wireless Communication Facilities, outdoor play areas of child day care centers, as required by state day care certification standards, and as provided in (a)–(b), below.

- (a) Temporary Uses. Temporary outdoor sales, as defined in TDC 31.060, are permitted as a temporary use subject to TDC 33.090.
 - (b) Conditional Uses.
 - (i) Any outdoor storage, display, and sales use requires a conditional use permit and is subject to the following standards:
 - (A) The outdoor area must not exceed ten percent of the store's gross floor area or 15,000 square feet, whichever is less.
 - (B) Not less than 50 percent of the outdoor area must be covered by a permanent roof.
 - (C) The outdoor area must abut a wall of the store.
 - (D) All sides of the outdoor area not abutting a wall of the store must be screened with a sight obscuring fence, wall, berm, or dense evergreen landscaping not less than six feet in height.
 - (E) Stored materials must not exceed the height of the sight obscuring barrier when viewed from street level.
 - (ii) Portable collection facilities, as an accessory use, require a conditional use permit and are subject to the following standards:
 - (A) The facility must be sited such that it is either adjacent to existing vegetation or in a location where vegetation can be installed to enhance the appearance of the facility;
 - (B) If vegetation is not already in place, landscaping, as approved through the Architectural Review process, must be installed adjacent to the location of the portable collection facility;
 - (C) Items must not be stored outside the facility, except for temporary storage of oversized goods;
 - (D) Oversized goods stored outside must be collected daily and removed from the premises or stored inside the portable collection facility; and
 - (E) Adequate receptacle must be provided for items dropped off during times the facility is not attended.
- [...]

CHAPTER 54 - GENERAL COMMERCIAL ZONE (CG)

TDC 54.100. Purpose.

The purpose of this district is to provide areas in the City that are suitable for the widest range of commercial uses and retail businesses. This district is particularly suitable for automobile-related businesses and businesses needing direct freeway access.

TDC 54.200. Use Categories.

- (1) *Use Categories.* Table 54-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the CG zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 54-1 and restrictions identified in TDC 54.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.
- (2) *Overlay Zones.* Additional uses may be allowed in a particular overlay zone. See the overlay zone Chapters for additional uses.

Table 54-1
Use Categories in the CG District

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
RESIDENTIAL USE CATEGORIES		
Residential Accessory Uses	P (L)	Permitted uses limited to Family Child Care Home, subject to ORS 329A.440.
COMMERCIAL USE CATEGORIES		
Commercial Lodging	P	—
Commercial Recreation	P/C (L)	Permitted uses limited to: <ul style="list-style-type: none">• Amusement enterprise, including pool hall, bowling alley, dance hall or skating rink; and• Health studio or fitness facility, <u>outdoor uses limited subject to TDC 54.220(2).</u> Conditional uses limited to: <ul style="list-style-type: none">• Family recreation center, as defined in TDC 31.060; and• Private meeting hall, club or lodge hall, or fraternal organizations.
Commercial Parking	P	—
Durable Goods Sales	P (L)	Permitted uses limited to: <ul style="list-style-type: none">• Furniture store, including antiques and second-hand furniture;• Appliance store, subject to TDC 54.210(2);• Home improvement store, subject to TDC 534.210(3) and TDC 54.220(34);• Auto leasing office, subject to TDC 54.210(4) and TDC 54.220(34); and• Boat, boat motor and boat trailer sales subject to TDC 54.210(5) and TDC 54.220(34). All uses subject to TDC 54.210(1).

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Eating and Drinking Establishments	P	—
Medical Office	P	—
Office	P	—
Other Educational and Vocational Services	P	—
Quick Vehicle Servicing	P (L)	Permitted uses limited to Automobile Service Stations subject to TDC 54.210(6).
Retail Sales and Services	P/C (L)	Conditional use permit required for outdoor pet activity area associated with Pet Day Care, subject to subject to TDC 54.220(34). Pet Day Care without outdoor activity area is permitted outright. Mortuary not permitted. All other retail sales and service uses permitted outright. All uses subject to TDC 54.210(1).
Vehicle Repair	P	—
INDUSTRIAL USE CATEGORIES		
Light Manufacturing	P (L)	Permitted uses limited to: Optical lens grinder; and Testing laboratory.
Vehicle Storage	P (L)	Permitted uses limited to automobile towing company office and dispatch office, subject to TDC 54.220(34).
Warehouse and Freight Movement	P (L)	Permitted uses limited to frozen food locker.
INSTITUTIONAL USE CATEGORIES		
Assembly Facilities	C (L)	Conditional uses limited to: • Auditoriums, exhibition halls, or rooms for public assembly; • Churches, synagogues, mosques, temples or other places of worship; and • Theaters.
Colleges, Universities, and Private Career Schools	P/C	Permitted uses limited to a private career school. All other uses require conditional use permit.
Community Services	P	—
Schools	C	—
INFRASTRUCTURE AND UTILITIES USE CATEGORIES		
Basic Utilities	P/C (L)	Permitted uses limited to sewer and water pump stations, pressure reading stations. Conditional uses limited to utility substations.
Greenways and Natural Areas	P	—
Parks and Open Space	P (L)	Golf courses and country clubs prohibited. All other uses permitted outright.
Public Safety Facilities	P/C (L)	Conditional uses limited to: • Fire stations; and • Publicly- and privately-operated ambulance

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		facilities. All other uses permitted outright.
Transportation Facilities	P	—
Wireless Communication Facility	P/C (L)	<p>Permitted uses limited to:</p> <ul style="list-style-type: none"> • Wireless Communication Facility, if located within 300 feet of the centerline of Interstate 5; and • Wireless Communication Facility Attached. <p>Conditional uses limited to Wireless Communication Facility. Subject to maximum height and minimum setback standards defined by TDC Chapter 73F.</p>

[...]

TDC 54.220. Outdoor Uses.

All uses must be conducted wholly within a completely enclosed building, except as provided by this section.

- (1) *Permitted Uses.* Off-street parking and loading, outdoor play areas of child day care centers as required by state day care certification standards, Basic Utilities, Wireless Communication Facilities, and nursery or greenhouse uses are permitted outright as outdoor uses.
- (2) *Limited Uses.* Health and Fitness Facility uses that include outdoor activities are limited and subject to additional standards.
 - (a) The subject lot is not within 500 feet of a residential planning district.
 - (b) The outdoor area must:
 - (i) Be completely enclosed with a minimum 8-foot-tall sight-obscuring fence. Slatted chain link fencing is not an appropriate screening measure; and
 - (ii) Outdoor activities must not occur between the hours of 10:00 pm and 7:00 am.
- (23) *Temporary Uses.* Temporary outdoor sales, as defined in TDC 31.060, are permitted as a temporary use subject to TDC 33.090.
- (34) *Conditional Uses.* ~~Any outdoor storage, display, and sales use requires a conditional use permit.~~ The following specific outdoor uses require a conditional use permit and are subject to additional standards.
 - (a) Outdoor Storage, Display, and Sales.
 - (i) The outdoor area must not exceed ten percent of the store's gross floor area or 15,000 square feet, whichever is less.
 - (ii) Not less than 50 percent of the outdoor area must be covered by a permanent roof.
 - (iii) The outdoor area must abut a wall of the store.
 - (iv) All sides of the outdoor area not abutting a wall of the store must be screened with a sight obscuring fence, wall, berm, or dense evergreen landscaping not less than six feet in height.
 - (v) Stored materials must not exceed the height of the sight obscuring barrier when viewed from street level.

[...]

CHAPTER 57 MIXED USE COMMERCIAL ZONE (MUC)

TDC 57.010. Purpose.

The purpose of this district is to provide areas of the City that are suitable for a mix of office, retail commercial, and high-density housing. Retail uses should be located on the ground floor to encourage an interesting and active streetscape. Buildings should be oriented toward the street with clearly marked entrances. The use of alternative modes of transportation such as transit, pedestrian, and bicycle activity are to be promoted within the district.

TDC 57.200. Use Categories.

- (1) *Use Categories.* Table 57-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the MUC. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 57-1 and restrictions identified in TDC 57.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.

Table 57-1
Use Categories in the MUC

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
RESIDENTIAL USE CATEGORIES		
Household Living	P/C	Permitted housing types subject to TDC 57.220
COMMERCIAL USE CATEGORIES		
Commercial Lodging	P	—
Commercial Recreation	P	—
Commercial Parking	P	—
Durable Goods Sales	P/C (L)	Permitted uses limited to: <ul style="list-style-type: none">• Retail sale of furniture and large appliances, pursuant to TDC 57.210; and• <u>Battery electric vehicle showroom, subject to TDC 57.210.</u> Conditional uses limited to: <ul style="list-style-type: none">• Outdoor sales subject to TDC 57.210.
Eating and Drinking Establishments	P	P
Medical Office	P (L)	Accessory research and development square footage must be less than the primary office use square footage.
Office	P (L)	Accessory research and development square footage must be less than the primary office use square footage.
Other Educational and Vocational Servicing	P	—
Quick Vehicle Servicing	C (L)	Conditional uses limited to: <ul style="list-style-type: none">• Automobile service station subject to TDC 57.210.

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Retail Sales and Services	P/C (L)	<p>Pet day care without outdoor activity area is permitted outright.</p> <p>Mortuary not permitted.</p> <p>Conditional uses limited to:</p> <ul style="list-style-type: none"> • Outdoor sales subject to TDC 57.210. <p>All other retail sales and service uses permitted outright.</p>
INSTITUTIONAL USE CATEGORIES		
Assembly Facilities	C (L)	<p>Conditional uses limited to:</p> <ul style="list-style-type: none"> • Religious institutions or major event entertainment.
Colleges, Universities, and Private Career Schools	C	—
Community Services	P	—
Medical Centers	C	—
Schools	C	—
INFRASTRUCTURE AND UTILITIES CATEGORIES		
Basic Utilities	P (L)	<p>Permitted uses limited to:</p> <ul style="list-style-type: none"> • Sewer and water pump stations; • Pressure reading stations.
Greenways and Natural Areas	P	P
Parks and Open Space	P (L)	<p>Golf courses and country clubs prohibited.</p> <p>All other uses permitted outright.</p>
Public Safety Facilities	P/C (L)	<p>Conditional uses limited to:</p> <ul style="list-style-type: none"> • Fire stations; and publicly- and privately-operated ambulance facilities. <p>All other uses permitted outright.</p>
Transportation Facilities	P	—
Wireless Communication Facility	P (L)	<p>Permitted uses limited to:</p> <ul style="list-style-type: none"> • Wireless communication facility attached.

TDC 57.210. Additional Limitations on Uses.

- (1) *Durable Goods Sales.* Uses are limited to the retail sale of furniture and large appliances and battery electric vehicle showroom subject to the following standards:
 - (a) Retail sale of furniture and large appliances. ~~The building footprint is less than 60,000 square feet of gross floor area.~~
 - (i) The building footprint is less than 60,000 square feet of gross floor area.
 - (ii) Incidental repair of appliances is permitted as an accessory use.
 - (b) Battery Electric Vehicle Showroom. ~~Incidental repair of appliances is permitted as an accessory use.~~
 - (i) The gross floor area must not exceed 10,000 square feet and the showroom must not exceed 7,500 square feet;
 - (ii) Must contain all sales inventory, materials, equipment, and up to four vehicles for test drives inside a building.

[...]

CHAPTER 80 – CANNABIS FACILITIES

[...]

TDC 80.070. Cannabis Facility Operating Restrictions.

- (1) Retail sales and medical dispensary Cannabis facilities are restricted to the following operating hours:
 - (a) The hours of operation that a retail sales Cannabis facility may be open to the public is between ~~7~~10:00 a.m. and 10~~8~~:00 p.m. of the same day.
 - (b) The hours of operation that a medical dispensary Cannabis facility may be open to registry identification cardholders is between ~~7~~10:00 a.m. and 10~~8~~:00 p.m. of the same day.
- (2) All Cannabis facilities must comply with the following operating restrictions:
 - (a) Comply with the restrictions on edible Cannabis as provided in TDC 80.100;
 - (b) All Cannabis odors and other objectionable odors must be confined to levels undetectable at the property line;
 - (c) Primary entrances must be located on street-facing facades and clearly visible from a public or private street; and
 - (d) Outdoor storage of merchandise, plants, or other materials is prohibited.

[...]

From: [DLCD Plan Amendments](#)
To: [Erin Engman](#)
Subject: Confirmation of PAPA Online submittal to DLCD
Date: Friday, March 1, 2024 1:43:03 PM



Tualatin

Your notice of a proposed change to a comprehensive plan or land use regulation has been received by the Oregon Department of Land Conservation and Development.

Local File #: PTA 24-0001: Short-Term Priority Code Bundle

DLCD File #: [001-24](#)

Proposal Received: 3/1/2024

First Evidentiary Hearing: 4/22/2024

Submitted by: eengman

If you have any questions about this notice, please reply or send an email to plan.amendments@dlcd.oregon.gov.

PamplinMediaGroup

-Ad Proof-

This is the proof of your ad, scheduled to run on the dates indicated below. Please proofread carefully, and if changes are needed, please contact Kristine Humphries prior to deadline at (971) 204-7785 or khumphries@pamplinmedia.com.

Date: 03/05/24 Account #: 146536 File #: Company Name: TUALATIN, CITY OF Contact: LINDSEY HAGERMAN Address: 10699 SW HERMAN RD TUALATIN Telephone: (503) 691-3053 Fax:	Ad ID: 318995 Start: 04/03/24 Stop: 04/04/24 Total Cost: \$68.91 Columns Wide: 1 Ad Class: 1216 Phone # (971) 204-7785 Email: khumphries@pamplinmedia.com Amount Due: \$68.91
Run Dates The Times04/04/24	

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

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Tualatin City Council at 7:00 p.m., Monday, April 22, 2024, at the Tualatin Service Center.

You are invited to attend and participate in the public hearing.

PTA 24-0001: The City of Tualatin is proposing a Plan Text Amendment (PTA) to Chapters 39, 53, 54, 57, and 80 of the Tualatin Development Code to expand and modernize permitted land uses in various commercial zoning districts in support of economic enterprise.

The public is invited to comment by e-mail, writing or by testifying at the hearing. Written comments can be made by email to planning@tualatin.gov or submitted at the hearing. Failure to raise an issue at the hearing or in writing or to provide sufficient specificity to afford the City Council an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA). Legislative hearings begin with the Mayor opening the hearing, presentation of the staff report, public testimony, questions of staff or anyone who testified by Council, after which the Mayor closes the public hearing, and Council may then deliberate to a decision and a motion would be made to either approve, deny, or continue the public hearing. The time of individual testimony may be limited.

For those who would prefer to make verbal comment at the hearing, there are two options:

- **Zoom teleconference.** Instructions on how to provide comment will be provided during the meeting itself.

- Full instructions and a current link are available at: <https://www.tualatinoregon.gov/citycouncil/council-meetings>

- **Attend in person at the Tualatin Service Center** at 10699 SW Herman Road, Tualatin, Oregon

To view application materials visit: <https://www.tualatinoregon.gov/planning/pta-24-000-short-term-priority-code-bundle>

A staff report will available seven day prior to the public hearing. This meeting and any materials being considered can be made accessible upon request.

To grant the amendment, Council must find the proposal meets the applicable criteria of the Oregon Statewide Planning Goals, Division 11 of the Oregon Administrative Rules Chapter 660, and Tualatin Development Code Section 33.070.

CITY OF TUALATIN, OREGON

Published April 4, 2024.

TT318995

From: [Erin Engman](#)
To: cityofdurham@comcast.net; rsmith@ci.king-city.or.us; planning@lakeoswego.citymanager@cityofrivergrove.com; planning@sherwoodoregon.gov; TomM@tigard-or.gov; bateschell@ci.wilsonville.or.us; neamtzu@ci.wilsonville.or.us; kenken@clackamas.us; naomi_vogel@co.washington.or.us; theresa_cherniak@co.washington.or.us; deqinfo@deg.state.or.us; landusenotifications@oregonmetro.gov; ODOT_R1_DevRev@odot.state.or.us; baldwinb@trimet.org; LUComments@cleanwaterservices.org; kherrod@republicservices.com; info@theintertwine.org; Caitlyn@tualatinchamber.com; OR.METRO.ENGINEERING@ZIPLY.COM; tod.shattuck@pgn.com; brandon.fleming@pgn.com; kenneth.spencer@pgn.com; Steven.Monier@nwnatural.com; icrawford@wccca.com; [McGladrey, Alexander M.](#)
Cc: [Erin Engman](#); [Steve Koper](#)
Subject: Notice of Hearing: PTA 24-0001 Short-Term Priority Code Bundle
Date: Monday, March 18, 2024 8:35:00 AM



NOTICE OF HEARING AND OPPORTUNITY TO COMMENT

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Tualatin City Council at 7:00 p.m., Monday April 22, 2024, at the Tualatin Service Center.

You are invited to attend and participate in the public hearing. Under consideration is Plan Text Amendment (PTA 24-0001) known as the Short-Term Priority Code Bundle. The project would amend Chapters 39, 53, 54, 57, and 80 of the Tualatin Development Code to expand and modernize permitted land uses in various commercial zoning districts in support of economic enterprise.

The public is invited to comment by e-mail, writing or by testifying at the hearing. Written comments can be made by email to planning@tualatin.gov or submitted at the hearing. Failure to raise an issue at the hearing or in writing or to provide sufficient specificity to afford the City Council an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA). Legislative hearings begin with the Mayor opening the hearing, presentation of the staff report, public testimony, questions of staff or anyone who testified by Council, after which the Mayor closes the public hearing, and Council may then deliberate to a decision and a motion would be made to either *approve*, *deny*, or *continue* the public hearing. The time of individual testimony may be limited.

For those who would prefer to make verbal comment at the hearing, there are two options:

- **Attend in person at the Tualatin Service Center** at 10699 SW Herman Road, Tualatin, Oregon
- **Zoom teleconference.** Instructions on how to provide comment will be provided during the meeting itself.
 - Full instructions and a current link are available at:

<https://www.tualatinoregon.gov/citycouncil/council-meetings>

To view application materials visit: <https://www.tualatinoregon.gov/planning/pta-24-000-short-term-priority-code-bundle>. A staff report will be available seven days prior to the public hearing and published at: www.tualatinoregon.gov/meetings. This meeting and any materials being considered can be made accessible upon request.

To grant the amendment, Council must find the proposal meets the applicable criteria of the Oregon Statewide Planning Goals, Oregon Administrative Rules Chapter 660, Metro Code, and Tualatin Development Code Section 33.070.

Erin Engman, AICP

Senior Planner

City of Tualatin | Planning Division

503.691.3024 | www.tualatinoregon.gov

From: [Erin Engman](#)
To: ["riverparkcio@gmail.com"](#); ["jasuwi7@gmail.com"](#); ["christine@newmountaingroup.com"](#); ["rockybixby@hotmail.com"](#); ["katepinamonti@hotmail.com"](#); ["cynmartz12@gmail.com"](#); ["daniel@bachhuber.co"](#); ["cio.east.west@gmail.com"](#); ["doug_ulmer@comcast.net"](#); ["keenawoods7@gmail.com"](#); ["keenawoods7@gmail.com"](#); ["dana476@gmail.com"](#); ["crowell248@gmail.com"](#); ["tualatinmidwestcio@gmail.com"](#); ["tmpgarden@comcast.net"](#); ["sixgill@comcast.net"](#); ["jdrsr80@gmail.com"](#); ["snoelluwcwle@yahoo.com"](#); ["danytyrell@gmail.com"](#); ["MartinazziWoodsCIO@gmail.com"](#); ["solson.1827@gmail.com"](#); ["delmoore@frontier.com"](#); ["jamison.l.shields@gmail.com"](#); ["ClaudiaSterling68@gmail.com"](#); ["abuschert@gmail.com"](#); ["roydloop@gmail.com"](#); ["Tualatinibachcio@gmail.com"](#); ["Parsons.Patricia@outlook.com"](#); ["afbohn@gmail.com"](#); ["edkcnw@comcast.net"](#); ["fiskelady@hotmail.com"](#); ["clinefelters@outlook.com"](#); ["byromcio@gmail.com"](#); ["timneary@gmail.com"](#); ["jujuheir@aol.com"](#); ["dtcme99@comcast.net"](#); ["katzmari22@gmail.com"](#); ["mwestenhaver@hotmail.com"](#); ["tualatincommercialcio@gmail.com"](#); ["tualatincommercialcio@gmail.com"](#); ["scottm@capacitycommercial.com"](#); ["scottm@capacitycommercial.com"](#); ["ksdrangsholt@yahoo.com"](#); ["christine@newmountaingroup.com"](#); ["robertekellogg@yahoo.com"](#); ["sonyanybergrygh@gmail.com"](#)
Cc: [Megan George](#); [Betsy Ruef](#)
Subject: Notice of Hearing: PTA 24-0001 Short-Term Priority Code Bundle
Date: Monday, March 18, 2024 8:39:00 AM



NOTICE OF HEARING AND OPPORTUNITY TO COMMENT

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Tualatin City Council at 7:00 p.m., Monday April 22, 2024, at the Tualatin Service Center.

You are invited to attend and participate in the public hearing. Under consideration is Plan Text Amendment (PTA 24-0001) known as the Short-Term Priority Code Bundle. The project would amend Chapters 39, 53, 54, 57, and 80 of the Tualatin Development Code to expand and modernize permitted land uses in various commercial zoning districts in support of economic enterprise.

The public is invited to comment by e-mail, writing or by testifying at the hearing. Written comments can be made by email to planning@tualatin.gov or submitted at the hearing. Failure to raise an issue at the hearing or in writing or to provide sufficient specificity to afford the City Council an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA). Legislative hearings begin with the Mayor opening the hearing, presentation of the staff report, public testimony, questions of staff or anyone who testified by Council, after which the Mayor closes the public hearing, and Council may then deliberate to a decision and a motion would be made to either *approve*, *deny*, or *continue* the public hearing. The time of individual testimony may be limited.

For those who would prefer to make verbal comment at the hearing, there are two options:

- **Attend in person at the Tualatin Service Center** at 10699 SW Herman Road, Tualatin, Oregon

- **Zoom teleconference.** Instructions on how to provide comment will be provided during the meeting itself.
 - Full instructions and a current link are available at:
<https://www.tualatinoregon.gov/citycouncil/council-meetings>

To view application materials visit: <https://www.tualatinoregon.gov/planning/pta-24-000-short-term-priority-code-bundle>. A staff report will be available seven days prior to the public hearing and published at: www.tualatinoregon.gov/meetings. This meeting and any materials being considered can be made accessible upon request.

To grant the amendment, Council must find the proposal meets the applicable criteria of the Oregon Statewide Planning Goals, Oregon Administrative Rules Chapter 660, Metro Code, and Tualatin Development Code Section 33.070.

Erin Engman, AICP

Senior Planner

City of Tualatin | Planning Division

503.691.3024 | www.tualatinoregon.gov

From: [Erin Engman](#)
To: [Kim McMillan \(kmcmillan@tualatin.gov\)](#); [Mike McCarthy](#); [Mike McCarthy](#); [Tony Doran](#); [Hayden Ausland](#); [Terrance Leahy](#); [Sherilyn Lombos](#); [Don Hudson](#); [Heather Heidel](#); [Kevin McConnell](#); [Rich Mueller](#); [Tom Steiger](#); [Martin Loring](#); [Tom Scott](#)
Cc: [Erin Engman](#); [Ext - Planning](#)
Subject: Notice of Hearing: PTA 24-0001 Short-Term Priority Code Bundle
Date: Monday, March 18, 2024 8:37:00 AM



NOTICE OF HEARING AND OPPORTUNITY TO COMMENT

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You are invited to attend and participate in the public hearing. Under consideration is Plan Text Amendment (PTA 24-0001) known as the Short-Term Priority Code Bundle. The project would amend Chapters 39, 53, 54, 57, and 80 of the Tualatin Development Code to expand and modernize permitted land uses in various commercial zoning districts in support of economic enterprise.

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can be made accessible upon request.

To grant the amendment, Council must find the proposal meets the applicable criteria of the Oregon Statewide Planning Goals, Oregon Administrative Rules Chapter 660, Metro Code, and Tualatin Development Code Section 33.070.

Erin Engman, AICP

Senior Planner

City of Tualatin | Planning Division

503.691.3024 | www.tualatinoregon.gov

From: [Erin Engman](#)
To: [Sandra Rollinson](#); [susan.noack](#); [Bob Durgan](#); [Doug Childs](#); [Kent](#)
Cc: [Steve Koper](#); [Kim McMillan \(kmcmillan@tualatin.gov\)](mailto:kmcmillan@tualatin.gov)
Subject: Short-Term Priority Code Bundle (PTA 24-0001)
Date: Thursday, March 14, 2024 4:23:00 PM

Dear Property and Business Owners,

We hope this email finds you well. The City of Tualatin is proposing a Plan Text Amendment to Chapters 39, 53, 54, 57, and 80 of the Tualatin Development Code to expand and modernize permitted land uses in various commercial zoning districts in support of economic enterprise. This project is known as the Short-Term Priority Code Bundle (PTA 24-0001).

As part of the amendment process, the public and interested stakeholders have an opportunity to provide comments that help the City make informed decisions. If you would like to provide comments on the Short-Term Priority Code Bundle project, please follow these instructions:

1. **Review the Proposal:** Take the time to review the proposed changes to the development code. You can access the full text of the proposal and accompanying documents on the [City of Tualatin's official website](#).
2. **Prepare Your Comments:** Consider how the proposed changes may impact your property and the surrounding area. Formulate your comments, support, or concerns in a clear and concise manner.
3. **Submit Your Feedback:** There are several ways to submit your comments:
 - **Email:** Send an email to eengman@tualatin.gov with the subject line " Short-Term Priority Code Bundle Comments." Please include your name, contact information, and property address in your email.
 - **Written Letter:** Mail your comments to City of Tualatin c/o Erin Engman, 10699 SW Herman Road, Tualatin, OR 97062. Ensure that your letter reaches us before April 5, 2024.
 - **Public Hearing:** Voice your comments directly to the decision-makers by attending the following meetings. These meetings are held in a hybrid format and provide flexibility to attend in-person at 10699 SW Herman Road or virtually using Zoom. Meeting packets include virtual instruction and are posted seven days prior to the meeting date.
 - Planning Commission on [March 20](#) at 6:30 pm
 - City Council on [April 22](#) at 7 pm

Your participation in this process is valuable, and we thank you in advance for your contributions in shaping the future of Tualatin. Should you have any questions or require further assistance, please do not hesitate to contact me.

Sincerely,

Erin Engman, AICP

Senior Planner

City of Tualatin | Planning Division

From: Candice KELLY <candicekelly16@msn.com>

Sent: Monday, April 15, 2024 8:24 AM

To: Frank Bubenik <fbubenik@tualatin.gov>; Valerie Pratt <vpratt@tualatin.gov>; Cyndy Hillier <chillier@tualatin.gov>; Bridget Brooks <bbrooks@tualatin.gov>; Maria Reyes <mreyes@tualatin.gov>; Christen Sacco <csacco@tualatin.gov>; Octavio Gonzalez <ogonzalez@tualatin.gov>

Subject: Regarding Ordinance no 1485-24

Mayor Bubenik, Council President Pratt, Councilors Hillier, Brooks, Reyes, Sacco and Gonzalez,

April 15th, 2024

Regarding: ORDINANCE NO. 1485-24

I am writing you today because I read thru the Council meeting agenda for your April 22nd meeting next week, I am not always successful in doing this but I do try to remember to read the Agenda and then to watch the meeting, sorry it is very hit and miss for me at my age. So when I read the above Ordinance, I was concerned about any decision after such a short time that we have had a Marijuana retail store/dispensary in our city, that you would be discussing a change to the hours of operations. I don't see that in the just over 3 years, I think it is, this facility has been open it should have to change its hours. What is it that they have been able to show you that would indicate this is necessary? For example, have you seen their financials to know why they would have a need for longer hours now, are they losing money? If so, wouldn't it cost more to add hours, if not, and business is good why should we take the impact of more congestion and possible earlier and later need of police and other emergency services activity since this is still mostly a cash only business? Also interesting this is being consider at the same meeting you are doing a Proclamation for the National Police Week, please do pay attention to the words of your Proclamation when you read it.

I think this business is also in an area where the additional traffic certainly could cause more congestion, especially in the morning hours, when people are already having time and traffic concerns getting to their work destinations out of and into Tualatin, though I don't understand how later hours are needed at least on that end it likely would not impact as many people as detrimentally traffic wise. Having said that, I am also concerned about the possible additional stress on our first responders on both ends. Certainly our Tualatin Police Department department, TVFR and Emergency Services (have they been contacted, says you talked to city staff did that include the police and then these other services that can be impacted as well) so could be that early and later hours may impact all of these services at times that can

be already difficult hours to handle many urgent emergencies. I didn't see anything about this in the monthly newsletter which I read first of each month, who is it you reached out to with these types of human rather than business only concerns?

I am especially concerned at your timing as well based on what appears to me to be in direct conflict with your City Council Vision and Advance Summary Report decisions of just a month or so ago. It leaves me worried about how to trust what you say being in opposition to what you do at times? That is not a good spot for me as a constituent to be and feel about your decision making expertise for our city.

Your Vision addresses under "CULTURE & IDENTITY - Training and Education to support a Trauma-informed Organization." I don't see how making a decision to broaden these hours for these types of businesses under an umbrella of human/medical, called a "medical dispensary" as well as a regular retail store, already I think a bit of a conflict, doesn't open the door to other businesses with similar requests and if I understand this correctly they won't need to request as this is now accepted. Why the rush? I don't think your education and training has begun yet, right? This is potentially larger than one business modal Beware and LEARN first and choose changes later.

Your Advance Summary Report "7.2 Trauma Informed. Continue the internal training and work supporting a trauma informed culture and conduct similar training with the City Council. POLICE" Here, again, I don't see how in this short time, since your Advance meeting, the Police Department could have begun working on your training in this area and I expect they will need to reach out to other emergency services as well to gather good information to share with you.

So please. Slow down this Ordinance, you have others with a broader, more retail oriented scope that you are and should continue to support I think, this isn't one of them. So I ask you, as an 18+ year resident of Tualatin who votes, pays attention, respects and appreciates the dedication you have to our community, to take your time, slow down these types of decisions until you have the Training and Education your Vision and Advance Summary shows you support as you should to continue to be good stewards of our City of Tualatin.

Thank you for listening and paying attention. Thank you always for the dedication you give our City.

Sincerely,
(Marianne) Candice Kelly - Tualatin, OR 97062
candicekelly16@msn.com
503-691-1155

Sent from my iPad



CITY OF TUALATIN Staff Report

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Suzanne Tyler, Building Official

DATE: April 22, 2024

SUBJECT:

Consideration of **Ordinance No.1483-24** to adopt the 2023 Oregon Residential Specialty Code and the 2023 Oregon Plumbing Specialty Code.

RECOMMENDATION:

Staff recommends that the City Council approve this Ordinance in order to remain in compliance with the Memorandum of Agreement between the State of Oregon Building Codes Division and the City of Tualatin.

EXECUTIVE SUMMARY:

The Department of Consumer and Business Services, Building Codes Division, adopts model building codes, standards and other publications by reference, as necessary, through administrative rule to create the state building codes. These codes are derived from the most appropriate version of International Model Codes, which are updated periodically. As part of the Memorandum of Agreement with The State Building Codes Division under ORS 455.030, municipalities that have been delegated to provide a Building Inspection Program shall administer and enforce the current building codes adopted by the state.

OUTCOMES OF DECISION:

Council adopts the most current code editions in effect in the State of Oregon.

ALTERNATIVES TO RECOMMENDATION:

Council declines to adopt the most current code editions in effect in the State of Oregon. Tualatin then becomes in violation of the Memorandum of Agreement with The State Building Codes Division under ORS 455.030.

ATTACHMENTS:

-Ordinance 1483-24

ORDINANCE NO. 1483-24

AN ORDINANCE AMENDING THE MUNICIPAL CODE REGARDING STANDARDS
APPLICABLE TO RESIDENTIAL BUILDING PERMITS AND PLUMBING PERMITS

WHEREAS, the City administers a municipal building inspection program consistent with state law; and

WHEREAS, the State of Oregon has updated the Oregon Residential Specialty Code and Oregon Plumbing Specialty Code; and

WHEREAS, the City wishes to adopt the updated Oregon Residential Specialty Code and the 2023 Oregon Plumbing Specialty Code into Tualatin Municipal Code Chapter 4-01;

WHEREAS, it is necessary to update the references to those state specialty codes, rules, and standards to reflect the current versions of each;

WHEREAS, it appears to the City Council that the above-described changes are necessary and appropriate.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TMC 4-1-010 is hereby amended to read in its entirety as set forth in Exhibit A, attached hereto.

Section 2. All other provisions and subsections of TMC Chapter 4-01 shall remain unchanged and in full force and effect.

Section 3. This Ordinance shall take effect on the thirtieth day after its enactment.

ADOPTED by the City Council this 22nd day of April, 2024.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder

Exhibit A

TMC 4-1-010 - Standards Applicable to Building.

- (1) The City adopts the following specialty codes, rules, and standards:
 - (a) The Oregon Structural Specialty Code, 2022 edition, adopted by the State in OAR 918-460-0100 and 918-460-0015 (2022);
 - (b) The Oregon Mechanical Specialty Code, 2022 edition, adopted by the State in OAR 918-440-0010 and 918-440-0012 (2023);
 - (c) The Oregon Plumbing Specialty Code, ~~2024~~ 2023 edition, adopted by the State in OAR 918-750-0110 and 918-750-0115 ~~(2024)~~ (2023);
 - (d) The Manufactured Dwelling and Parks Specialty Code, 2002 edition, adopted by the State in OAR 918-600-0010 (2002), including the April 1, 2005 amendments;
 - (e) The Recreational Parks and Organizational Camps Administrative Rules, adopted in OAR 918-650-0000 to 918-650-0080 (2020);
 - (f) The Oregon Manufactured Dwelling Installation Specialty Code, 2010 edition, adopted by the State in OAR 918-500-510 to 918-500-590 (2010);
 - (g) The Oregon Residential Specialty Code, ~~2024~~ 2023 edition, adopted by the State in OAR 918-480-0005 and OAR 918-480-0010 ~~(2022)~~ (2023);
 - (h) The Oregon Energy Efficiency Specialty Code, 2021 edition, adopted by the State in OAR 918-460-0500 (2021); and
 - (i) The Oregon Fire Code, 2022 edition, adopted by the State in OAR 837-040-0010 (2022).
- (2) The provisions in subsection (1) apply to all building and related activities conducted within the City and are in addition to all other applicable provisions of the Tualatin Municipal Code and the Tualatin Development Code.
- (3) In accordance with Section 101.2.1 of the Oregon Structural Specialty Code, the city has elected to require permits for the following and the construction standards of the Oregon Structural Specialty Code, as administered by the city, shall apply:
 - (a) Fences, other than required swimming pool barriers, over seven feet in height.
 - (b) Retaining walls greater than four feet in height, measured from the bottom of the footing to the top of the wall, or where the retaining wall supports a nonsoil surcharge.
 - (c) Tanks that are located exterior to and not attached to or supported by a regulated building.
 - (d) Cellular phone, radio, television and other telecommunication and broadcast towers that are not attached to or supported by a regulated building.

- (e) Flagpoles not attached to or supported by a regulated building and which are over 25 feet in height.
 - (f) Ground-mounted photovoltaic systems over ten feet in height measured to the highest point of the installation or where public access is permitted beneath the structure.
 - (g) Signs not located in a public right-of-way and not attached to or supported by a regulated building. The city adopts Appendix H of the Oregon Structural Specialty Code with regard to said signs.
 - (h) In-ground swimming pools accessory to not more than four dwelling units.
- (4) In accordance with Section R101.2.2 of the Oregon Residential Specialty Code, the City has elected to require permits for the following and the construction standards of the Oregon Residential Specialty Code, as administered by the City, shall apply:
- (a) Fences, other than required swimming pool barriers, over seven feet in height.
 - (b) Retaining walls greater than four feet in height, measured from the bottom of the footing to the top of the wall, or where the retaining wall supports a nonsoil surcharge.
 - (c) Tanks that are located exterior to and not attached to or supported by a regulated building.
 - (d) Freestanding radio, television, and other telecommunication antennae and towers, not attached to or supported by a regulated building.
 - (e) Ground-mounted photovoltaic systems over ten feet in height measured to the highest point of the installation or where public access is permitted beneath the structure.
 - (f) In-ground swimming pools accessory to detached one- and two-family dwellings and individual townhouse dwelling units.

(Ord. 509-80 §1, 5-12-80; Ord. 801-90, 3-26-90; Ord. 886-93 §1, 2-22-93; Ord. 897-93 §1, 5-24-93; Ord. 980-97 §1, 7-14-97; Ord. 1011-98 §1, 12-14-98; Ord. 1056-00 §1, 9-11-00; Ord. 1132-03, 3-10-03; Ord. 1121-02, 10-28-02; Ord. 1178-05, 1-24-05; Ord. 1235-07 §1, 4-9-07; Ord. 1249-07, 11-26-07; Ord. 1254-08 §1, 3-24-08; Ord. 1303-10 §1, 6-14-10; Ord. 1312-10 §1, 11-22-10; Ord. 1383-15, 07-27-2015; Ord. 1407-18, 01-22-2018; Ord. 1429-19 , §1, 12-9-19; Ord. 1457-21 , §1, 8-9-21; Ord. No. 1481-23 , § 2(Exh. A), 9-25-23)



CITY OF TUALATIN Staff Report

TO: Honorable Mayor and Members of the City Council
THROUGH: Sherilyn Lombos, City Manager
FROM: Don Hudson, Assistant City Manager/Finance Director
DATE: April 22, 2024

SUBJECT:
Appointment of Ryan Wilson as Youth Liaison to the City of Tualatin Budget Advisory Committee

RECOMMENDATION:
Appoint Ryan Wilson to the Youth Liaison position on the Budget Committee

EXECUTIVE SUMMARY:
In March of 2018, the City Council created a Youth Liaison to the City's Budget Advisory Committee. This position is appointed by a majority of the Council to serve a one-year term. The duties of the position are to provide comment and input on budgetary priorities and policies from the perspective of the youth community in Tualatin. This is a non-voting position, but is a valuable addition to the committee.

Ryan Wilson participated in the 2023/24 budget process and has expressed interest in continuing on the committee. Staff is requesting the Council approve Ryan's appointment to this position for the 2024/25 budget committee process.

ALTERNATIVES TO RECOMMENDATION:
Not appoint Ryan Wilson and have no Youth Liaison participant in this year's budget committee process.
