



## TUALATIN CITY COUNCIL MEETING

MONDAY, NOVEMBER 23, 2020

JUANITA POHL CENTER  
8513 SW TUALATIN ROAD  
TUALATIN, OR 97062

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

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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, November 23. 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. 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. 5:00 p.m. (15 min) – Record Holiday Greeting**
  - 2. 5:15 p.m. (20 min) – Clean Water Services Rates for Sewer and Stormwater.** Staff will provide information regarding Clean Water Services plan for the 2021 sewer and stormwater rates.
  - 3. 5:35 p.m. (25 min) – COVID-19 Community Grant Program.** Staff will update the Council on the status of the business assistance and childcare scholarship programs.
  - 4. 6:00 p.m. (30 min) – Urban Renewal.** Staff will present information regarding timelines for the proposed urban renewal district areas.
  - 5. 6:30 p.m. (30 min) – Council Meeting Agenda Review, Communications & Roundtable.** Council will review the agenda for the November 23rd 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**

### **Moment of silence for those who have lost their lives to COVID-19**

### **Announcements**

[Holiday](#) Events Announcement

### **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 City Council Work Session and Regular Meeting Minutes of November 9, 2020

### **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. 1448-20** Relating to Alarm Systems; Amending Tualatin Municipal Code Chapter 6-6; and Creating New Provisions
- [2.](#) Consideration of **Ordinance No. 1449-20** Relating to the Initiative Process; and Amending Tualatin Municipal Code Chapter 1-24
- [3.](#) Consideration of **Ordinance No. 1447-20** Establishing a Parks Utility; and Creating Tualatin Municipal Code Chapter 3-7
- [4.](#) Consideration of **Ordinance No. 1445-20** Relating to Cannabis Regulations; Amending Tualatin Development Code Chapter 80; and Making Minor Amendments to Other Tualatin Development Code Chapters

### **Council Communications**

### **Adjournment**

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Meeting materials, including agendas, packets, public hearing and public comment guidelines, and Mayor and Councilor bios are available at [www.tualatinoregon.gov/council](http://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](http://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*

## 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:** November 23, 2020

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**SUBJECT:**  
Clean Water Services Rates for Sewer and Stormwater

**EXECUTIVE SUMMARY:**

During the Fiscal Year 2020/2021 Budget process, Clean Water Services chose to delay their proposed sewer and stormwater rate increases that were to be effective July 1, 2020. At that time, they discussed reviewing this decision during the Fall of 2020 for a potential rate increase to be effective on January 1, 2021. The City Council decided to do the same with the City's portion of the sewer and stormwater rates.

The Clean Water Services Board met on November 17<sup>th</sup> to discuss whether to propose an increase in January or wait until July. Staff will provide an update of their discussion and any direction that was given during that meeting.

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# Sewer and Stormwater Rates Update

November 23, 2020



# Tonight's Agenda

- Discussion during FY21 Budget process
- Update regarding Clean Water Services rates
- Impacts to City Sewer and Stormwater Funds
- Council Direction



# Residential Rates

## Effective July 1, 2020

		FY 19/20	FY 20/21	Change
<b>Water:</b>				
- 5/8" x 3/4" meter	Facilities Charge	\$ 4.31	\$ 4.49	\$ 0.18
- 8 CCF used	Service Charge	\$ 4.36	\$ 4.55	\$ 0.19
- Rates set by City Council	Consumption Charge Per CCF \$ 3.20	\$ 24.56	\$ 25.61	\$ 1.04
	Monthly Total	\$ 33.22	\$ 34.63	\$ 1.41
<b>Sewer:</b>				
- 1 Dwelling Unit (DU)	Regional Base Charge Per DU	\$ 25.11	\$ 25.11	\$ -
- Winter average water consumption = 8 CCF	Regional Use Charge Per CCF \$ 1.66	\$ 13.29	\$ 13.29	\$ -
- Clean Water Services sets Regional rates;	Local Base Charge Per EDU	\$ 6.53	\$ 6.53	\$ -
- Tualatin sets Local rates	Local Use Charge Per CCF \$ 0.444	\$ 3.55	\$ 3.55	\$ -
	Monthly Total	\$ 48.49	\$ 48.49	\$ -
<b>Stormwater:</b>				
- 1 Equivalent Surface Unit (ESU) = 2,640 Sq Ft = 1 house	Regional SWM Per ESU	\$ 2.31	\$ 2.31	\$ -
	Local SWM Per ESU	\$ 7.93	\$ 7.93	\$ -
	Monthly Total	\$ 10.24	\$ 10.24	\$ -
- Clean Water Services sets Regional rates				
<b>Road Maintenance:</b>				
- Rates set by City Council	Road Utility Fee per Single Family Residence	\$ 2.12	\$ 2.19	\$ 0.07
- 1/7th goes to street light operation	Sidewalk/StreetTree Reverse Frontage	\$ 3.45	\$ 3.56	\$ 0.12
	Monthly Total	\$ 5.58	\$ 5.76	\$ 0.19
<b>Net Change</b>		<b>\$ 97.53</b>	<b>\$ 99.13</b>	<b>\$ 1.60</b>

All new rates take effect on July 1 (Sewer and Stormwater rate increases will be reviewed in the Fall)



# Clean Water Services Regional Rates

- Pre-pandemic
  - 4% proposed Sewer rate increase
  - \$0.12 proposed Stormwater rate increase
- CWS Board Work Session – November 17<sup>th</sup>
  - Directed Staff to delay increases to July 1, 2021
  - Asked for leveling of future increases, as much as possible
- December 1<sup>st</sup> – Rate Public Hearing to formally set rates, effective January 1, 2021
  - Staff to present plan for July 1, 2021



# City of Tualatin Rates

- Pre-pandemic
  - 15% proposed Sewer rate increase
    - \$1.50 per month, average residential bill
  - \$0.32 proposed Stormwater rate increase
- FY 21 Budget adopted with rate increases, effective January 1, 2021



# Council Direction - City of Tualatin Rates

## ➤ Option 1

- Implement rate increases, effective January 1
- Pre-pandemic proposed rates, or other amount

## ➤ Option 2

- Delay all rate increases until July 1, 2021
- Higher than original projected increases for July 1, 2021
  - FY 2021-22 projection per Master Plans
    - Sewer 9%
    - Stormwater \$0.32
- Exact levels to be discussed during FY 2021-22 Budget process



# QUESTIONS?





*City of Tualatin*

**CITY OF TUALATIN  
Staff Report**

**TO:** Honorable Mayor and Members of the City Council  
**THROUGH:** Sherilyn Lombos, City Manager  
**FROM:** Jonathan Taylor, Economic Development Manager  
**DATE:** November 23, 2020

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**SUBJECT:**  
Update on the City of Tualatin COVID-19 Community Grant Programs

**EXECUTIVE SUMMARY:**  
A presentation on the City of Tualatin's COVID-19 Community Grant Programs - Business Rent Assistance Program and the ChildCARES Scholarship.

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**ATTACHMENTS:**

- Attachment A: Presentation



 THE CITY OF TUALATIN

# COVID-19 GRANT PROGRAMS

## UPDATE



THE CITY OF TUALATIN

# COVID-19 GRANT PROGRAMS



# MARKETING

## THE CITY OF TUALATIN COVID-19 GRANT PROGRAMS



- CITY BUSINESS LICENSE EMAIL BLASTS
- CHAMBER EMAIL BLASTS
- UTILITY BILLING MAILER
- 50+ BUSINESS VISITS
- SOCIAL MEDIA
- PAID PRINT MEDIA MARKETING
- DIRECT ENGAGEMENT WITH LENDING INSTITUTIONS
- BUSINESS RESOURCE CENTER



- CHILDCARE PROVIDER EMAIL BLASTS
- CHAMBER EMAIL BLASTS
- UTILITY BILLING MAILER
- SOCIAL MEDIA
- PAID PRINT MEDIA MARKETING
- DIRECT ENGAGEMENT WITH MULTI-FAMILY HOUSING
- TIGARD-TUALATIN SCHOOL DISTRICT PARTNERSHIP

THE CITY OF TUALATIN  
**COVID-19 GRANT PROGRAMS**

**\$836,000**

87% CARES ACT EXPENDED

\$584,000 (\$680,000)

AS OF NOVEMBER 23, 2020





THE CITY OF TUALATIN

# COVID-19 GRANT PROGRAMS



# \$808,000





THE CITY OF TUALATIN  
BUSINESS RENT ASSISTANCE PROGRAM

**102**  
**BUSINESSES ASSISTED**

**\$7,500**  
**AVERAGE GRANT**

**\$884**  
**SMALLEST**

**\$20,000**  
**LARGEST**

# 102 BUSINESSES

31%

RESTAURANTS



27%

SERVICES



8%

RETAIL



2%

HOTELS



14%

ELECTIVE HEALTH



18% OTHER

## RESTAURANTS



**31%**

**All Registered Assisted**

32  
Establishments

\$10,145  
Average Grant

## SERVICES



**37%**

**All Registered Assisted**

28  
Establishments

\$6,400  
Average Grant

## RETAIL



**18%**

**All Registered Assisted**

8  
Establishments

\$6,600  
Average Grant

## HOTELS



**40%**

**All Registered Assisted**

2  
Establishments

\$12,500  
Average Grant

## ELECTIVE HEALTH



**4%**

**All Registered Assisted**

14  
Establishments

\$6,500  
Average Grant

18 Other\* Establishments



 CITY OF TUALATIN  
ECONOMIC STABILIZATION FUND  
2.0

**34%**  
**MINORITY OWNED**

**51%**  
**WOMEN OWNED**

 CITY OF TUALATIN  
ECONOMIC STABILIZATION FUND

**450**  
**EMPLOYED**

 THE CITY OF TUALATIN  
BUSINESS RENT ASSISTANCE PROGRAM

**12 YEARS**  
**AVERAGE BUSINESS AGE**



THE CITY OF TUALATIN

# COVID-19 GRANT PROGRAMS



**11 Children**

**Average Scholarship: \$2,500**

**4 Facilities**



THE CITY OF TUALATIN

# COVID-19 GRANT PROGRAMS

## **NEXT STEPS:**

**DISBURSE REMAINING \$95,000 BY DECEMBER 31, 2020 AS PLANNED**

## **PREPARE FOR POTENTIAL ADDITIONAL DISBURSEMENT BY COUNTY**

- SHOULD WE EXTEND TO NATIONAL CHAINS (RESTAURANTS)?**
- SHOULD WE EXTEND CHILDCARE SCHOLARSHIPS TO TUALATIN WORKERS?**
- ARE THERE OTHER COUNCIL PRIORITIES OR CONSIDERATIONS?**

**QUESTIONS & DISCUSSIONS?**



City of Tualatin

## CITY OF TUALATIN Staff Report

**TO:** Honorable Mayor and Members of the City Council  
**THROUGH:** Sherilyn Lombos, City Manager  
**FROM:** Jonathan Taylor, Economic Development Manager  
**DATE:** November 23, 2020

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### **SUBJECT:**

Discussion of project timelines for the proposed urban renewal district areas.

### **EXECUTIVE SUMMARY:**

#### *Background*

Starting in December 2018, the City of Tualatin began a multi-phased process to work towards community revitalization and development of financing tools – beginning with the Tualatin 2040 Project.

#### **Foundation**

Beginning in December 2018, the City began the Tualatin|2040 initiative with the intent of providing a needs analysis for economic and residential short and long-term development, along with a code modernization effort.

#### **Phase 1: Education Series.**

This four-part series provided an overview of urban renewal and tax increment financing; the history of Tualatin's urban renewal areas, and how to close down an urban renewal area; what to do with the remaining assets of Central Urban Renewal District and Leveton Tax Increment Finance District; and to explore the feasibility of new districts based on Council-identified community and economic development goals.

#### **Phase 2: Urban Renewal Area Official Closure.**

In January 2020, the City Council and Tualatin Development Commission completed the closure of the Central Urban Renewal District (CURD), transferred remaining assets to the City of Tualatin, and adopted the final report on CURD.

#### **Phase 3: Technical Study of the Feasibility of Urban Renewal Areas.**

On September 28, 2020, the City Council approved the feasibility studies for the proposed areas of District 1 and District 2 and directed staff to present a project timeline for implementation of these districts.

### **PROPOSED TIMELINES**

#### **Leveton Tax Increment District Plan Amendment**

*November 2020 – March 2021*

The goal is to amend the District's Plan Document to expend remaining funds on identified area projects. Projects already identified: future urban renewal planning.

## **District 1: Basalt Creek & Southwest Industrial Concept Plan**

*January 2021 – September 2021*

*Goal:* To develop an urban renewal plan to finance and implement identified projects from area development plans – Basalt Creek Concept Plan, SW Industrial Concept Plan, Transportation System Plan, Tualatin|2040, Tualatin Moving Forward, etc.

### **District 1: Stakeholder Taskforce Proposal**

Proposal: Repeal Tualatin Municipal Code 11-07: Urban Renewal Advisory Committee and replace with Tualatin Development Commission Resolution: Establishing Stakeholder Task Force for District 1. Repealing TMC 11-07 and TDC Resolution: District 1 allows the City of Tualatin greater flexibility among all renewal projects and proposed areas and modernizes our Tualatin Municipal Code. A similar task force will be proposed, based on TDC priorities, for District 2.

*Proposed Structure:*

- 1.) Membership: The Task Force would consist of at least seven (7) members: Four from the public at large who are property owners in the identified area, a Planning Commission member, one City Councilor, and a representative from an overlapping tax district.
- 2.) Meetings: The thought would be to have at least three meetings; they would be open to the public and minutes taken and published.
- 3.) Duties of the Task Force: The Task Force would be responsible for the following activities:
  - a. Review the proposed urban renewal plan boundary and make recommendations for size and location of District 1
  - b. Identify and recommend projects in the proposed area
  - c. Review financial analysis and impacts of the proposed district and project

## **District 2: I-5 Corridor, Tualatin Sherwood Road, Town Center Area**

*March 2021 – 2022\**

In order for the City of Tualatin to develop an area goal, design and implement a town center/urban renewal plan, the City Council will need to answer the following questions through a visioning process:

1. What is the area now?
2. What do we want the area to be/what is our vision for the area?
3. How can we implement that vision?

Answering these questions will allow staff to adequately move forward in developing further community engagement and selecting a design consultant (in addition to Elaine Howard Consulting, LLC). The City of Tualatin has dedicated a significant amount of time for community engagement based on Council's direction of broad community participation.

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### **ATTACHMENTS:**

- Attachment A: Presentation



tualatin |

**urban renewal**

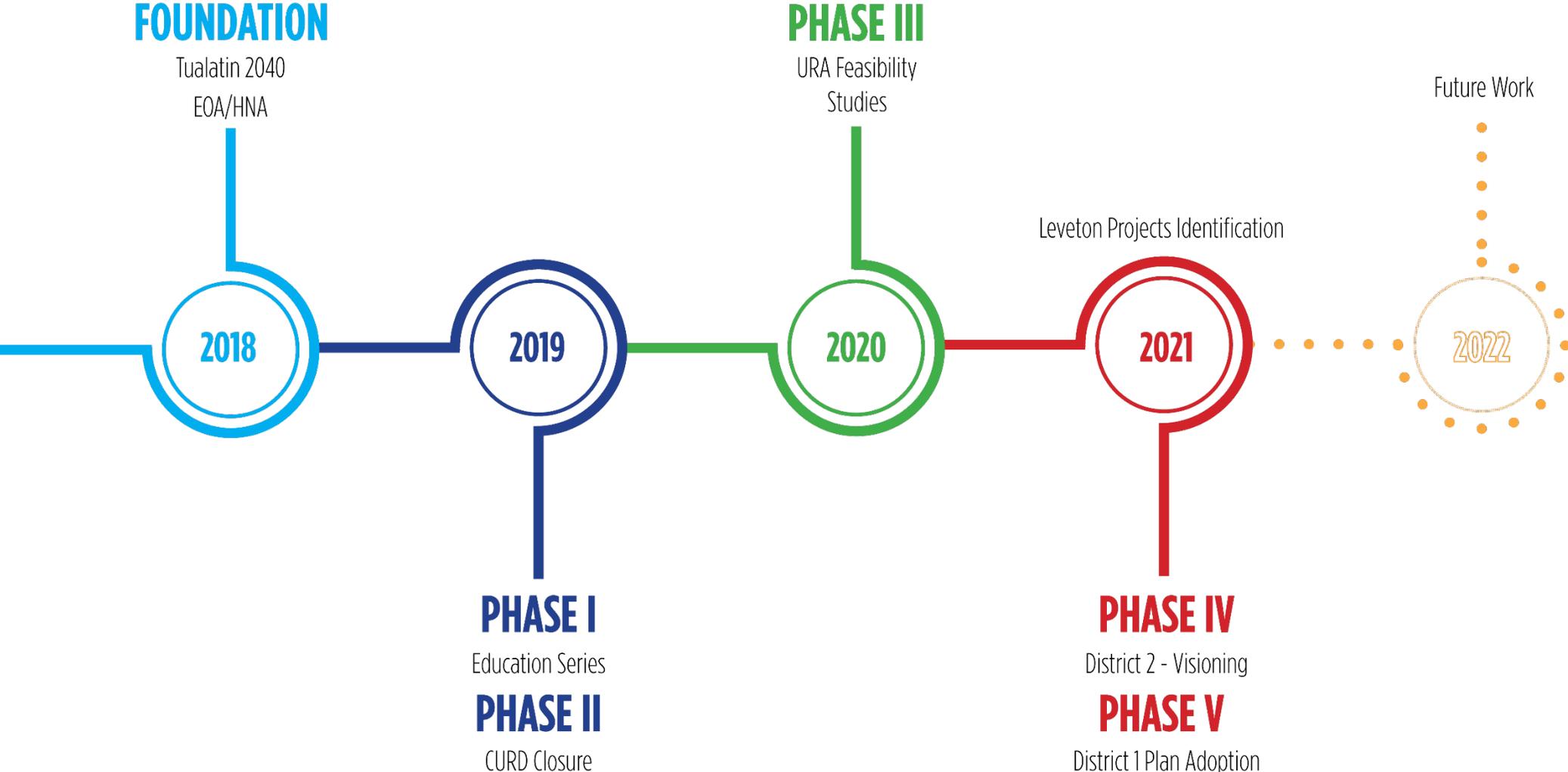
*kickoff*

## **QUESTIONS FOR COUNCIL**

Are the following timelines (Leveton, District 1, District 2) congruent with Council's priorities?

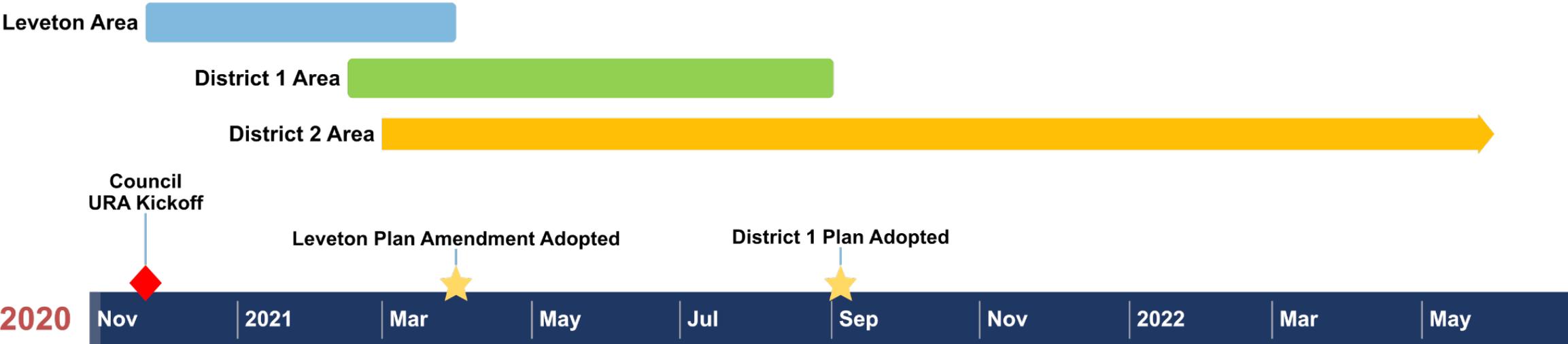
Does Council approve of District 1 Stakeholder Task Force proposal?

# Phased Timeline





# OVERALL TIMELINE



# Community Engagement

## LEVETON TAX INCREMENT DISTRICT

- Staff Advisory Committee
- Area Outreach (*in progress*)

## DISTRICT 1: BASALT CREEK / SW AREA

- Staff Advisory Committee
- Stakeholder Meetings
- Planning Commission
- Overlapping Tax Districts
- Community Forum

## DISTRICT 2: NORTH AREA

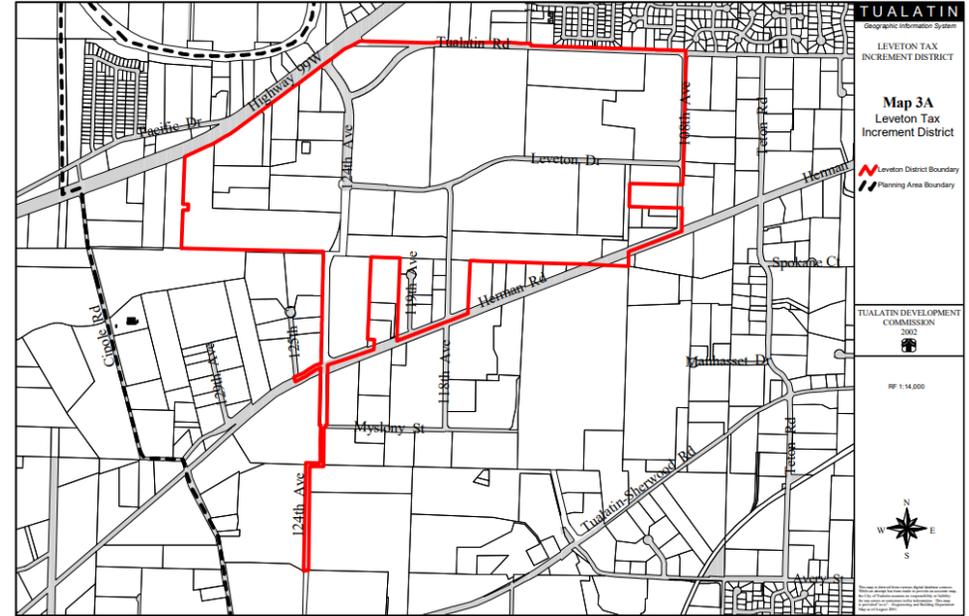
- Staff Advisory Committee
- **Stakeholder Meetings**
- Council Visioning
- Community Visioning
- Further Public Engagement TBD

# Leveton Tax Increment District Plan Amendment

*Project Goal:* To amend the Plan Document to expend the remaining funds on identified projects.

Already Identified:

- Future URA District Planning



Project Identification



Area Outreach



Council  
URA Kickoff



2020

Nov

Dec

2021

Feb

Mar

2021

Plan Amendment  
Adopted

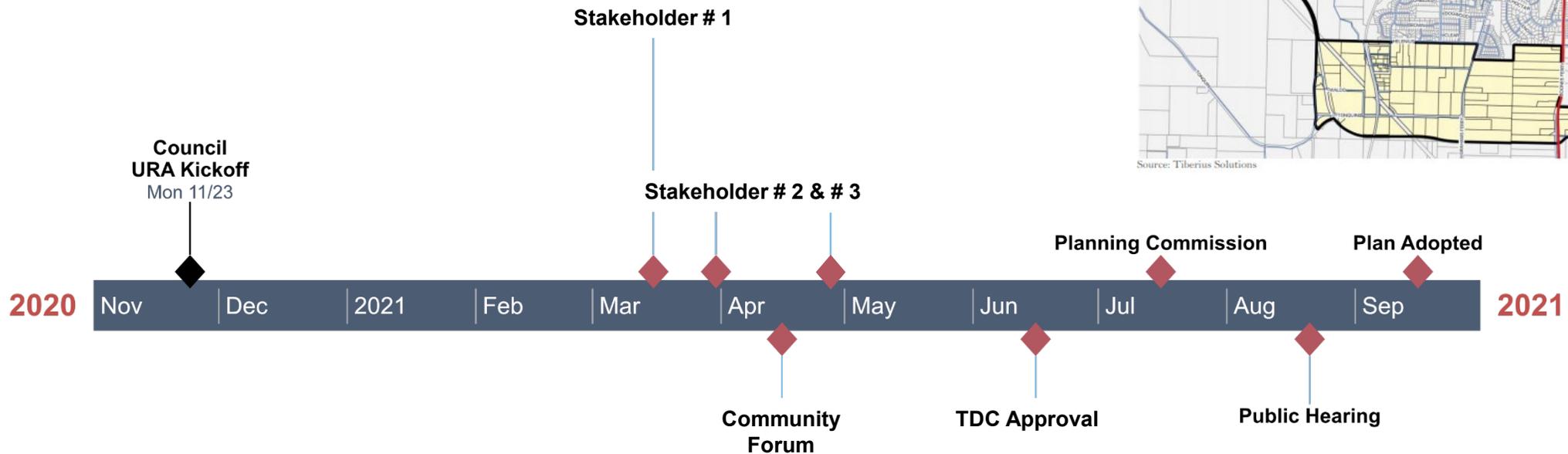
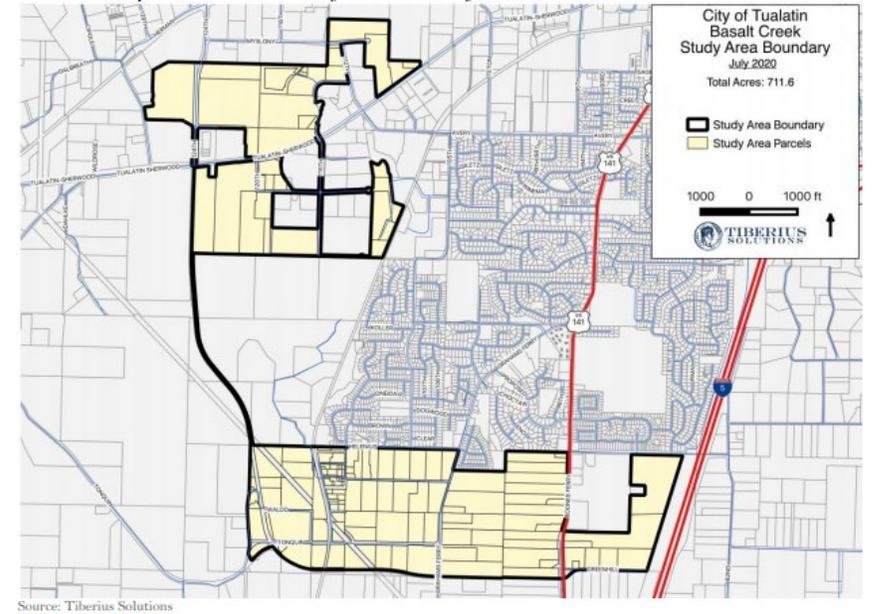


Council Approval of Projects



# District 1: Basalt Creek Area, Southwest Industrial Concept Area

*Project Goal:* To develop an urban renewal plan to finance and implement identified projects from area development plans – Basalt Creek Concept Plan, SW Industrial Concept Plan, Transportation System Plan, Tualatin | 2040, Moving Forward, etc.



# District 1: Stakeholder Task Force

## PROPOSAL:

Repeal TMC 11-07 and replace with Tualatin Development Commission Resolution establishing district stakeholder task force to advise the TDC on District 1 Plan Development. Not required, but best practice.

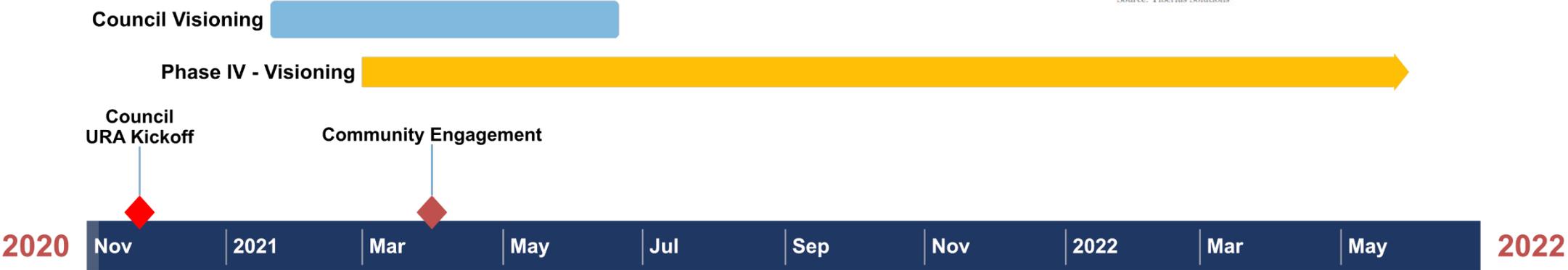
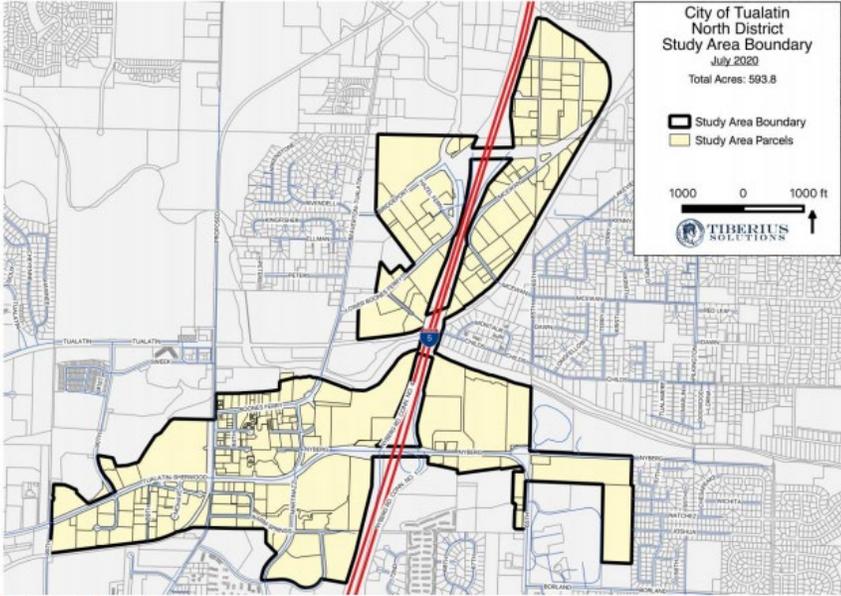
## PROPOSED STRUCTURE:

- Up to seven (7) members:
  - 4 property owners, 1 Tax District Rep, 1 Plan. Comm., 1 City Council
- Term, Resolution ends September 2021
- Duties:
  - Review urban renewal plan boundary and make recommendations;
  - Identify and recommend projects in the proposed area;
  - Review financial analysis and impacts of the proposed district and project.

# District 2: Town Center Area, I-5 Corridor, Tualatin-Sherwood Road

## Questions for Council Consideration:

- Understand what is the area now?
- What vision do we have for the area?
- How can we implement that vision?



## **QUESTIONS FOR COUNCIL**

Are the following timelines (Leveton, District 1, District 2) congruent with Council's priorities?

Does Council approve of District 1 Stakeholder Task Force proposal?

# **NEXT STEPS**

## **60-DAY MILESTONES:**

### **Leveton:**

- 1.) URA 101 for Internal Staff Advisory Team**
- 2.) Finalize Project Identification – Staff**

### **District 1:**

- 1.) Stakeholder Taskforce Resolution**
- 2.) Stakeholder Task Force Solicitation**

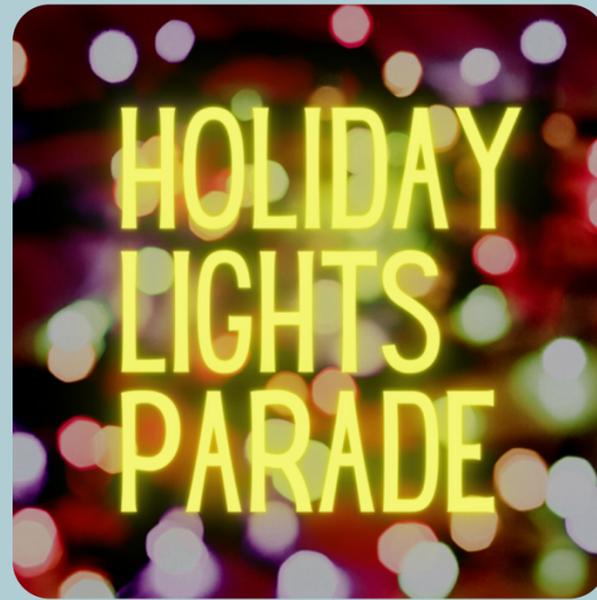
**QUESTIONS AND  
DISCUSSIONS?**

# 2020 WINTER AND HOLIDAY EVENTS



## Holiday Lights Parade

Help spread joy and cheer this winter by signing up to decorate your vehicle with lights and join the parade



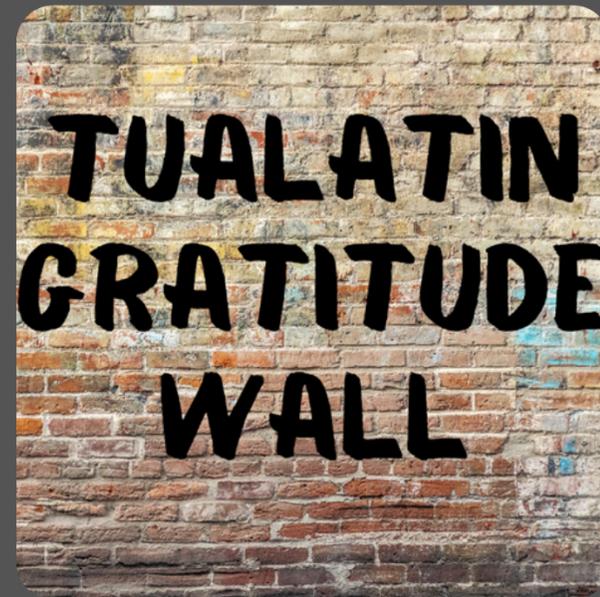
## Letters from Wintertime Characters

Register by November 25 for a handwritten holiday letter sent to your child



## Tualatin Gratitude Wall

Improve your mental well-being by sharing what you are thankful for on our virtual gratitude wall



## Donuts in the Park Day

Enjoy a winter walk in a park, then stop by for free donuts, coffee, chai, and craft kits



[tualatinoregon.gov/recreation](http://tualatinoregon.gov/recreation)



*City of Tualatin*

**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:** November 23, 2020

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**SUBJECT:**

Consideration of Approval of the City Council Work Session and Regular Meeting Minutes of November 9, 2020

**RECOMMENDATION:**

Staff respectfully recommends the Council adopt the attached minutes.

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**ATTACHMENTS:**

- City Council Work Session Meeting Minutes of November 9, 2020
- City Council Regular Meeting Minutes of November 9, 2020



## OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL WORK SESSION MEETING FOR NOVEMBER 09, 2020

Present: Mayor Frank Bubenik, Council President Nancy Grimes, Councilor Bridget Brooks, Councilor Robert Kellogg, Councilor Paul Morrison, Councilor Maria Reyes, Councilor Valerie Pratt

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Mayor Bubenik called the meeting to order at 6:01 p.m.

### **1. Metro Update.**

Metro Councilor Craig Dirksen presented an update from Metro. He stated the Parks and Nature Bond was passed for \$475 million dollars in 2019 and the bond oversight committee is being formed. Councilor Dirksen stated the Metro Affordable Housing Bond has 17 affordable housing projects underway with 7 of them being in Washington County. He provided an update on regional waste and recycling, noting they are still working on the regional waste plan to address current challenges. Councilor Dirksen stated the Get Moving 2020 measure did not pass but Metro will continue to work on a safe and reliable transportation system.

Mayor Bubenik stated he has concerns with the proposed increase in tipping fees. He asked Councilor Dirksen what Metro's need for the mid-budget increase is. Councilor Dirksen stated due to COVID Metro Council held off on last year's increase and now there is a need for the increase due to budgetary constraints. He stated the rate would not go into effect until January 4<sup>th</sup> and it still has to go through the public process. Councilor Dirksen stated the increase would amount to \$0.60 per customer.

Councilor Reyes asked if there will be a rate reduction once Metro is caught up. Councilor Dirksen stated even with the rate increase they will be operating using reserves and cutting services.

Councilor Brooks asked how someone would volunteer to be on the bond advisory board. Councilor Dirksen stated citizens can apply through the Metro website.

Councilor Pratt asked what a tipping fee is. Councilor Dirksen stated it is the cost to take the garbage to the transfer station.

Council President Grimes asked what the potential service reductions could look like. Councilor Dirksen stated he doesn't know yet know what that will look like but it wouldn't be a reduction to residential services. He stated Metro staff will be making a presentation at their next meeting about what the reductions could look like.

Councilor Morrison asked Metro to explore financial relief from other avenues besides a fee increase. He encouraged them to wait for an increase until January so they can see what actions the new congress takes.

Councilor Kellogg asked if Metro will be coming back with another transportation measure in the future. Councilor Dirksen stated he is unsure if they will be bringing another one back as the outreach on this measure was unprecedented.

**2. Council Meeting Agenda Review, Communications & Roundtable.**

Councilor Pratt announced the Tualatin Community Police Foundation has their duck raffle going on, tickets are available on their website. She stated StandUp Tualatin is having a mental health impact series starting on Wednesday, November 18, more information is available on their website.

Councilor Morrison stated he attended the C4 meeting where ODOT announced they have extended public comment on STIF funding until the middle of December.

Councilor Brooks stated she attended two local implementation meetings to look at needs in Washington County and how to meet diverse needs. She thanked everyone who voted in the election.

Council President Grimes requested a check in with Economic Development Manager Jonathon Taylor to see if some funding can be used to help bolsters businesses during this new round of restrictions from the Governor.

Mayor Bubenik adjourned the meeting at 6:59 p.m.

Sherilyn Lombos, City Manager

\_\_\_\_\_ / Nicole Morris, Recording Secretary

\_\_\_\_\_ / Frank Bubenik, Mayor



## OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR NOVEMBER 09, 2020

Present: Mayor Frank Bubenik, Council President Nancy Grimes, Councilor Bridget Brooks, Councilor Robert Kellogg, Councilor Paul Morrison, Councilor Maria Reyes, Councilor Valerie Pratt

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### Call to Order

Mayor Bubenik called the meeting to order at 7:01 p.m.

### Moment of silence for those who have lost their lives to COVID-19

### Announcements

#### 1. Small Business Saturday Proclamation

Tualatin Chamber of Commerce Director Linda Moholt encouraged everyone to shop Tualatin during these unprecedented times.

Councilor Pratt read the proclamation declaring November 28th, 2020 as Small Business Saturday in the City of Tualatin.

### Public Comment

Jean Buelna-Pastor spoke in opposition of the proposed changes to the marijuana zoning regulations. She encouraged the Council to take the Planning Commission's recommendation and protect the youth of Tualatin.

### Consent Agenda

Motion to adopt the consent agenda made by Councilor Kellogg, Seconded by Council President Grimes.

Voting Yea: Mayor Bubenik, Council President Grimes, Councilor Brooks, Councilor Kellogg, Councilor Morrison, Councilor Reyes, Councilor Pratt

MOTION PASSED

1. Consideration of Approval of the City Council Work Session and Regular Meeting Minutes of October 26, 2020
2. Consideration of **Resolution No. 5526-20** Adopting the City of Tualatin Investment Policy

### Public Hearings - *Quasi-Judicial*

1. Consideration of **Ordinance No. 1442-20** Requesting the Annexation of Approximately 25.18 acres of Property Located South of SW Norwood Road, Tax Map 2S135D Lot 100; Annexing the Territory into the Boundary of Clean Water Services, and Withdrawing the Territory from the Washington County Enhanced Sheriff Patrol District (File No. ANN 20-0003)

Mayor Bubenik opened the hearing by reading ORS 197.763 (5) and (6) and ORS 197.763(3)(b).

Assistant Planner Tabitha Boschetti presented Annexation 20-0003 Norwood Road Property. Planner Boschetti stated the request is to annex 25.18 acres of private property at SW Norwood Road into the city. She stated future zoning for the property would be designated Medium Low Density Residential. Planner Boschetti stated the application meets the applicable criteria and staff recommends approval.

Applicant Representative Mimi Doukas stated the application is straight forward and requested council approval.

#### PUBLIC COMMENT

None.

Motion for first reading by title only made by Councilor Kellogg, Seconded by Councilor Morrison.

Voting Yea: Mayor Bubenik, Council President Grimes, Councilor Brooks, Councilor Kellogg, Councilor Morrison, Councilor Reyes, Councilor Pratt

#### MOTION PASSED

Motion for second reading by title only made by Councilor Kellogg, Seconded by Council President Grimes.

Voting Yea: Mayor Bubenik, Council President Grimes, Councilor Brooks, Councilor Kellogg, Councilor Morrison, Councilor Reyes, Councilor Pratt

#### MOTION PASSED

Motion to adopt Ordinance No. 1442-20 requesting the annexation of approximately 25.18 acres of property located south of SW Norwood Road, tax map 2S135D lot 100; annexing the territory into the boundary of Clean Water Services, and withdrawing the territory from the Washington County Enhanced Sheriff Patrol District (File No. ANN 20-0003) made by Council President Grimes, Seconded by Councilor Brooks.

Voting Yea: Mayor Bubenik, Council President Grimes, Councilor Brooks, Councilor Kellogg, Councilor Morrison, Councilor Reyes, Councilor Pratt

#### MOTION PASSED

### **Public Hearings - Legislative or Other**

#### 1. Consideration of Plan Text Amendment PTA 20-0006 Amending Tualatin Development Code Chapter 80- Cannabis Regulations

Assistant Planner Erin Engman presented PTA 20-006 amending cannabis regulations. She presented background on state law and city regulations on cannabis. Planner Engman presented the timeline of the PTA including webinars and council presentations. Planner Engman presented the proposed siting changes. She stated the findings and analysis included in the packet discuss how state regulations are met.

Planning Commission Chair Bill Beers stated the Planning Commission recommended approval with the following changes: prohibit cannabis businesses in high-visibility areas, such as the I-5 corridor or near the Bridgeport area, and prohibiting cannabis businesses in the Neighborhood Commercial District.

Councilor Pratt asked about the comments from the Planning Commission on appearance. Chair Beers stated the comments were about having a cannabis business near the gateway to the city.

Councilor Kellogg asked about the exclusion zone near Bridgeport. Chair Beers stated the commission was split in decision so this was the compromise they came up with to keep the PTA moving forward. He stated some members didn't like the perception of a cannabis business near the entrance to the city.

Councilor Reyes asked if the main concern from the Planning Commission was about the appearance of this type of business at the entrance to the City. Chair Beers stated it was one of the concerns but was not the main driver. Councilor Reyes asked if the fact that Stars Cabaret is in that area was brought up. Chair Beers stated it was not brought up but the discussion about the proximity to other cannabis facilities in other cities was considered.

Council President Grimes expressed concerns with this type of business locating on the west side of I-5. She stated she would be in favor of increasing the area in the industrial area.

Councilor Morrison spoke in opposition of having cannabis businesses near the gateway to the city. He stated he agrees with the Planning Commission recommendation.

Councilor Brooks expressed concerns with limiting where businesses can be located.

## PUBLIC COMMENT

Julia Wellborn spoke in opposition of the proposed changes.

Cyndy Hillier spoke on behalf of Tualatin Together and shared their support for the Planning Commission recommendations.

Anthony Stewart, Western Oregon Dispensary, stated all OLCC businesses are subject to the same aesthetics as any other businesses in Tualatin and he noted there are stringent rules in regards to advertisements for cannabis businesses. He requested the Council consider the element of allowing retail facilities in a small portion of the commercial zone.

## COUNCIL DELIBERATIONS

Council President Grimes asked if there is willingness from other Councilors to consider the Planning Commission's recommendation and increase the area in the industrial area.

Councilor Pratt asked where the Planning Commission 2,000 foot exclusion was located. Chair Beers stated it is all around I-5. Councilor Pratt asked if a business located on the east side if it would eliminate everything on the west side with the thousand foot buffer. Mayor Bubenik stated it would preclude any facilities locating in the center.

Councilor Morrison stated he is interested in developing businesses in areas where we need business.

Council President Grimes asked if there is support for removing the Bridgeport area off the table for siting cannabis facilities.

Council President Grimes motioned to accept the recommendation from the Tualatin Planning Commission to allow a cannabis industry to be sited along the east side of I-5 and exclude the Bridgeport area.

MOTION failed for lack of a second.

Motion to approve Plan Text Amendment PTA 20-0006 Amending Tualatin Development Code Chapter 80- Cannabis Regulations made by Councilor Kellogg, Seconded by Councilor Brooks. Voting Yea: Mayor Bubenik, Councilor Brooks, Councilor Kellogg, Councilor Reyes, Councilor Pratt

Voting Nay: Council President Grimes, Councilor Morrison

MOTION PASSED

## General Business

1. Consideration of **Ordinance No. 1445-20** an Ordinance Relating to Cannabis Regulations; Amending Tualatin Development Code Chapter 80; and Making Minor Amendments to Other Tualatin Development Code Chapters

City Attorney Brady stated this implements PTA 20-0006 and implements minor amendments to change the language from marijuana to cannabis.

Councilor Brooks thanked staff for their work on this item.

Councilor Kellogg stated he is voting in favor of this ordinance to adhere to state law and allowing for legitimate businesses.

Motion for first reading by title only made by Councilor Kellogg, Seconded by Councilor Brooks. Voting Yea: Mayor Bubenik, Council President Grimes, Councilor Brooks, Councilor Kellogg, Councilor Morrison, Councilor Reyes, Councilor Pratt

MOTION PASSED

Motion for second reading by title only made by Councilor Kellogg, Seconded by Councilor Brooks.

Voting Yea: Mayor Bubenik, Council President Grimes, Councilor Brooks, Councilor Kellogg, Councilor Morrison, Councilor Reyes, Councilor Pratt

MOTION PASSED

Motion to adopt Ordinance No. 1445-20 relating to cannabis regulations; amending Tualatin Development Code Chapter 80; and making minor amendments to other Tualatin Development Code Chapters made by Councilor Kellogg, Seconded by Councilor Brooks.

Voting Yea: Mayor Bubenik, Councilor Brooks, Councilor Kellogg, Councilor Reyes, Councilor Pratt

Voting Nay: Council President Grimes, Councilor Morrison

MOTION FAILED for lack of unanimity

2. Consideration of **Resolution No. 5525-20** Authorizing the City Manager to Approve and Sign the Furnishings Package for the Tualatin City Services Project

Facilities Manager Clay Reynolds presented an update on the Tualatin City Services center. He stated the center is currently under construction and running about 3-4 weeks behind schedule. Manager Reynolds stated the project is expected to be completed by April 1. He stated tonight they are asking for Council approval for a furnishings package with Harris Work-Systems. Manager Reynolds stated the contract is above the City Manager's purchasing authority which requires Council approval but is still within the projects budget.

Councilor Morrison thanked the team for all the work they have done on the center.

Councilor Brooks asked if there are opportunities to use the new space for community gatherings. Manager Reynolds stated the meeting rooms will allow for after hour access to community groups.

Motion to adopt Resolution No. 5525-20 authorizing the City Manager to approve and sign the furnishings package for the Tualatin City Services Project made by Councilor Pratt, Seconded by Councilor Brooks.

Voting Yea: Mayor Bubenik, Council President Grimes, Councilor Brooks, Councilor Kellogg, Councilor Morrison, Councilor Reyes, Councilor Pratt

MOTIN PASSED

**Council Communications**

Council Morrison stated TTSD has made a childcare grant available in addition to the Tualatin childcare grant, information is available on their website.

Councilor Brooks thanked all Veteran's for their sacrifice and service.

**Adjournment**

Mayor Bubenik adjourned the meeting at 8:57 p.m.

Sherilyn Lombos, City Manager

\_\_\_\_\_ / Nicole Morris, Recording Secretary

\_\_\_\_\_ / Frank Bubenik, Mayor



City of Tualatin

## CITY OF TUALATIN Staff Report

**TO:** Honorable Mayor and Members of the City Council  
**THROUGH:** Sherilyn Lombos, City Manager  
**FROM:** Bill Steele, Chief of Police  
**DATE:** November 23, 2020

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**SUBJECT:**

Consideration of **Ordinance No. 1448-20** Relating to Alarm Systems; amending Tualatin Municipal Code Chapter 6-6; and Creating New Provisions

**RECOMMENDATION:**

Staff recommends Council consider the amendments to the Tualatin Municipal Code relating to alarm systems.

**EXECUTIVE SUMMARY:**

Tualatin Municipal Code (TMC) 6-06 was established in 1989 to create a set of rules regulating the use of alarms in homes and businesses. Since its implementation, TMC 6-06 has only been modified once, in 2004, adding language relating to false alarms and fines. Its purpose is to encourage alarm users and alarm businesses to assume increased responsibility to prevent unnecessary police response, establish fees and charges, and provide guidelines for the enforcement of violations.

There is currently no language in the existing ordinance to establish late fees for failing to pay on time or failing to obtain a permit. This gives no incentive to alarm users to follow the ordinance, obtain a permit in a timely manner, and keep the permit current. We know that there are many alarm users within the City that do not have a permit; however there is no incentive for the alarm companies to provide user information to the City under the current ordinance. The City currently sends paper alarm permits to permit holders, creating unnecessary printing and mailing costs. Lastly, under the current ordinance language, the City does not have an option for pre-authorization of a protective sweep of the business or residence.

The proposed amendments to TMC 6-06 would eliminate paper permits, establish fees for late payments and failure to obtain a permit, give the alarm holder the option to give pre-authorization for a protective sweep of the business or residence, and require the alarm companies to periodically provide a list of Tualatin alarm users.

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**ATTACHMENTS:**

TMC 6-06 Amendment Presentation  
TMC 6-06 Draft

ORDINANCE NO. 1448-20

AN ORDINANCE RELATING TO ALARM SYSTEMS; AMENDING TUALATIN MUNICIPAL CODE CHAPTER 6-6; AND CREATING NEW PROVISIONS.

WHEREAS, Tualatin Municipal Code Chapter 6-6 established an Alarm System Permit for the installation of alarms on private property where police response is required; and

WHEREAS, the City wishes to update and amend Tualatin Municipal Code Chapter 6-6;

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

**Section 1.** Tualatin Municipal Code Chapter 6-6 is amended to read as follows:

~~TMC 6-6-010- Title.~~

~~This ordinance shall be known as the "Alarm System Control Ordinance" for the City of Tualatin.~~

**TMC ~~6-6-020~~ 6-6-010- Purpose, Construction and Scope.**

(1) The occupants of numerous residential, commercial, and industrial establishments within the corporate limits of the City of Tualatin have found it desirable to make provisions for the installation upon their premises, at their own cost and expense, of alarm systems for emergencies requiring police response.

(2) There is a growing number of private enterprises that have embarked upon the business of selling or leasing such alarm systems, entering into contract with such occupants for the installation, operation, and maintenance of such alarm systems, and providing, either individually or in concert with other private business enterprises an alarm device or devices installed in various alarm monitoring centers. Likewise, there is a growing number of private enterprises that have embarked upon the business of selling such alarm systems where the installation is completed by the purchaser or the user.

(3) The proliferation of the number of private enterprises engaged in the distribution of alarm systems, and the number of commercial and residential users of such systems has resulted in conditions that, if not remedied, will lead to an unnecessary drain on the manpower, time, space, facilities, and finances of the City and its police services, and a deterioration of the quality of police service to the City's residents.

(4) The public interest, therefore, requires the enactment of rules, regulations, standards, and procedures to regulate and control the private alarm business within the corporate limits of the City of Tualatin for the following purposes:

- (a) The Tualatin Police Department may efficiently and economically coordinate its functions with the various alarm services to which the public within the City may subscribe;
- (b) The quality of the alarm services rendered to the public may be improved and maintained at a high level;
- (c) The excessive number of false alarms which require expenditure of police resources must be reduced so that those limited resources may be more efficiently utilized;
- (d) Those private enterprises engaged in the alarm business and persons who utilize alarm systems should help support the administration of the alarm system, and where alarm users are responsible for an excessive number of false alarms, they should pay additional charges, which relate to the additional responses by the police and motivate alarm users to reduce the number of false alarms; and
- (e) Those ~~alarms~~ alarm users who are responsible for excessive false alarms and who fail or refuse to remedy the cause of excessive false alarms demonstrate their indifference to limited police resources being devoted to unnecessary emergency responses, and such users should be treated by punitive measures. By the time an alarm user's system has generated ten false alarms within a permit year, the police response by way of notices will have provided the user with ample warning of the consequences and, therefore, it is presumed the alarm user has failed to take adequate steps to remedy the problem and maintain the alarm system.

(5) The purpose of this ~~ordinance~~ Chapter is to encourage alarm users and alarm businesses to assume increased responsibility for maintaining the mechanical reliability and the proper use of alarm systems to prevent unnecessary police emergency responses to false alarms and thereby protect the emergency response capability of the City from misuse.

(6) Except where otherwise expressly provided, this ~~ordinance~~ Chapter governs all alarm systems eliciting a police response, requires annual permits, establishes fees and charges, and provides for the enforcement of violations.

**~~TMC 6-6-030~~ 6-6-020- Definitions.**

For the purpose of this ordinance, the following definitions apply:

City Manager means the City Manager or City Manager's designee authorized to issue permits and administer this ordinance.

*Alarm Business* means a person, firm, partnership, corporation, association, or other legal entity, engaged in the profit-oriented selling, leasing, maintaining, servicing,

repairing, altering, replacing, moving, or installing of an alarm system in or on a building, structure, facility.

Alarm Dispatch means the initiation of a communication to dispatch, by an alarm business indicating an alarm has been activated, and requesting police response to the alarm site.

*Alarm System* means an assembly or equipment, mechanical or electrical, or both, designed and used to signal the occurrence of an illegal or unauthorized entry or attempted entry or other illegal activity on the premises of the alarm user, which requires or solicits urgent attention and to which the police are expected to respond.

*Alarm User* means a person, firm, partnership, corporation, association, or other legal entity in control of a building, structure, facility, or portion thereof within the City of Tualatin in which an alarm system is used.

*Automatic Dialing Device* means a device ~~which that~~ is interconnected to a telephone line, internet connection, or cell connection and is programmed to select a predetermined telephone number, electronic signal, or internet location (URL) and to transmit by voice message or code signal an emergency message indicating a need for emergency response. An automatic dialing device is an alarm system.

~~"Council" means the Tualatin City Council, the governing body of the City of Tualatin, Oregon.~~

Current Alarm Permit means an alarm permit that is not expired, not revoked, and has no outstanding fees, penalties, or fines.

Dispatch Center means the facility used to receive emergency and general information from the public

Enhanced Call Confirmation means an attempt by the alarm system monitoring company to contact the alarm site and/or alarm user by telephone and/or other means, whether or not the actual contact with a person is made, to determine whether an alarm signal is valid before requesting law enforcement response. It is required that a second call, also known as Enhanced Call Confirmation (ECC), be made to a different number, if the first attempt fails to reach an alarm user who can properly identify themselves to attempt to determine whether an alarm signal is valid, EXCEPT in the case of a fire, panic, or robbery-in-progress alarm or in cases where a crime-in-progress has been verified.

~~Coordinator~~ means the individual, designated by the Chief of Police for the Tualatin Police Department to issue permits and administer this ordinance.

*Excessive False Alarm* means a false alarm which that occurs following after two previous false alarms within one permit year. ~~More than one false alarm in a 24-hour~~

~~period, beginning with the first alarm in that 24-hour period, is counted as one false alarm.~~

*False Alarm* means a signal or activation by an alarm system which elicits a response by the Tualatin Police Department when a situation requiring a response does not in fact exist. "False alarm" does not include an alarm signal by an alarm system, which is caused by violent and extraordinary conditions of nature or other extraordinary circumstances not reasonably anticipated or subject to control by the alarm business operator or the alarm user.

~~*Governmental Political Unit Governmental Entity* means the federal government, State of Oregon, any county, city, special district, or any other tax supported public agency.~~  
~~*Handicap Disabled* means any person with a physical or mental impairment which for the individual constitutes or that results in a functional limitation to substantially limits one or more major life activities.~~

*Interconnect* means to connect an alarm system including an automatic dialing device, to a telephone line either directly or through a mechanical device that utilizes a telephone for the purpose of using the telephone line to transmit a message upon the activation of the alarm system.

*Monitoring Center* means a facility used to receive emergency and general information from an alarm user and to direct an emergency response.

~~*Primary Trunk Line* means a telephone line serving the Police Dispatch Center that is designated to receive police calls.~~

*Permit* means an alarm user permit, issued by the City of Tualatin ~~under this ordinance.~~

*Permit Renewal* means the act of applying for a new permit to take the place of an expired permit, where the alarm system under both permits is designed and used for substantially the same building, structure, or facility.

**~~TMC 6-6-040 -- Alarm User Permits Required, Payment of Permit Fees Required.~~**

~~(1) Except as provided in TMC 6-6.120, every alarm user shall obtain an alarm user permit for each alarm system proposed to be used by the alarm user from the Coordinator within 30 days after July 12, 1989, or at the time an alarm system is activated.~~

~~(2) Every alarm user shall complete and submit an application form and pay all required fees and charges as established by the City Council by resolution.~~

~~(3) The Chief of Police shall prescribe the form of the permit application, but it shall consist of at least the following parts. Additional parts may be inserted for administrative purposes:~~

~~(a) The name of the alarm user;~~

~~(b) The address of the alarm user and the address where the alarm system has been or will be installed and used;~~

- ~~(c) The name of the current emergency notification persons and their telephone numbers;~~
- ~~(d) The justification, if any, for requesting a waiver of application and renewal fees; and~~
- ~~(e) The name of the current alarm business responsible for operating a monitoring center for the alarm system, if any.~~
- ~~(4) Each permit shall bear the signature of the Chief of Police and shall be valid for one year from the date of issuance. The permit will show the date of expiration on its face.~~
- ~~(5) The permit shall be physically kept upon the premises where the alarm system is located and shall be available for inspection by the Chief of Police or the Chief's designee upon request. An alarm permit is valid only for the permittee and is not transferable from one person to another or from one address to another.~~
- ~~(6) A residential alarm user who lives on the premises, who owns or is the named lessee on the property in which the alarm system is located, who conducts no profit-oriented business on the premises, and who is 65 years of age or older or is handicapped shall be entitled to a waiver of application and renewal fees, but not excessive alarm and late charges. An alarm user permit shall be obtained.~~
- ~~(7) It is unlawful and a civil infraction for a person, firm, or corporation to use, operate or maintain an alarm system within the City without obtaining and maintaining a current, valid alarm user permit, paying all required fees, and charges and complying with all provisions of this ordinance.~~
- ~~(8) Except as otherwise provided in TMC 6-6.120, a late charge in an amount adopted by Council resolution will be imposed and added to the permit fee and paid by an alarm user who fails to obtain a permit within 30 days after such permit is required or by an alarm user who fails to renew a permit within 30 days after a permit has expired.~~
- ~~(9) An alarm user which is a governmental political unit shall obtain and maintain a permit and is subject to the requirements of this ordinance; however, permit application and renewal fees shall be waived, but not excessive false alarm and late charges.~~

**TMC 6-6-030 – Alarm Permit Required.**

- (1) Every alarm user must obtain an alarm user permit prior to installing an alarm system.
- (2) The Alarm Permit is valid for a period of one year, and may be renewed annually.
- (3) An alarm permit is valid only for the permittee and is not transferable from one person to another or from one address to another.

**TMC 6-6-040 - Permit Application; Renewal; Denial.**

- (1) Application. An application for an alarm permit must include the following:
- (a) The name of the alarm user;
- (b) The address of the alarm user and the address where the alarm system has been or will be installed and used;

(c) The name of the two emergency notification persons and their telephone numbers, other than the alarm user, who have access to keys to the premises and would be available to assist the police to secure the premises or reset a malfunctioning alarm;

(d) The name of the current alarm business responsible for operating a monitoring center for the alarm system, if any;

(e) The payment of the licensing fee, as established by resolution of the Council; and

(f) If the person believes the person qualifies for an exemption from the application fee, under TMC 6-6-050, all information proving the qualifications are met.

(2) Any changes in the information contained on the permit application must be promptly submitted to the City Manager within ten days of any such change. The alarm registration shall be in a form prescribed by the chief, and shall include the name, address and telephone number(s) of individual(s) authorized by the alarm user to act on their behalf in case of emergencies, alarms and false alarms.

(3) Renewal. An application for a renewal must provide the same information as provided in subsection (1).

(4) Denial. An initial application or a renewal application may be denied for any of the following reasons:

(a) The application materials contain inaccurate, misleading, or incomplete statements;

(b) The applicant previously failed to comply with the conditions of the permit issued; or

(c) Other activity by the person seeking the license that presents reasonable doubt about the person's ability to comply with the license conditions or otherwise endanger the health, safety, or welfare of the public.

(5) If a request for a hearing is pending at the time a permit expires and is subject to renewal, the alarm user must pay the appropriate permit renewal and other charges owing at the time renewal is required, together with any then required charges for excessive false alarms. If the City should determine that a false alarm within the prior permit year has occurred and such determination would have resulted in a higher fee upon renewal than was paid by the alarm user or applicant due to an excessive false alarm, the alarm user shall pay an appropriate additional false alarm charge upon being notified of the City's determination.

**TMC 6-6-045 - Late Fee.**

(1) An alarm user failing to timely file an initial application or renewal application is subject to a late fee in an amount established by resolution of the Council.

(2) An alarm user is subject to a late fee for any of the following reasons:

(a) Failing to submit a completed initial application for an alarm permit within 60 days of the installation of the alarm; and

(b) Failing to submit a renewal application within 30 days after the alarm permit has expired.

**TMC 6-6-050 Persons Exempt from Permit Application Fee.**

(1) The following persons are exempt from paying the Alarm Permit Application Fee and Annual Alarm Renew Fee:

(a) A residential alarm user who:

(i) Lives on the premises where the alarm system is located and either owns or is the named lessee on the premises;

(ii) Conducts no profit-oriented business on the premises; and

(iii) Is 65 years of age or older or disabled.

(b) An alarm user that is a governmental entity.

(2) A person meeting the conditions of subsection (1) must still obtain a permit and is still subject to all other provisions of this Chapter.

**TMC 6-6-050 - User Instructions.**

~~Every alarm business, which operates as such on behalf of alarm users within the City, shall furnish the user with instructions which enable the user to operate the alarm system properly without false alarms and to obtain service for the alarm system.~~

**TMC 6-6-060 - Conditions of Permit.**

Every alarm user must comply with the following conditions at all times:

(1) The alarm user must maintain its alarm system in good operating condition and free of false alarms.

(2) The alarm user must ensure that all persons with access to the premises have an adequate understanding of the alarm system so as to prevent unintended activation of the alarm system.

(3) The alarm system must use an Enhanced Call Verification that will attempt a verification call to the alarmed premise and if no responsible party is located on the

initial verification call, a second verification call will be made prior to the alarm business requesting a police alarm dispatch request.

(4) An alarm user must make available at all times a representative of the alarm user to assist the police to secure the premises or reset a malfunctioning alarm.

**TMC 6-6-070 – Protective Sweep; Inspection of Premises; Administrative Warrant.**

(1) Consent for Protective Sweep. Any person who obtains or renews an alarm permit will be provided with a form requesting consent for the police to enter and perform a protective sweep of any building or residence where an alarm is activated, the building or residence is unsecured or shows signs of forcible entry, and no responsible person is immediately available to give or refuse consent to enter. Upon receipt of the signed consent, the Police Department may enter any premises authorized by the consent.

(2) Warrantless Entry. The Police Department may enter any premises when exigent circumstances exist, or when any other circumstance exist that allows lawful entry consistent with warrant exceptions under state and federal law.

(3) Inspections. When it is necessary to inspect the premises to investigate or enforce the provisions of this Chapter, the City Manager may, with the owner's or occupant's permission, enter the premises at reasonable times to inspect or perform the duties imposed by this Chapter. If the premises is unoccupied, the City Manager must make a reasonable effort to locate the owner or person in charge of the premises and request permission to enter. If entry is refused by the owner or person in charge or the premises are unoccupied, and no exigency exists, the City Manager must obtain an administrative warrant before entry or inspection of the premises.

**TMC 6-6-080 – Alarm Business Requirements.**

(1) Every alarm business selling, leasing, or furnishing an alarm system installed in the City of Tualatin must:

(a) Provide the City with a list of all alarm users, and the contact information of the alarm user, that are using the alarm business's services within the City;

(b) Provide the alarm user with operating instructions for the alarm system;

(c) Provide written information of how to obtain service from the alarm company for the alarm system;

(d) Provide contact information for the monitoring company;

(e) Provide information on how to cancel an alarm request;

(f) Notify the alarm user of the City's alarm permit requirement and fee schedule and provide information on how to obtain a City alarm permit;

(g) Provide an accurate and up to date alarm permit application and a fee schedule, as set forth on the City's website; AND

(h) Install only dual-activation button robbery/holdup devices for appropriate applications of commercial accounts.

(2) All alarm businesses monitoring alarm systems in the City of Tualatin must attempt a verification call to the alarmed premise and if no responsible party is located on the initial verification call, a second verification call must be made prior to the alarm business requesting a police alarm dispatch request, EXCEPT, this provision does not apply in the case of a fire, panic, or robbery-in-progress alarm, or in cases where a crime-in-progress has been verified as defined in ANSI/CSAA CS-V-01-2016 (or current version).

(3) An alarm business must communicate the following information to the City's law enforcement dispatch center upon activation of an alarm:

(a) The alarm user permit number, when available;

(b) All pertinent available information about the location of the alarm; and

(c) Cancellation information, as soon as possible following a determination that an emergency response is unnecessary.

(4) An alarm business must not activate an alarm signal that results in a false alarm. Alarm system testing must be reported in advance to the dispatch or law enforcement communications center designated by the City.

(5) An alarm business must maintain records demonstrating compliance with this section, and provide documentation to the City upon request. Calls for emergency response to an alarm event by an alarm business must include the corresponding alarm permit number.

### **TMC 6-6-090 Nuisance Alarms**

(1) An alarm user must not permit the user's alarm system to disturb, injure, or endanger the peace, quiet, comfort, repose, health, or safety of the public or any person by continuous activation or reactivation due to false alarms. The following are examples of disturbing alarm noises:

(a) The continuous sounding of a false alarm which is audible for a distance of 100 feet or more from the source of the alarm, for more than 15 minutes duration;  
or

(b) The sounding of a false alarm which is audible for a distance of 100 feet or more from the source of the alarm, for more than 20 minutes within a one hour period. The sounding in this instance need not be continuous.

(2) Notwithstanding any other provision of law, a City officer responding to an alarm may disable the alarm when no responsible person is readily available to silence the alarm and the alarm is disturbing the peace, health, or repose of the neighbors. Such alarms are deemed public nuisances, and City officers are hereby authorized to immediately abate such nuisances by disabling the alarm. The City officer must use the least destructive method available to disable the alarm, and must provide notice to the owner of the time and reason the alarm was disabled. The notice may be posted upon the main entrance of the premises. If the City officer forced entry into a building or residence to disable an alarm, prior to leaving, the City officer will take responsible steps to secure the business or residence from further entry or damage, unless the owner or other responsible person is present on the scene prior to the departure of the officer.

**~~TMC 6-6-060~~ 6-6-100 - Automatic Dialing Device ; ~~Certain Interconnections~~ Prohibited.**

(1) It is unlawful for a person to utilize an automatic dialing device to transmit by voice message or code signal an emergency message indicating a need for emergency response from the Tualatin Police Department.

(2) It is unlawful for an alarm user to fail to disconnect or reprogram an automatic dialing device within 12 hours of receipt of written notice from the City, directing a person to disconnect or reprogram an automatic dialing device.

~~(1) Except as provided in subsection (4) of this section, it is unlawful for a person to program an automatic dialing device to select a primary trunk line or any 911 trunk line, capable of signaling a need for police response; and it is unlawful for an alarm user to fail to disconnect or reprogram an automatic dialing device which is programmed to select a primary trunk line within 12 hours of receipt of written notice from the Tualatin Police Department, directing that such disconnection or reprogramming occur.~~

~~(2) Within 60 days after July 12, 1989, all existing automatic dialing devices programmed to select a primary trunk line shall be reprogrammed or disconnected.~~

~~(3) Except as provided in subsection (4) of this section, it is unlawful for a person to program an automatic dialing device which selects a telephone line assigned to the City of Tualatin; and it is unlawful for an alarm user to fail to disconnect or reprogram such a device within 12 hours of receipt of written notice from the Tualatin Police Department that such automated dialing device should be disconnected or reprogrammed.~~

~~(4) (3) The City of Tualatin and other governmental entities that provide providers of emergency and critical municipal services, including but not limited to water, sewer, and streets are exempt from this section.~~

**~~TMC 6-6-070~~ 6-6-110- False Alarms; Notices; Penalty.**

~~(1) When an officer the City responds to a reported alarm and establishes that the alarm is a false alarm, the City must provide officer shall conspicuously affix a notice of that a false alarm response occurred on at the premises. The notice shall contain the address~~

of the premises, the date and time of the response, and the officer's name and identification number. The notice must advise the alarm user of the date and time of the false alarm, whether it is a first, second, third, or subsequent false alarm, for the alarm system during the permit year. The notice must also advise that upon the occurrence of three or more false alarms during the permit year, the alarm user will be charged a false alarm fee. The notice must also advise of the right to an appeal a false alarm determination. The City Manager may prescribe the form of the notices to be used in this section.

(2) The City must serve the alarm user with the notice of violation by personal delivery or regular mail. Failure of a person to receive an actual notice does not invalidate any proceeding in connection with a false alarm or in the imposition of additional charges upon license renewal resulting therefrom.

(3) False alarms violations will result in the following:

(a) The first false alarm in a permit year will result in a warning only;

(b) The second false alarm in a permit year will result in the alarm user having to pay a false alarm violation fee or enter into a compliance program, as established by resolution of the Council.

(c) The third false alarm, and all subsequent false alarms, in permit year will result in the alarm user having to pay a false alarm fee.

(4) The false alarm fees provided in this section will be as established by resolution of the Council.

~~(2) After the first false alarm during a permit year, the alarm coordinator shall send by regular mail a notice of false alarm to the alarm user at the address listed on the user's permit application. The notice shall advise the alarm user of the date and time of the false alarm and that it is the first false alarm recorded by the coordinator for the alarm system during the permit year. The notice shall also advise that upon the occurrence of a third false alarm during the permit year, the alarm user will be charged a fee upon renewal of the permit for each excessive false alarm.~~

~~(3) If the Police Department responds to a second false alarm during the permit year, the alarm coordinator shall send by regular mail a notice to the alarm user at the address listed on the user's permit application that the police have responded to two false alarms at the address where the alarm system is located. This notice shall also advise that the occurrence of any additional false alarms at the address where the alarm system is located during the permit year, the alarm user will be charged a fee upon renewal of the permit for excessive false alarms.~~

~~(4) If the Police Department responds to a third or subsequent false alarm during a permit year, the alarm coordinator shall forward by regular mail a notice to the alarm user at the address listed on the alarm user's permit a notice which advises the alarm user that the police have responded to excessive false alarms at the alarm location, and~~

~~as a result the alarm user shall upon renewal of the alarm system permit be charged in accordance with a schedule of charges for excessive false alarms. Any person found to have violated the false alarm provisions by the municipal court or found in default must pay the fines. The failure of the person to pay on or before a renewal date prohibits the alarm user from receiving a new or renewed alarm permit. An alarm user, whose alarm system has three or more false alarms within a permit year shall be subject to and pay at or before permit renewal in addition to any other charges a charge for excessive false alarms in an amount established by City Council resolution. Excessive false alarm charges shall be established in an amount to encourage correction in an alarm system or in operation of an alarm system, to discourage false alarms and to reimburse the City for the use of its police resources. No permit for substantially the same alarm system or for a different alarm system which is designed and used for substantially the same building, structure, facility, or portion thereof, shall be issued or renewed for the same alarm user unless such excessive false alarm charge is first paid. Excessive false alarm charges are the responsibility of the alarm user notwithstanding an agreement or claim of liability which holds an alarm business responsible for such charges.~~

~~(5) The Police Chief shall prescribe the form of the notices to be used in this section. The notices provided by this section may be used for purposes of complying with the Uniform Civil Infractions Procedure, TMC Chapter 7-1. For purposes of determining which form of mailing and notice to use, any alleged false alarm, which is disputed as provided in this section and for which a final determination has not been made, shall be treated as having occurred. The Police Chief shall provide for the supervision of the City Manager to insure that adequate records of notices being sent to alarm users and alarm businesses are maintained by the Police Department. Failure of a person to receive a notice shall not invalidate any proceeding in connection with a false alarm or in the imposition of additional charges upon license renewal resulting therefrom.~~

~~(6) An alarm user or alarm business who is aggrieved by the determination that a particular false alarm has occurred may request a hearing. The request shall be made in writing, and filed with the Chief of Police and the Municipal Court within ten days of the date on which the alarm user is sent the notification of false alarm for which a hearing is requested. Unless a request for a hearing is made in accordance with this section, an alarm user or alarm business shall have waived any right to challenge the decision whether a particular false alarm occurred and the false alarm shall thereafter be treated as having occurred on the date and time alleged. If a hearing is requested in accordance with this subsection, the Municipal Court shall notify by regular mail the person requesting the hearing of the time and place of the hearing.~~

~~(7) Every hearing to determine whether a false alarm has occurred shall be held before the Tualatin Municipal Court without a jury. The court may, in the interest of justice, consolidate hearings which involve the same alarm user or alarm system and false alarms within the same permit year. In addition, the hearing provided by this subsection may be consolidated with a hearing on an alleged civil infraction, provided the parties in each proceeding are the same, or the alarm system in each case is the same. The person requesting the hearing may be represented by counsel, but counsel shall not be provided at public expense. If counsel is to appear, written notice shall be provided to the Municipal Court and Chief of Police not less than five business days~~

prior to the hearing date. The Chief of Police, or the City's designated representative and the person requesting the hearing shall have the right to present written and oral evidence. Oral testimony shall be taken only on oath or affirmation and shall be subject to the right of cross-examination. If the person requesting a hearing wishes that witnesses be ordered to testify, he or she must request the court to order the desired witness subpoenaed, which request shall be at least five business days prior to the scheduled hearing. A deposit for each witness shall accompany the request and such deposit shall be refunded, if it is determined the alleged false alarm did not occur. The deposit for subpoenas shall be in an amount equal to witness fees provided by statute in other courts of this State. At the hearing any relevant evidence shall be admitted if it is the type of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs. However, irrelevant and unduly repetitious evidence shall be excluded. The City has the burden of proving that a false alarm occurred by a preponderance of the evidence. Within 30 days after the hearing, the Municipal Court shall determine whether the alleged false alarm has occurred and shall so advise the parties. The decision of the Municipal Court is final.

(8) — If a request for a hearing or a decision by the Municipal Court is pending at the time a permit expires and is subject to renewal, the alarm user shall pay the appropriate permit renewal and other charges owing at the time renewal is required, together with any then required charges for excessive false alarms. If the Court should determine that a false alarm within the prior permit year has occurred and such determination would have resulted in a higher fee upon renewal than was paid by the alarm user or applicant due to an excessive false alarm, the alarm user shall pay an appropriate additional false alarm charge upon being notified of the Court's determination.

#### **TMC 6-6-115 – Notice of Appeal on False Alarm Determination.**

(1) An alarm user who receives a notice of false alarm from the City Manager may file a Notice of Appeal requesting a hearing of the false alarm determination by submitting a petition to the City. The Notice of Appeal must be filed with the City within ten days of the notice of false alarm violation being served on the alarm user. Filing a Notice of Appeal is a prerequisite to seeking judicial review and the determination is final if a petition for is not timely filed.

(2) The Notice of Appeal must contain the following:

(a) A request for a hearing or request for written review without a hearing;

(b) A statement setting forth the reason(s) that the false alarm determination is invalid, otherwise improper, or why it should be modified; and

(c) Full payment of the false alarm fees determined by the City Manager to be due in the false alarm determination.

(3) If a Notice of Appeal is filed within the allowable period and the alarm user requests a hearing, the City Manager must grant the alarm user an oral hearing and provide at least ten days' notice of the time and place of the hearing, unless the City

Manager and petitioner agree otherwise. The City Manager may continue the hearing from time to time as may be necessary.

(4) At the hearing, the City has the burden of proving the alarm violation occurred by a preponderance of the evidence standard. Upon conclusion of the hearing, and after considering the testimony and all evidence presented at the hearing, the City Manager must issue a decision and mail the decision to the alarm user. If the City Manager determines the false alarm violation was not proven by the City, the City Manager must refund the amount of the fees paid by the alarm user. A decision on a hearing must be mailed within 30 days of the date of the hearing.

(5) The decision of the City Manager is final and not appealable to Council. Appeals from any determination made by the City Manager are solely and exclusively by writ of review to the Circuit Court of Washington County, as provided in ORS 34.010 to 34.100.

**~~TMC 6-6-100 – Duty to Maintain Alarm System, Permit Information.~~**

~~(1) An alarm user shall maintain its alarm system in good operating condition and free of false alarms. In addition the alarm user shall insure that all persons with access to the premises have an adequate understanding of the alarm system so as to prevent unintended activation of the alarm system.~~

~~(2) The alarm user shall provide the City Manager with complete current information on the permit application. On each permit application alarm users must provide names of at least two persons other than the alarm user who have access to keys to the premises and would be available to assist the police to secure the premises or reset a malfunctioning alarm. Any changes in the information contained on the permit application shall be promptly submitted to the City Manager within ten days of any such change.~~

~~(3) An alarm user whose alarm system generates ten or more false alarms within a permit year is considered an excessive number of false alarms and is prima facie evidence of a violation of this ordinance.~~

**~~TMC 6-6-110 - Violation of Ordinance, Penalties.~~**

~~(1) A violation of this ordinance is a civil infraction, punishable in accordance with the civil infractions ordinance of the City of Tualatin. Every day that a violation is found to exist constitutes a separate civil infraction.~~

~~(3) It is a violation of this ordinance if there is no representative of the alarm user available to assist the police to secure the premises or reset a malfunctioning alarm.~~

~~(4) Violation of this ordinance shall be punishable upon conviction by a fine of not less than \$50.00 nor more than \$500.00 per violation. Penalties or forfeitures imposed as a result of civil infraction proceedings shall be in addition to any fees and charges required to obtain a permit.~~

**~~TMC 6-6-120 - Administration.~~**

~~Alarm user permits which have been issued under Ordinance 601-83 shall continue in effect until such permits expire in accordance with their term pursuant to Ordinance 601-83.1, and shall thereafter upon expiration be renewed in accordance with this~~

ordinance. Except as otherwise provided in this section, all other provisions of this ordinance shall become operative on the effective date of this ordinance.

**TMC 6-6-120 No Duty to Respond; Government Immunity.**

An alarm permit does not create any contract, duty, or obligation, either expressed or implied, of the City's response to an alarm. Nothing in this Chapter creates, or is intended to create, a special relationship, as that term is defined under Oregon law, between any person and the City. All liability and consequential damage resulting from the failure to respond to a notification is disclaimed and all governmental immunity as provided by law is retained. The alarm user acknowledges that law enforcement response may be influenced by factors such as availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels, and prior response history.

**TMC ~~6-6-080~~ 6-6-130 - Confidentiality, Statistics.**

(1) Except as otherwise required by law, if an alarm user requests that information submitted by the user as part of an application be kept in confidence, such information shall be held in confidence and ~~shall be deemed a public record exempt from disclosure under Oregon's Public Records Laws to the extent allowed by Oregon law. The Police Department shall be responsible for maintenance of records created under this ordinance.~~

(2) Notwithstanding the requirements of subsection (1) the ~~Police Department~~ City shall may develop and maintain statistics for purposes of evaluating alarm systems.

**TMC ~~6-6-090~~ 6-6-140- Allocation of Revenues.**

All fees and charges collected pursuant to this ordinance shall be deposited in the general fund in the City of Tualatin, and are nonrefundable.

**TMC 6-6-200- Violation is Civil Infraction.**

(1) In addition to any other remedy provided by law and this Chapter, a person who violates or refuses to comply with this Chapter commits a civil infraction and shall be is subject to a fine of up to \$500.00. Each violation, and each day that a violation continues, constitutes a separate civil infraction.

(2) In addition to any other remedy provided by law and this Chapter, a person that commits more than two violations of this Chapter within any six-month period may have their license revoked for up to one year.

(3)The civil infraction procedures in TMC 7-01 apply to the prosecution of any violation of this Chapter.

**Section 2. 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 remains in full force and effect.

**Section 3. 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 23<sup>rd</sup> day of November, 2020.

CITY OF TUALATIN, OREGON

BY \_\_\_\_\_  
Mayor

APPROVED AS TO FORM

ATTEST:

BY \_\_\_\_\_  
City Attorney

BY \_\_\_\_\_  
City Recorder



# Alarm permit program

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AMENDMENTS

Why are we  
here tonight?

We are here tonight for your consideration in updating Tualatin  
Municipal Code (TMC) 6-06 Alarm Systems Regulations.

# alarm system ordinance TMC 6-06

What is the purpose?

Established in 1989 (modified in 2004 to add false alarms and fines) to create a set of rules that regulates the use of alarms in homes and businesses

Encourage alarm users and alarm businesses to assume increased responsibility to prevent unnecessary police response

Establishes fees and charges

Provide guidelines for the enforcement of violations

# of permits – 2,019

# of alarm calls per year – Approx. 824

% of calls that are false alarms (675) - 82%

% canceled while enroute (138) - 17%

% of calls related to actual crime (11) - 1%

# Current program issues

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All accounts in antiquated MS Access database. No online portal for user convenience. Non-automated creates greater margin of error.

Database very limited in ability to track false alarms for multiple years

False alarms not automated. All false alarms pulled by hand from CAD weekly, then hand entered into each account. Very time consuming.

All billing invoices, late notices, false alarm notices and other correspondence done by hand, including folding and stuffing envelopes.

- Average of 350 renewal invoices created each quarter, which is costly and time consuming to process by hand

Database not linked back to CAD, so account contact information not accessible to dispatch/officers

No protective sweep option

No late fee established; no incentive to pay on time

No fee for failing to obtain permit

All payments hand processed by recording check into finance program, recording alarm account changes/updates into database

# Recommended amendments

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Puts the responsibility on the alarm companies to provide a list of alarm users in our city

Eliminates the requirement for a paper permit posted in the window (tracked through CAD)

Subjects alarm user to a fee for failing to timely apply for an initial application and/or renewal

Provides option for pre-consent to protective sweep of business/residence

# The benefits

Increase alarm user compliance with ordinance

Reduce costs associated with false alarms

Make us comparable with other cities

Increase number of accounts kept up-to-date and current on billing

Sets the stage for potential transition to a more efficient alarm permit management system, which would:

- Provide automated system with online application, billing, payment, renewals and false alarms pulled data pulled in real-time from CAD
- Significantly decrease staff hours dedicated to account management and lower margin of error

UPDATE THE ORDINANCE  
STREAMLINE THE PROGRAM  
CREATE A MORE EFFICIENT  
USE OF MANPOWER  
GENERATE LESS COST TO  
THE CITY  
CREATE A SMALLER MARGIN  
OF ERROR THROUGH  
AUTOMATION  
GREATER CONVENIENCE  
FOR THE END USER

recommendation



Questions, comments or concerns?

ORDINANCE NO. 1448-20

AN ORDINANCE RELATING TO ALARM SYSTEMS; AMENDING TUALATIN MUNICIPAL CODE CHAPTER 6-6; AND CREATING NEW PROVISIONS.

WHEREAS, Tualatin Municipal Code Chapter 6-6 established an Alarm System Permit for the installation of alarms on private property where police response is required; and

WHEREAS, the City wishes to update and amend Tualatin Municipal Code Chapter 6-6;

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

**Section 1.** Tualatin Municipal Code Chapter 6-6 is amended to read as follows:

~~TMC 6-6-010 Title.~~

~~This ordinance shall be known as the "Alarm System Control Ordinance" for the City of Tualatin.~~

**TMC 6-6-020 6-6-010- Purpose, Construction and Scope.**

(1) The occupants of numerous residential, commercial, and industrial establishments within the corporate limits of the City of Tualatin have found it desirable to make provisions for the installation upon their premises, at their own cost and expense, of alarm systems for emergencies requiring police response.

(2) There is a growing number of private enterprises that have embarked upon the business of selling or leasing such alarm systems, entering into contract with such occupants for the installation, operation, and maintenance of such alarm systems, and providing, either individually or in concert with other private business enterprises an alarm device or devices installed in various alarm monitoring centers. Likewise, there is a growing number of private enterprises that have embarked upon the business of selling such alarm systems where the installation is completed by the purchaser or the user.

(3) The proliferation of the number of private enterprises engaged in the distribution of alarm systems, and the number of commercial and residential users of such systems has resulted in conditions that, if not remedied, will lead to an unnecessary drain on the manpower, time, space, facilities, and finances of the City and its police services, and a deterioration of the quality of police service to the City's residents.

(4) The public interest, therefore, requires the enactment of rules, regulations, standards, and procedures to regulate and control the private alarm business within the corporate limits of the City of Tualatin for the following purposes:

(a) The Tualatin Police Department may efficiently and economically coordinate its functions with the various alarm services to which the public within the City may subscribe;

(b) The quality of the alarm services rendered to the public may be improved and maintained at a high level;

(c) The excessive number of false alarms which require expenditure of police resources must be reduced so that those limited resources may be more efficiently utilized;

(d) Those private enterprises engaged in the alarm business and persons who utilize alarm systems should help support the administration of the alarm system, and where alarm users are responsible for an excessive number of false alarms, they should pay additional charges, which relate to the additional responses by the police and motivate alarm users to reduce the number of false alarms; and

(e) Those ~~alarms~~ alarm users who are responsible for excessive false alarms and who fail or refuse to remedy the cause of excessive false alarms demonstrate their indifference to limited police resources being devoted to unnecessary emergency responses, and such users should be treated by punitive measures. By the time an alarm user's system has generated ten false alarms within a permit year, the police response by way of notices will have provided the user with ample warning of the consequences and, therefore, it is presumed the alarm user has failed to take adequate steps to remedy the problem and maintain the alarm system.

(5) The purpose of this ~~ordinance~~ Chapter is to encourage alarm users and alarm businesses to assume increased responsibility for maintaining the mechanical reliability and the proper use of alarm systems to prevent unnecessary police emergency responses to false alarms and thereby protect the emergency response capability of the City from misuse.

(6) Except where otherwise expressly provided, this ~~ordinance~~ Chapter governs all alarm systems eliciting a police response, requires annual permits, establishes fees and charges, and provides for the enforcement of violations.

**TMC ~~6-6-030~~ 6-6-020- Definitions.**

For the purpose of this ordinance, the following definitions apply:

City Manager means the City Manager or City Manager's designee authorized to issue permits and administer this ordinance.

*Alarm Business* means a person, firm, partnership, corporation, association, or other legal entity, engaged in the profit-oriented selling, leasing, maintaining, servicing,

repairing, altering, replacing, moving, or installing of an alarm system in or on a building, structure, facility.

Alarm Dispatch means the initiation of a communication to dispatch, by an alarm business indicating an alarm has been activated, and requesting police response to the alarm site.

*Alarm System* means an assembly or equipment, mechanical or electrical, or both, designed and used to signal the occurrence of an illegal or unauthorized entry or attempted entry or other illegal activity on the premises of the alarm user, which requires or solicits urgent attention and to which the police are expected to respond.

*Alarm User* means a person, firm, partnership, corporation, association, or other legal entity in control of a building, structure, facility, or portion thereof within the City of Tualatin in which an alarm system is used.

*Automatic Dialing Device* means a device ~~which~~ that is interconnected to a telephone line, internet connection, or cell connection and is programmed to select a predetermined telephone number, electronic signal, or internet location (URL) and to transmit by voice message or code signal an emergency message indicating a need for emergency response. An automatic dialing device is an alarm system.

~~"Council" means the Tualatin City Council, the governing body of the City of Tualatin, Oregon.~~

Current Alarm Permit means an alarm permit that is not expired, not revoked, and has no outstanding fees, penalties, or fines.

Dispatch Center means the facility used to receive emergency and general information from the public

Enhanced Call Confirmation means an attempt by the alarm system monitoring company to contact the alarm site and/or alarm user by telephone and/or other means, whether or not the actual contact with a person is made, to determine whether an alarm signal is valid before requesting law enforcement response. It is required that a second call, also known as Enhanced Call Confirmation (ECC), be made to a different number, if the first attempt fails to reach an alarm user who can properly identify themselves to attempt to determine whether an alarm signal is valid, EXCEPT in the case of a fire, panic, or robbery-in-progress alarm or in cases where a crime-in-progress has been verified.

~~Coordinator~~ means the individual, designated by the Chief of Police for the Tualatin Police Department to issue permits and administer this ordinance.

*Excessive False Alarm* means a false alarm ~~which~~ that occurs following after two previous false alarms within one permit year. ~~More than one false alarm in a 24-hour~~

period, beginning with the first alarm in that 24-hour period, is counted as one false alarm.

*False Alarm* means a signal or activation by an alarm system which elicits a response by the Tualatin Police Department when a situation requiring a response does not in fact exist. "False alarm" does not include an alarm signal by an alarm system, which is caused by violent and extraordinary conditions of nature or other extraordinary circumstances not reasonably anticipated or subject to control by the alarm business operator or the alarm user.

*Governmental Political Unit Governmental Entity* means the federal government, State of Oregon, any county, city, special district, or any other tax supported public agency.  
*Handicap Disabled* means any person with a physical or mental impairment which for the individual constitutes or that results in a functional limitation to substantially limits one or more major life activities.

*Interconnect* means to connect an alarm system including an automatic dialing device, to a telephone line either directly or through a mechanical device that utilizes a telephone for the purpose of using the telephone line to transmit a message upon the activation of the alarm system.

*Monitoring Center* means a facility used to receive emergency and general information from an alarm user and to direct an emergency response.

*Primary Trunk Line* means a telephone line serving the Police Dispatch Center that is designated to receive police calls.

*Permit* means an alarm user permit, issued by the City of Tualatin under this ordinance.

*Permit Renewal* means the act of applying for a new permit to take the place of an expired permit, where the alarm system under both permits is designed and used for substantially the same building, structure, or facility.

**~~TMC 6-6-040 – Alarm User Permits Required, Payment of Permit Fees Required.~~**

~~(1) Except as provided in TMC 6-6-120, every alarm user shall obtain an alarm user permit for each alarm system proposed to be used by the alarm user from the Coordinator within 30 days after July 12, 1989, or at the time an alarm system is activated.~~

~~(2) Every alarm user shall complete and submit an application form and pay all required fees and charges as established by the City Council by resolution.~~

~~(3) The Chief of Police shall prescribe the form of the permit application, but it shall consist of at least the following parts. Additional parts may be inserted for administrative purposes:~~

~~(a) The name of the alarm user;~~

~~(b) The address of the alarm user and the address where the alarm system has been or will be installed and used;~~

- ~~(c) The name of the current emergency notification persons and their telephone numbers;~~
- ~~(d) The justification, if any, for requesting a waiver of application and renewal fees; and~~
- ~~(e) The name of the current alarm business responsible for operating a monitoring center for the alarm system, if any.~~
- ~~(4) Each permit shall bear the signature of the Chief of Police and shall be valid for one year from the date of issuance. The permit will show the date of expiration on its face.~~
- ~~(5) The permit shall be physically kept upon the premises where the alarm system is located and shall be available for inspection by the Chief of Police or the Chief's designee upon request. An alarm permit is valid only for the permittee and is not transferable from one person to another or from one address to another.~~
- ~~(6) A residential alarm user who lives on the premises, who owns or is the named lessee on the property in which the alarm system is located, who conducts no profit-oriented business on the premises, and who is 65 years of age or older or is handicapped shall be entitled to a waiver of application and renewal fees, but not excessive alarm and late charges. An alarm user permit shall be obtained.~~
- ~~(7) It is unlawful and a civil infraction for a person, firm, or corporation to use, operate or maintain an alarm system within the City without obtaining and maintaining a current, valid alarm user permit, paying all required fees, and charges and complying with all provisions of this ordinance.~~
- ~~(8) Except as otherwise provided in TMC 6-6-120, a late charge in an amount adopted by Council resolution will be imposed and added to the permit fee and paid by an alarm user who fails to obtain a permit within 30 days after such permit is required or by an alarm user who fails to renew a permit within 30 days after a permit has expired.~~
- ~~(9) An alarm user which is a governmental political unit shall obtain and maintain a permit and is subject to the requirements of this ordinance; however, permit application and renewal fees shall be waived, but not excessive false alarm and late charges.~~

**TMC 6-6-030 – Alarm Permit Required.**

- (1) Every alarm user must obtain an alarm user permit prior to installing an alarm system.
- (2) The Alarm Permit is valid for a period of one year, and may be renewed annually.
- (3) An alarm permit is valid only for the permittee and is not transferable from one person to another or from one address to another.

**TMC 6-6-040 - Permit Application; Renewal; Denial.**

- (1) Application. An application for an alarm permit must include the following:
- (a) The name of the alarm user;
- (b) The address of the alarm user and the address where the alarm system has been or will be installed and used;

(c) The name of the two emergency notification persons and their telephone numbers, other than the alarm user, who have access to keys to the premises and would be available to assist the police to secure the premises or reset a malfunctioning alarm;

(d) The name of the current alarm business responsible for operating a monitoring center for the alarm system, if any;

(e) The payment of the licensing fee, as established by resolution of the Council; and

(f) If the person believes the person qualifies for an exemption from the application fee, under TMC 6-6-050, all information proving the qualifications are met.

(2) Any changes in the information contained on the permit application must be promptly submitted to the City Manager within ten days of any such change. The alarm registration shall be in a form prescribed by the chief, and shall include the name, address and telephone number(s) of individual(s) authorized by the alarm user to act on their behalf in case of emergencies, alarms and false alarms.

(3) Renewal. An application for a renewal must provide the same information as provided in subsection (1).

(4) Denial. An initial application or a renewal application may be denied for any of the following reasons:

(a) The application materials contain inaccurate, misleading, or incomplete statements;

(b) The applicant previously failed to comply with the conditions of the permit issued; or

(c) Other activity by the person seeking the license that presents reasonable doubt about the person's ability to comply with the license conditions or otherwise endanger the health, safety, or welfare of the public.

(5) If a request for a hearing is pending at the time a permit expires and is subject to renewal, the alarm user must pay the appropriate permit renewal and other charges owing at the time renewal is required, together with any then required charges for excessive false alarms. If the City should determine that a false alarm within the prior permit year has occurred and such determination would have resulted in a higher fee upon renewal than was paid by the alarm user or applicant due to an excessive false alarm, the alarm user shall pay an appropriate additional false alarm charge upon being notified of the City's determination.

**TMC 6-6-045 - Late Fee.**

(1) An alarm user failing to timely file an initial application or renewal application is subject to a late fee in an amount established by resolution of the Council.

(2) An alarm user is subject to a late fee for any of the following reasons:

(a) Failing to submit a completed initial application for an alarm permit within 60 days of the installation of the alarm; and

(b) Failing to submit a renewal application within 30 days after the alarm permit has expired.

**TMC 6-6-050 Persons Exempt from Permit Application Fee.**

(1) The following persons are exempt from paying the Alarm Permit Application Fee and Annual Alarm Renew Fee:

(a) A residential alarm user who:

(i) Lives on the premises where the alarm system is located and either owns or is the named lessee on the premises;

(ii) Conducts no profit-oriented business on the premises; and

(iii) Is 65 years of age or older or disabled.

(b) An alarm user that is a governmental entity.

(2) A person meeting the conditions of subsection (1) must still obtain a permit and is still subject to all other provisions of this Chapter.

**TMC 6-6-050 - User Instructions.**

~~Every alarm business, which operates as such on behalf of alarm users within the City, shall furnish the user with instructions which enable the user to operate the alarm system properly without false alarms and to obtain service for the alarm system.~~

**TMC 6-6-060 - Conditions of Permit.**

Every alarm user must comply with the following conditions at all times:

(1) The alarm user must maintain its alarm system in good operating condition and free of false alarms.

(2) The alarm user must ensure that all persons with access to the premises have an adequate understanding of the alarm system so as to prevent unintended activation of the alarm system.

(3) The alarm system must use an Enhanced Call Verification that will attempt a verification call to the alarmed premise and if no responsible party is located on the

initial verification call, a second verification call will be made prior to the alarm business requesting a police alarm dispatch request.

(4) An alarm user must make available at all times a representative of the alarm user to assist the police to secure the premises or reset a malfunctioning alarm.

**TMC 6-6-070 – Protective Sweep; Inspection of Premises; Administrative Warrant.**

(1) Consent for Protective Sweep. Any person who obtains or renews an alarm permit will be provided with a form requesting consent for the police to enter and perform a protective sweep of any building or residence where an alarm is activated, the building or residence is unsecured or shows signs of forcible entry, and no responsible person is immediately available to give or refuse consent to enter. Upon receipt of the signed consent, the Police Department may enter any premises authorized by the consent.

(2) Warrantless Entry. The Police Department may enter any premises when exigent circumstances exist, or when any other circumstance exist that allows lawful entry consistent with warrant exceptions under state and federal law.

(3) Inspections. When it is necessary to inspect the premises to investigate or enforce the provisions of this Chapter, the City Manager may, with the owner's or occupant's permission, enter the premises at reasonable times to inspect or perform the duties imposed by this Chapter. If the premises is unoccupied, the City Manager must make a reasonable effort to locate the owner or person in charge of the premises and request permission to enter. If entry is refused by the owner or person in charge or the premises are unoccupied, and no exigency exists, the City Manager must obtain an administrative warrant before entry or inspection of the premises.

**TMC 6-6-080 – Alarm Business Requirements.**

(1) Every alarm business selling, leasing, or furnishing an alarm system installed in the City of Tualatin must:

(a) Provide the City with a list of all alarm users, and the contact information of the alarm user, that are using the alarm business's services within the City;

(b) Provide the alarm user with operating instructions for the alarm system;

(c) Provide written information of how to obtain service from the alarm company for the alarm system;

(d) Provide contact information for the monitoring company;

(e) Provide information on how to cancel an alarm request;

(f) Notify the alarm user of the City's alarm permit requirement and fee schedule and provide information on how to obtain a City alarm permit;

(g) Provide an accurate and up to date alarm permit application and a fee schedule, as set forth on the City's website; AND

(h) Install only dual-activation button robbery/holdup devices for appropriate applications of commercial accounts.

(2) All alarm businesses monitoring alarm systems in the City of Tualatin must attempt a verification call to the alarmed premise and if no responsible party is located on the initial verification call, a second verification call must be made prior to the alarm business requesting a police alarm dispatch request. EXCEPT, this provision does not apply in the case of a fire, panic, or robbery-in-progress alarm, or in cases where a crime-in-progress has been verified as defined in ANSI/CSAA CS-V-01-2016 (or current version).

(3) An alarm business must communicate the following information to the City's law enforcement dispatch center upon activation of an alarm:

(a) The alarm user permit number, when available;

(b) All pertinent available information about the location of the alarm; and

(c) Cancellation information, as soon as possible following a determination that an emergency response is unnecessary.

(4) An alarm business must not activate an alarm signal that results in a false alarm. Alarm system testing must be reported in advance to the dispatch or law enforcement communications center designated by the City.

(5) An alarm business must maintain records demonstrating compliance with this section, and provide documentation to the City upon request. Calls for emergency response to an alarm event by an alarm business must include the corresponding alarm permit number.

#### **TMC 6-6-090 Nuisance Alarms**

(1) An alarm user must not permit the user's alarm system to disturb, injure, or endanger the peace, quiet, comfort, repose, health, or safety of the public or any person by continuous activation or reactivation due to false alarms. The following are examples of disturbing alarm noises:

(a) The continuous sounding of a false alarm which is audible for a distance of 100 feet or more from the source of the alarm, for more than 15 minutes duration; or

(b) The sounding of a false alarm which is audible for a distance of 100 feet or more from the source of the alarm, for more than 20 minutes within a one hour period. The sounding in this instance need not be continuous.

(2) Notwithstanding any other provision of law, a City officer responding to an alarm may disable the alarm when no responsible person is readily available to silence the alarm and the alarm is disturbing the peace, health, or repose of the neighbors. Such alarms are deemed public nuisances, and City officers are hereby authorized to immediately abate such nuisances by disabling the alarm. The City officer must use the least destructive method available to disable the alarm, and must provide notice to the owner of the time and reason the alarm was disabled. The notice may be posted upon the main entrance of the premises. If the City officer forced entry into a building or residence to disable an alarm, prior to leaving, the City officer will take responsible steps to secure the business or residence from further entry or damage, unless the owner or other responsible person is present on the scene prior to the departure of the officer.

**TMC ~~6-6-060~~ 6-6-100 - Automatic Dialing Device ; Certain Interconnections Prohibited.**

(1) It is unlawful for a person to utilize an automatic dialing device to transmit by voice message or code signal an emergency message indicating a need for emergency response from the Tualatin Police Department.

(2) It is unlawful for an alarm user to fail to disconnect or reprogram an automatic dialing device within 12 hours of receipt of written notice from the City, directing a person to disconnect or reprogram an automatic dialing device.

~~(1) Except as provided in subsection (4) of this section, it is unlawful for a person to program an automatic dialing device to select a primary trunk line or any 911 trunk line, capable of signaling a need for police response; and it is unlawful for an alarm user to fail to disconnect or reprogram an automatic dialing device which is programmed to select a primary trunk line within 12 hours of receipt of written notice from the Tualatin Police Department, directing that such disconnection or reprogramming occur.~~

~~(2) Within 60 days after July 12, 1989, all existing automatic dialing devices programmed to select a primary trunk line shall be reprogrammed or disconnected.~~

~~(3) Except as provided in subsection (4) of this section, it is unlawful for a person to program an automatic dialing device which selects a telephone line assigned to the City of Tualatin; and it is unlawful for an alarm user to fail to disconnect or reprogram such a device within 12 hours of receipt of written notice from the Tualatin Police Department that such automated dialing device should be disconnected or reprogrammed.~~

~~(4) (3) The City of Tualatin and other governmental entities that provide providers of emergency and critical municipal services, including but not limited to water, sewer, and streets are exempt from this section.~~

**TMC ~~6-6-070~~ 6-6-110- False Alarms; Notices; Penalty.**

~~(1) When an officer the City responds to a reported alarm and establishes that the alarm is a false alarm, the City must provide officer shall conspicuously affix a notice of that a false alarm response occurred on at the premises. The notice shall contain the address~~

of the premises, the date and time of the response, and the officer's name and identification number. The notice must advise the alarm user of the date and time of the false alarm, whether it is a first, second, third, or subsequent false alarm, for the alarm system during the permit year. The notice must also advise that upon the occurrence of three or more false alarms during the permit year, the alarm user will be charged a false alarm fee. The notice must also advise of the right to an appeal a false alarm determination. The City Manager may prescribe the form of the notices to be used in this section.

(2) The City must serve the alarm user with the notice of violation by personal delivery or regular mail. Failure of a person to receive an actual notice does not invalidate any proceeding in connection with a false alarm or in the imposition of additional charges upon license renewal resulting therefrom.

(3) False alarms violations will result in the following:

(a) The first false alarm in a permit year will result in a warning only;

(b) The second false alarm in a permit year will result in the alarm user having to pay a false alarm violation fee or enter into a compliance program, as established by resolution of the Council.

(c) The third false alarm, and all subsequent false alarms, in permit year will result in the alarm user having to pay a false alarm fee.

(4) The false alarm fees provided in this section will be as established by resolution of the Council.

~~(2) After the first false alarm during a permit year, the alarm coordinator shall send by regular mail a notice of false alarm to the alarm user at the address listed on the user's permit application. The notice shall advise the alarm user of the date and time of the false alarm and that it is the first false alarm recorded by the coordinator for the alarm system during the permit year. The notice shall also advise that upon the occurrence of a third false alarm during the permit year, the alarm user will be charged a fee upon renewal of the permit for each excessive false alarm.~~

~~(3) If the Police Department responds to a second false alarm during the permit year, the alarm coordinator shall send by regular mail a notice to the alarm user at the address listed on the user's permit application that the police have responded to two false alarms at the address where the alarm system is located. This notice shall also advise that the occurrence of any additional false alarms at the address where the alarm system is located during the permit year, the alarm user will be charged a fee upon renewal of the permit for excessive false alarms.~~

~~(4) If the Police Department responds to a third or subsequent false alarm during a permit year, the alarm coordinator shall forward by regular mail a notice to the alarm user at the address listed on the alarm user's permit a notice which advises the alarm user that the police have responded to excessive false alarms at the alarm location, and~~

as a result the alarm user shall upon renewal of the alarm system permit be charged in accordance with a schedule of charges for excessive false alarms. Any person found to have violated the false alarm provisions by the municipal court or found in default must pay the fines. The failure of the person to pay on or before a renewal date prohibits the alarm user from receiving a new or renewed alarm permit. An alarm user, whose alarm system has three or more false alarms within a permit year shall be subject to and pay at or before permit renewal in addition to any other charges a charge for excessive false alarms in an amount established by City Council resolution. Excessive false alarm charges shall be established in an amount to encourage correction in an alarm system or in operation of an alarm system, to discourage false alarms and to reimburse the City for the use of its police resources. No permit for substantially the same alarm system or for a different alarm system which is designed and used for substantially the same building, structure, facility, or portion thereof, shall be issued or renewed for the same alarm user unless such excessive false alarm charge is first paid. Excessive false alarm charges are the responsibility of the alarm user notwithstanding an agreement or claim of liability which holds an alarm business responsible for such charges.

(5) — The Police Chief shall prescribe the form of the notices to be used in this section. The notices provided by this section may be used for purposes of complying with the Uniform Civil Infractions Procedure, TMG Chapter 7-1. For purposes of determining which form of mailing and notice to use, any alleged false alarm, which is disputed as provided in this section and for which a final determination has not been made, shall be treated as having occurred. The Police Chief shall provide for the supervision of the City Manager to insure that adequate records of notices being sent to alarm users and alarm businesses are maintained by the Police Department. Failure of a person to receive a notice shall not invalidate any proceeding in connection with a false alarm or in the imposition of additional charges upon license renewal resulting therefrom.

(6) — An alarm user or alarm business who is aggrieved by the determination that a particular false alarm has occurred may request a hearing. The request shall be made in writing, and filed with the Chief of Police and the Municipal Court within ten days of the date on which the alarm user is sent the notification of false alarm for which a hearing is requested. Unless a request for a hearing is made in accordance with this section, an alarm user or alarm business shall have waived any right to challenge the decision whether a particular false alarm occurred and the false alarm shall thereafter be treated as having occurred on the date and time alleged. If a hearing is requested in accordance with this subsection, the Municipal Court shall notify by regular mail the person requesting the hearing of the time and place of the hearing.

(7) — Every hearing to determine whether a false alarm has occurred shall be held before the Tualatin Municipal Court without a jury. The court may, in the interest of justice, consolidate hearings which involve the same alarm user or alarm system and false alarms within the same permit year. In addition, the hearing provided by this subsection may be consolidated with a hearing on an alleged civil infraction, provided the parties in each proceeding are the same, or the alarm system in each case is the same. The person requesting the hearing may be represented by counsel, but counsel shall not be provided at public expense. If counsel is to appear, written notice shall be provided to the Municipal Court and Chief of Police not less than five business days

~~prior to the hearing date. The Chief of Police, or the City's designated representative and the person requesting the hearing shall have the right to present written and oral evidence. Oral testimony shall be taken only on oath or affirmation and shall be subject to the right of cross examination. If the person requesting a hearing wishes that witnesses be ordered to testify, he or she must request the court to order the desired witness subpoenaed, which request shall be at least five business days prior to the scheduled hearing. A deposit for each witness shall accompany the request and such deposit shall be refunded, if it is determined the alleged false alarm did not occur. The deposit for subpoenas shall be in an amount equal to witness fees provided by statute in other courts of this State. At the hearing any relevant evidence shall be admitted if it is the type of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs. However, irrelevant and unduly repetitious evidence shall be excluded. The City has the burden of proving that a false alarm occurred by a preponderance of the evidence. Within 30 days after the hearing, the Municipal Court shall determine whether the alleged false alarm has occurred and shall so advise the parties. The decision of the Municipal Court is final.~~

~~(8) If a request for a hearing or a decision by the Municipal Court is pending at the time a permit expires and is subject to renewal, the alarm user shall pay the appropriate permit renewal and other charges owing at the time renewal is required, together with any then required charges for excessive false alarms. If the Court should determine that a false alarm within the prior permit year has occurred and such determination would have resulted in a higher fee upon renewal than was paid by the alarm user or applicant due to an excessive false alarm, the alarm user shall pay an appropriate additional false alarm charge upon being notified of the Court's determination.~~

**TMC 6-6-115 – Notice of Appeal on False Alarm Determination.**

(1) An alarm user who receives a notice of false alarm from the City Manager may file a Notice of Appeal requesting a hearing of the false alarm determination by submitting a petition to the City. The Notice of Appeal must be filed with the City within ten days of the notice of false alarm violation being served on the alarm user. Filing a Notice of Appeal is a prerequisite to seeking judicial review and the determination is final if a petition for is not timely filed.

(2) The Notice of Appeal must contain the following:

(a) A request for a hearing or request for written review without a hearing;

(b) A statement setting forth the reason(s) that the false alarm determination is invalid, otherwise improper, or why it should be modified; and

(c) Full payment of the false alarm fees determined by the City Manager to be due in the false alarm determination.

(3) If a Notice of Appeal is filed within the allowable period and the alarm user requests a hearing, the City Manager must grant the alarm user an oral hearing and provide at least ten days' notice of the time and place of the hearing, unless the City

Manager and petitioner agree otherwise. The City Manager may continue the hearing from time to time as may be necessary.

(4) At the hearing, the City has the burden of proving the alarm violation occurred by a preponderance of the evidence standard. Upon conclusion of the hearing, and after considering the testimony and all evidence presented at the hearing, the City Manager must issue a decision and mail the decision to the alarm user. If the City Manager determines the false alarm violation was not proven by the City, the City Manager must refund the amount of the fees paid by the alarm user. A decision on a hearing must be mailed within 30 days of the date of the hearing.

(5) The decision of the City Manager is final and not appealable to Council. Appeals from any determination made by the City Manager are solely and exclusively by writ of review to the Circuit Court of Washington County, as provided in ORS 34.010 to 34.100.

**~~TMC 6-6-100 – Duty to Maintain Alarm System, Permit Information.~~**

~~(1) An alarm user shall maintain its alarm system in good operating condition and free of false alarms. In addition the alarm user shall insure that all persons with access to the premises have an adequate understanding of the alarm system so as to prevent unintended activation of the alarm system.~~

~~(2) The alarm user shall provide the City Manager with complete current information on the permit application. On each permit application alarm users must provide names of at least two persons other than the alarm user who have access to keys to the premises and would be available to assist the police to secure the premises or reset a malfunctioning alarm. Any changes in the information contained on the permit application shall be promptly submitted to the City Manager within ten days of any such change.~~

~~(3) An alarm user whose alarm system generates ten or more false alarms within a permit year is considered an excessive number of false alarms and is prima facie evidence of a violation of this ordinance.~~

~~TMC 6-6-110 – Violation of Ordinance, Penalties.~~

~~(1) A violation of this ordinance is a civil infraction, punishable in accordance with the civil infractions ordinance of the City of Tualatin. Every day that a violation is found to exist constitutes a separate civil infraction.~~

~~(3) It is a violation of this ordinance if there is no representative of the alarm user available to assist the police to secure the premises or reset a malfunctioning alarm.~~

~~(4) Violation of this ordinance shall be punishable upon conviction by a fine of not less than \$50.00 nor more than \$500.00 per violation. Penalties or forfeitures imposed as a result of civil infraction proceedings shall be in addition to any fees and charges required to obtain a permit.~~

**~~TMC 6-6-120 – Administration.~~**

~~Alarm user permits which have been issued under Ordinance 601-83 shall continue in effect until such permits expire in accordance with their term pursuant to Ordinance 601-83.1, and shall thereafter upon expiration be renewed in accordance with this~~

ordinance. Except as otherwise provided in this section, all other provisions of this ordinance shall become operative on the effective date of this ordinance.

**TMC 6-6-120 No Duty to Respond; Government Immunity.**

An alarm permit does not create any contract, duty, or obligation, either expressed or implied, of the City's response to an alarm. Nothing in this Chapter creates, or is intended to create, a special relationship, as that term is defined under Oregon law, between any person and the City. All liability and consequential damage resulting from the failure to respond to a notification is disclaimed and all governmental immunity as provided by law is retained. The alarm user acknowledges that law enforcement response may be influenced by factors such as availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels, and prior response history.

**TMC ~~6-6-080~~ 6-6-130 - Confidentiality, Statistics.**

(1) Except as otherwise required by law, if an alarm user requests that information submitted by the user as part of an application be kept in confidence, such information shall be held in confidence and ~~shall be deemed a public record exempt from disclosure under Oregon's Public Records Laws to the extent allowed by Oregon law. The Police Department shall be responsible for maintenance of records created under this ordinance.~~

(2) Notwithstanding the requirements of subsection (1) the ~~Police Department~~ City shall may develop and maintain statistics for purposes of evaluating alarm systems.

**TMC ~~6-6-090~~ 6-6-140- Allocation of Revenues.**

All fees and charges collected pursuant to this ordinance shall be deposited in the general fund in the City of Tualatin, and are nonrefundable.

**TMC 6-6-200- Violation is Civil Infraction.**

(1) In addition to any other remedy provided by law and this Chapter, a person who violates or refuses to comply with this Chapter commits a civil infraction and shall be is subject to a fine of up to \$500.00. Each violation, and each day that a violation continues, constitutes a separate civil infraction.

(2) In addition to any other remedy provided by law and this Chapter, a person that commits more than two violations of this Chapter within any six-month period may have their license revoked for up to one year.

(3) The civil infraction procedures in TMC 7-01 apply to the prosecution of any violation of this Chapter.

**Section 2. 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 remains in full force and effect.

**Section 3. 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 23<sup>rd</sup> day of November, 2020.

CITY OF TUALATIN, OREGON

BY Frank Bubenik  
Mayor

APPROVED AS TO FORM

BY Sean Brady  
City Attorney

ATTEST:

BY Sherilyn Lombos  
City Recorder

Signature:   
Email: fbubenik@tualatin.gov

Signature:   
Sherilyn Lombos (Nov 25, 2020 16:44 PST)  
Email: slombos@tualatin.gov

Signature:   
Email: sbrady@tualatin.gov

# Ord 1448-20- Amend Alarm TMC 6-6

Final Audit Report

2020-11-26

Created:	2020-11-24
By:	Nicole Morris (nmorris@tualatin.gov)
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## "Ord 1448-20- Amend Alarm TMC 6-6" History

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-  Agreement completed.  
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*City of Tualatin*

**CITY OF TUALATIN**  
**Staff Report**

**TO:** Honorable Mayor and Members of the City Council  
**THROUGH:** Sherilyn Lombos, City Manager  
**FROM:** Sean Brady, City Attorney  
**DATE:** November 23, 2020

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**SUBJECT:**

Consideration of Ordinance No. 1449-20 Relating to the Initiative Process; and Amending Tualatin Municipal Code Chapter 1-24

**RECOMMENDATION:**

Staff recommends Council adopt the ordinance.

**EXECUTIVE SUMMARY:**

Ordinance No. 1449-20 amends Tualatin Municipal Code Chapter 1-24 to allow initiatives that qualify for the ballot to be voted on at either the next statewide primary election or next statewide general election.

The initiative powers of the legal voters of Tualatin are established by Article IV, section 1(5) and Article XI, section 2 of the Oregon Constitution. Tualatin Municipal Code Chapter 1-24 establishes the procedure by which the legal voters are to exercise their initiative powers in Tualatin. Under the current code, a City initiative that qualifies for the ballot will be voted on at the next statewide general election. Statewide general elections occur in November of even-numbered years.

Ordinance No. 1449-20 would amend the code to allow a City initiative that qualifies for the ballot to be voted on at the next statewide primary election. Statewide primary elections occur in May of even-numbered years.

The effect of Ordinance No. 1449-20 is that City initiatives that qualify for the ballot would be voted on at either the next statewide primary election or next statewide general election, whichever is sooner.

**ATTACHMENTS:**

- Ordinance No. 1449-20

ORDINANCE NO. 1449-20

AN ORDINANCE RELATING TO THE INITIATIVE PROCESS; AND AMENDING TUALATIN MUNICIPAL CODE CHAPTER 1-24.

WHEREAS, the initiative powers of the legal voters of Tualatin are established by Article IV, section 1(5) and Article XI, section 2 of the Oregon Constitution;

WHEREAS, Tualatin Municipal Code Chapter 1-24 establishes the process by which the legal voters of Tualatin are to exercise the initiative power for City initiatives, consistent with State law;

WHEREAS, Tualatin Municipal Code 1-24 currently allows initiatives that qualify for the ballot to be voted on at the next available statewide general election; and

WHEREAS, the City wishes to amend Tualatin Municipal Code 1-24 to allow initiatives that qualify for the ballot to be voted on at the next available statewide primary.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

**Section 1.** Tualatin Municipal Code 1-24-070 (Election Dates for Initiative and Referendums) is amended to read as follows:

**TMC 1-24-070 - Election Dates for Initiatives and Referendums.**

(1) An initiative measure that qualifies for the ballot will be placed on the ballot at the next available statewide primary or general election.

(2) A referendum measure that qualifies for the ballot will be placed on the ballot at the next available statewide primary or general election, unless the Council finds that the public interest in a prompt resolution outweighs the costs associated with a special election. If the Council calls for a special election, the Council by resolution must specify the date upon which the special election is to be held.

**Section 2. 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 \_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF TUALATIN OREGON

BY \_\_\_\_\_  
Mayor

APPROVED AS TO LEGAL FORM

ATTEST

BY \_\_\_\_\_  
City Attorney

BY \_\_\_\_\_  
City Recorder



*City of Tualatin*

## 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:** November 23, 2020

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**SUBJECT:**

Consideration of **Ordinance No. 1447-20** Establishing a Parks Utility; and Creating Tualatin Municipal Code Chapter 3-7

**EXECUTIVE SUMMARY:**

The Parks and Recreation Master Plan demonstrates that many of the current parks and facilities are 25 to 30 years old and in need of renovation, replacement, and improvement. Staff presented data about the parks system condition and cost estimates to maintain, repair and renovate park assets to Council on January 27, February 1, June 22, August 10, and October 26. At the October 26 meeting during Council discussion on funding options, staff was directed to provide information on a Parks Utility Fee of \$2.00 to \$5.00 per month.

The park utility fee is proposed as a two-step process. The first step is Council consideration to authorize charging a parks utility fee, and the second step is Council consideration to set the fee amount. This process is scheduled to occur over two Council meetings, which include consideration on November 23 to authorize the fee, and setting the fee on December 14, 2020.

Tonight staff will present the parks utility fee process, fee amounts, project examples, comparable cities having park utility fees, and next steps.

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**Attachments:**

Ordinance No. 1447-20  
Presentation

ORDINANCE NO. 1447-20

AN ORDINANCE ESTABLISHING A PARKS UTILITY; AND CREATING TUALATIN MUNICIPAL CODE CHAPTER 3-7.

WHEREAS, City parks are an essential service of the City of Tualatin;

WHEREAS, the operation and maintenance of the City's parks, recreation facilities, natural areas, greenways, joint use facilities, and shared use paths are essential to serve City residents, employees of City businesses, and visitors;

WHEREAS, additional funds are needed to provide safe, equitable, and accessible parks, recreation facilities, natural areas, greenways, joint use facilities, and shared use paths, and ensure adequate maintenance of City parks can occur.

WHEREAS, the Council wishes to create a Park Utility to establish a funding source to help fund the City's parks, recreation facilities, natural areas, greenways, joint use facilities, and shared use paths; and

WHEREAS, the City finds it is in the public interest to create a Park Utility.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

**Section 1.** Tualatin Municipal Code Chapter 3-7 is created to read as follows:

**TMC 3-7-010 – Creation of Parks Utility; Use of Funds.**

(1) The City operates a Parks System that consists of City parks, natural areas, greenways, joint use facilities, shared use paths, and other parks and recreation facilities for the benefit of City residents, and which also benefits employees of City businesses and visitors to the City.

(2) The City finds additional funds are needed to provide maintenance of the City's Parks System and ensure the City can provide safe, equitable, and accessible City parks, natural areas, greenways, joint use facilities, shared use paths, and other parks and recreation facilities.

(3) A Parks Utility Fee is created for the purpose of providing for the operation and maintenance of the City's Parks System and the capital maintenance, improvement, renovation, and replacement of facilities within the City's Parks System.

(4) The City finds residential and nonresidential occupants of improved and developed properties within the City use and benefit from the City's Parks System, and that the imposition of a Parks Utility Fee on such persons is reasonable and necessary to fund the City's Parks System.

(5) Funds collected from the Parks Utility Fee may be used for the operation and maintenance of the City's Parks System, and the capital maintenance, improvement, renovation, or replacement of facilities and amenities within the City's Parks System.

**TMC 3-7-020 – Definitions**

As used in this Chapter, the following means:

*City Manager* means the City Manager, or the City Manager's designee.

*City's Parks System* means City parks, natural areas, greenways, joint use facilities, shared use paths, and other parks and recreation facilities operated or maintained by the City.

*Developed Property* means a lot or parcel, a portion of a lot or parcel, or other real property, on which an improvement exists or has been constructed.

*Dwelling Unit* means one occupied unit within a residential property.

*Equivalent Dwelling Unit (EDU)* means the equivalent impact of one dwelling unit that a non-residential property has on the City's Parks system.

*Improvement* means the development of property, or a portion thereof, and includes, but is not limited to, buildings, parking lots, landscaping, and outside storage.

*Non-Residential Property* means a use of property which is primarily not for personal, domestic accommodation, and includes, but is not limited to, industrial and commercial uses of property.

*Residential Property* means a use of property which is primarily for personal, domestic accommodation, including single family, multi-family residential property, and group homes, but excluding hotels and motels.

*Vacant Property* means that an entire building or building unit has become vacant or continuously unoccupied for at least 30 days, and does not include a portion of a developed property without separate water meters has become vacant or unoccupied.

**TMC 3-7-030 – Dedication of Revenue.**

(1) All funds collected pursuant to this Chapter must be allocated to the City's Parks Utility Fee Fund.

(2) The portion of the Parks Utility Fee Fund that represents the fees collected under this Chapter during a given year, fees carried over from prior years, and investment earnings from the fees must be used to operate and manage the City's Parks System, as provided in this Chapter.

(3) All amounts in the Parks Utility Fee Fund may be invested by the City Manager in accordance with State law. Earnings from such investments are dedicated to the Parks Utility Fee Fund.

**TMC 3-7-040 – Parks Utility Fee Established.**

(1) A Parks Utility Fee is imposed and levied upon the owner, tenant, agent, or other authorized representative responsible for occupancy of a developed property within the City.

(a) The Parks Utility Fee charged to occupants of residential properties will be on a per dwelling unit basis.

(b) The Parks Utility Fee charged to occupants of non-residential property will be on a per equivalent dwelling unit basis.

(2) The Parks Utility Fee will be established annually by resolution of the Council.

**TMC 3-7-050 – Billing and Collection of the Parks Utility Fee.**

(1) The Parks Utility Fee will be billed and collected as part of the monthly City utility bill for those persons utilizing City utilities. The City utility bill will be sent monthly by the City and is due and payable upon receipt.

(2) The owner, tenant, agent, or other authorized representative responsible for paying a City utility bill must pay the Parks Utility Fee, unless another responsible party has agreed in writing to pay the Parks Utility Fee and a copy of that writing is filed with the City.

(3) In the event a person makes a partial payment of the City utility bill such that funds are inadequate to satisfy in full all water, sanitary sewer, stormwater, Parks Utility Fee, and road utility fees, credit will be given first to the Parks Utility Fee, second to road utility fee, third to the sanitary and stormwater service charges, and last to the charges for water service.

**TMC 3-7-060 – Delinquent Accounts.**

When a person's account is delinquent, the person will be provided a notice of delinquency. If payment is not received, the City may discontinue City utility services and may collect the charges through any means authorized by law.

**TMC 3-7-070 – Vacant Property.**

(1) If a property becomes vacant and water service is discontinued, the owner, tenant, agent, or other authorized representative responsible for occupancy of the property may make a written application requesting that the City cease charging the Parks Utility Fee for the reason that the property is vacant. If the City Manager determines the property to be vacant and all outstanding water, sanitary sewer, stormwater, parks utility, and road utility charges have been paid in full, the City will cease charging the Parks Utility Fee.

(2) The City Manager may investigate any property for which a request to cease charging the Parks Utility Fee has been made in order to determine whether the property is vacant.

(3) The owner, tenant, agent, or other authorized representative responsible for occupancy of a property must notify the City within five business days of a previously vacant property becoming occupied, partially occupied, or used, regardless of whether water service is restored.

(4) The City may charge any person the appropriate Parks Utility Fee, including charges for prior billing periods, upon determining the property did not qualify as vacant during such time.

(5) A decision or determination of the City Manager under this section is final.

**TMC 3-7-080 – Other Assessments.**

Nothing contained in this Chapter limits the City's authority to levy additional assessments in accordance with applicable law.

**Section 2. 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 remains in full force and effect.

**Section 3. 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 \_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF TUALATIN OREGON

BY \_\_\_\_\_  
Mayor

APPROVED AS TO LEGAL FORM

ATTEST

BY \_\_\_\_\_  
City Attorney

BY \_\_\_\_\_  
City Recorder



# PARKS UTILITY FEE

# TONIGHT

- Ordinance Introduction
- Council Direction on fee amount to consider

# DECEMBER 14

- Resolution setting fee amount



# COUNCIL DISCUSSION & CONSIDERATION OF PARKS FUNDING

**JANUARY 27 | FEBRUARY 1 | JUNE 22 | AUGUST 10 | OCTOBER 26**  
**CONSIDERATION OF BETWEEN \$2-5/MONTH**



## PROJECT EXAMPLES

- Smart Irrigation \$24,000-\$100,000
- Park Site Plan \$60,000-\$100,000
- Sport Court Resurface  
\$25,000-\$100,000
- Brown's Ferry Center ADA  
Improvement \$196,500
- High School Field Light Replacement  
\$237,000
- Playground Renovation \$275,000

# PROJECT EXAMPLES

- Commons Splash Pad Renovation  
\$500,000
- High School Field Replacement  
\$500,000
- Brown's Ferry Bridge Replacements  
\$875,000
- Commons Concrete Surface  
Replacement \$1,500,000
- Community Park Boat Launch  
\$2,500,000



# OTHER PARKS UTILITY FEES

CITY	FEE (MONTHLY)	REVENUE (ANNUAL)
GRESHAM	\$0.375	\$195,000
JACKSONVILLE	\$2.16	\$60,000
KEIZER	\$4.00	\$600,000
TALENT	\$5.00	\$170,000
MEDFORD	\$5.35	\$1,411,500
TIGARD	\$5.91	\$1,866,872
WEST LINN	\$16.60	\$1,935,000

# AN AVERAGE RESIDENTIAL MONTHLY UTILITY BILL WOULD LOOK LIKE THIS:

FY 20/21		
<b>Water:</b>		
- 5/8" x 3/4" meter	Facilities Charge	\$ 4.49
- 8 CCF used	Service Charge	\$ 4.55
- Rates set by City Council	Consumption Charge Per CCF \$ 3.20	\$ 25.60
	Monthly Total	\$ 34.64
<b>Sewer:</b>		
- 1 Dwelling Unit (DU)	Regional Base Charge Per DU	\$ 25.11
- Winter average water consumption = 8 CCF	Regional Use Charge Per CCF \$ 1.66	\$ 13.28
- Clean Water Services sets Regional rates;	Local Base Charge Per EDU	\$ 6.53
- Tualatin sets Local rates	Local Use Charge Per CCF \$ 0.444	\$ 3.55
	Monthly Total	\$ 48.47
<b>Stormwater:</b>		
- 1 Equivalent Surface Unit (ESU) = 2,640 Sq Ft = 1 house	Regional SWM Per ESU (Set by Clean Water Services)	\$ 2.31
	Local SWM Per ESU (Set by City of Tualatin)	\$ 7.93
	Monthly Total	\$ 10.24
<b>Road Maintenance:</b>		
- Rates set by City Council	Road Utility Fee per Single Family Residence	\$ 2.20
- 1/7th goes to street light operation	Sidewalk/StreetTree Reverse Frontage	\$ 3.57
	Monthly Total	\$ 5.77
<b>Proposed Parks Utility Fee:</b>		
- Rates set by City Council	Parks Utility Fee per Single Family Residence	\$ 2.00
<b>Total Monthly Bill</b>		<b>\$ 101.12</b>

# FEE AMOUNT

**\$2 = \$270,575**

Revenue Annually

**\$3 = \$405,865**

Revenue Annually

**\$4 = \$541,150**

Revenue Annually

**\$5 = \$676,440**

Revenue Annually

# NEXT STEPS

## TONIGHT

- Ordinance Introduction
- Council Direction on fee amount to consider

## DECEMBER 14

- Resolution setting fee amount



*City of Tualatin*

## CITY OF TUALATIN Staff Report

**TO:** Honorable Mayor and Members of the City Council  
**THROUGH:** Sherilyn Lombos, City Manager  
**FROM:** Sean Brady, City Attorney  
**DATE:** November 23, 2020

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**SUBJECT:**

Consideration of Ordinance No. 1445-20 Relating to Cannabis Regulations; Amending Tualatin Development Code Chapter 80; and Making Minor Amendments to Other Tualatin Development Code Chapters.

**RECOMMENDATION:**

Staff recommends Council consider the ordinance.

**EXECUTIVE SUMMARY:**

Ordinance No. 1445-20 relating to cannabis regulations is before the Council for third reading and consideration for final adoption.

Under Charter Section 35, before an ordinance can be enacted, it must be read at two separate Council meetings. However, an ordinance may be enacted at a single Council meeting if the vote to adopt the ordinance receives the unanimous vote of all Council members present.

On November 9, 2020, the Council conducted the first and second readings of Ordinance No. 1445-20. The vote to adopt the Ordinance received a majority of five in favor and two against, but was not unanimous. As a result, Ordinance No. 1445-20 must return for a third reading and consideration for final adoption.

Ordinance No. 1445-20 amends Tualatin Development Code Chapter 80 to implement PTA 20-0006 and modify the regulations relating to where cannabis facilities may operate in Tualatin. The ordinance also amends the Tualatin Development Code to remove the term “marijuana” and replace it with the term “cannabis.”

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**ATTACHMENTS:**

- Ordinance No. 1445-20

ORDINANCE NO. 1445-20

AN ORDINANCE RELATING TO CANNABIS REGULATIONS; AMENDING TUALATIN DEVELOPMENT CODE CHAPTER 80; AND MAKING MINOR AMENDMENTS TO OTHER TUALATIN DEVELOPMENT CODE CHAPTERS.

WHEREAS, on November 3, 1998, Oregon voters approved Ballot Measure 67, known as the "Oregon Medical Marijuana Act;"

WHEREAS, on November 4, 2014, Oregon voters approved Ballot Measure 91, known as the "Control, Regulation, and Taxation of Marijuana and Industrial Hemp Act," and which authorized recreational cannabis production, sales, and use;

WHEREAS, pursuant to Article XI, Section 2 of the Oregon Constitution, the City of Tualatin has "home rule" authority to adopt regulations relating to cannabis, in addition to the provisions in ORS Chapter 475B;

WHEREAS, on March 23, 2015, the City adopted Ordinance No. 1379-15 to regulate cannabis, production, sale, and use within the City, including the location cannabis businesses within the City;

WHEREAS, the City initiated Plan Text Amendment PTA-20-0006 to amend Tualatin Development Code Chapter 80, to modify cannabis regulations within the City and to allow cannabis businesses to locate in certain commercial areas;

WHEREAS, the City provided notice of PTA 20-0006 to the Oregon Department of Land Conservation and Development as provided in ORS 197.610;

WHEREAS, notice of public hearing of PTA 20-0006 was given as required by Tualatin Development Code; and

WHEREAS, a public hearing was held where City Council heard and considered the testimony and evidence presented by the City staff and those appearing at the public hearing, and a majority of City Council having approved PTA 20-0006.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

**Section 1.** TDC Chapter 80 is amended to read as follows:

**CHAPTER 80 - MARIJUANA CANNABIS FACILITIES**

**TDC 80.010. - Purpose.**

The purpose of this chapter is to:

- (1) Protect the general health, safety, property, and welfare of the public;

(2) Balance the right of individuals to produce and access Marijuana Cannabis and Marijuana Cannabis derivatives consistent with state law, with the need to minimize adverse impacts to nearby properties that may result from the production, storage, distribution, sale, and/or use of Marijuana Cannabis and derivatives;

(3) Prevent or reduce criminal activity that may result in harm to persons or property;

(4) Prevent or reduce diversion of state-licensed Marijuana Cannabis and Marijuana Cannabis derivatives to minors; and

(5) Minimize impacts to the City's public safety services by reducing calls for service.

**TDC 80.020. - Definitions.**

The words and phrases have the following meanings:

*Edible Marijuana Cannabis* means edible product that contains Marijuana Cannabis.

*Homegrown Marijuana Cannabis* means Marijuana Cannabis grown or made by a person 21 years of age or older for noncommercial purposes.

*Marijuana Cannabis* means all parts of the plant of the Cannabis family Cannabaceae, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin, and includes both medical and recreational Marijuana Cannabis as defined by Oregon law.

*Marijuana Cannabis extract* means a product obtained by separating resins from the Marijuana Cannabis plant by solvent extraction.

*Marijuana Cannabis facility* means a commercial or public use or structure where Marijuana Cannabis is produced, processed, wholesaled, retailed, distributed, transferred, sold or consumed and registered with the Oregon Health Authority (OHA) or the Oregon Liquor Control Commission (OLCC).

**TDC 80.030. - Relationship to Other Standards.**

(1) The provisions of this Chapter apply to all Marijuana Cannabis facilities requiring a state license or registration.

(2) The regulations in this Chapter are in addition to other development code standards, including all base zone standards. Sites with overlay zones, plan districts, inventoried hazards, and/or sensitive lands are subject to additional regulations. Specific uses or development types may also be subject to regulations set forth elsewhere in the Tualatin Development Code.

(3) To the extent there is a conflict between other provisions in the Tualatin Development Code and the provisions of this Chapter, the provisions in this Chapter apply.

**TDC 80.050. - Planning Districts Where Marijuana Cannabis Facilities Permitted.**

(1) All types of Cannabis facilities are permitted in the following planning districts and subject to the other provisions of this Chapter:

- (a) ~~(1)~~ Light Manufacturing (ML);
- (b) ~~(2)~~ General Manufacturing (MG); and
- (c) ~~(3)~~ Manufacturing Business Park (MBP)

(2) In addition to subsection (1), retail sales and medical dispensary Cannabis facilities are permitted in the following planning, districts and subject to the other provisions of this Chapter:

- (a) Office Commercial (CO);
- (b) Neighborhood Commercial (CN);
- (c) Recreation Commercial (CR);
- (d) General Commercial (CG);
- (e) Mid Rise/Office Commercial (CO/MR);
- (f) Medical Center (MC); and
- (g) Mixed Use Commercial (MUC).

**TDC 80.060. - Standards for Marijuana Cannabis Facilities.**

(1) All Marijuana Cannabis facilities must comply with all applicable State requirements.

(2) A Marijuana Cannabis facility cannot be located within ~~3,000~~ 1,000 feet, measured from the closest property line, from any:

- (a) Residential Planning District ~~or residential uses~~;
- (b) City Park listed below:
  - (i) Atfalati Park
  - (ii) Brown's Ferry Park
  - (iii) Ibach Park
  - (iv) Jurgens Park

- (v) Lafky Park
- (vi) Little Woodrose Nature Park
- (vii) Saarinen Wayside Park
- (viii) Stoneridge Park
- (ix) Sweek Pond Natural Area Park
- (x) Tualatin Commons
- (xi) Tualatin Commons Park
- (xii) Tualatin Community Park

(c) School; and

(d) Library.

(3) A ~~Marijuana~~ Cannabis facility cannot be located within ~~2,000~~ 1,000 feet, measured from the closest property line, of any other ~~Marijuana~~ Cannabis facility.

~~(4) A Marijuana facility cannot exceed 3,000 square feet in size.~~

~~(5)~~ (4) A ~~Marijuana~~ Cannabis facility must be located in a permanent building and may not be located in a trailer, shipping container, cargo container, tent, motor vehicle, or other non-permanent structure.

~~(6)~~ (5) A ~~Marijuana~~ Cannabis facility that is a retail sales or medical dispensary ~~Marijuana~~ Cannabis facility is prohibited from co-locating with any other ~~Marijuana~~ Cannabis facility.

~~(7)~~ (6) Drive-through ~~Marijuana~~ Cannabis facilities are prohibited.

**TDC 80.070. - ~~Marijuana~~ Cannabis Facility Operating Restrictions.**

(1) Retail sales and medical dispensary ~~Marijuana~~ Cannabis facilities are restricted to the following operating hours:

(a) The hours of operation that a retail sales ~~Marijuana~~ Cannabis facility may be open to the public is between 10:00 a.m. and 8:00 p.m. of the same day.

(b) The hours of operation that a medical dispensary ~~Marijuana~~ Cannabis facility may be open to registry identification cardholders is between 10:00 a.m. and 8:00 p.m. of the same day.

(2) All ~~Marijuana~~ Cannabis facilities must comply with the following operating restrictions:

(a) Comply with the restrictions on edible ~~Marijuana~~ Cannabis as provided in TDC 80.100;

(b) All ~~Marijuana~~ 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.

**TDC 80.100. - Edible ~~Marijuana~~ Cannabis.**

~~Marijuana~~ Cannabis facilities that produce, process, wholesale, distribute, transfer, or sell edible ~~Marijuana~~ Cannabis must comply with the following provisions:

(1) All edible ~~Marijuana~~ Cannabis must be individually wrapped at the original point of preparation.

(2) Labeling must be distinctly and clearly legible on the front of the package and must include:

(a) A warning that the contents contain ~~Marijuana~~ Cannabis;

(b) A statement that the contents are not a food product; and

(c) A statement emphasizing that the product is to be kept away from children.

(3) Packaging of edibles must be in child-resistant packaging.

(4) Packaging that makes the product attractive to children or imitates candy is prohibited.

(5) Retail sale of edible ~~Marijuana~~ Cannabis products must be behind a commercial counter or in an enclosed display case.

**TDC 80.200. - Butane Extraction.**

The production of ~~Marijuana~~ Cannabis extracts through the use of butane is prohibited.

**TDC 80.300. - Homegrown ~~Marijuana~~ Cannabis.**

(1) Persons growing homegrown ~~Marijuana~~ Cannabis must comply with all applicable state law requirements.

(2) Homegrown ~~Marijuana~~ Cannabis cannot be grown in the front yard of any property in a residential planning district and must comply with the following:

(a) Be fully screened from view on all sides; and

(b) Be located at least ten feet away from all property lines and 25 feet away from all adjacent residences on neighboring properties.

(3) No person may produce, process, keep, or store homemade ~~Marijuana~~ Cannabis extracts.

**TDC 80.400. - Violations.**

(1) Any person who violates any provision of this Chapter commits a civil infraction and is subject to a fine of up to \$1,000.00. Each violation, and each day that a violation continues, is a separate civil infraction.

(2) The civil infraction procedures in Tualatin Municipal Code Chapter 7-01 apply to the prosecution of any violation of this Chapter.

**Section 2.** The Tualatin Development Code is amended such that the word “Marijuana” is deleted and replaced with the word “Cannabis.”

**Section 3. Findings.** The Council adopts as its findings the Analysis and Findings set forth in Exhibit 1, which is attached and incorporated by reference.

**Section 4. 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 remains in full force and effect.

**Section 5. 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 \_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF TUALATIN, OREGON

BY \_\_\_\_\_  
Mayor

APPROVED AS TO FORM

ATTEST:

BY \_\_\_\_\_  
City Attorney

BY \_\_\_\_\_  
City Recorder

**EXHIBIT 1**  
**ORDINANCE NO. 1445-20**



November 9, 2020

**Analysis and Findings for  
PTA 20 -0006**

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Project: Chapter 80 – Cannabis Facilities Update  
Applicant: City of Tualatin

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## I. INTRODUCTION

### A. Applicable Criteria

Applicable Statewide Planning Goals; applicable Oregon Administrative Rules; applicable Goals and Policies from the City of Tualatin Comprehensive Plan; applicable Sections of the City of Tualatin Development Code, including Section 33.070 (Plan Amendments).

### B. Project Description

Under Article XI, section 2 of the Oregon Constitution, the City has “home rule” authority to adopt regulations relating to cannabis and cannabis facilities. The Tualatin Development Code (TDC) contains time, place, and manner restrictions on cannabis facilities in Chapter 80, established by Ordinance 1379-15. Presently, such facilities are limited to the Light Manufacturing (ML), General Manufacturing (MG), and Manufacturing Business Park (MBP) planning districts.

The scope of the proposed legislative amendments include:

- Replacing reference to the term “marijuana” with the term “cannabis”;
- Allowing retail cannabis businesses to locate in certain commercial zones;
- Reducing the required minimum separation distance from 3,000 to 1,000 feet between cannabis business and: schools, libraries, parks, and residential zoning district;
- Reducing the required maximum separation distance from 2,000 to 1,000 feet between one cannabis business and another; and
- Removing facility size limitation on cannabis business.

City staff held an informational webinar on September 16, 2020 with community members to discuss the potential changes to cannabis regulations, solicit input, and answer questions. The presentation, community input, and questions and answers are provided herein as attachments.

### C. Attachments

- A. Webinar presentation
- B. Community Input Received
- C. Chapter 80 questions and answers

## II. 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. Citizen involvement efforts specific to this application include an informational webinar held on September 16, 2020, social media engagement, and a public meeting held by the Tualatin Planning Commission on October 15, 2020. Additionally, interested parties were informed that public testimony may be received during the City Council hearing scheduled for the subject text amendment PTA 20-0006 on November 9, 2020. Council member will receive community input, as well as the webinar related questions and answers in their hearing packet. Each form of engagement is described in detail below.

#### Informational Webinar:

City staff engaged Tualatin residents, stakeholders wishing to stay up-to-date on cannabis regulation, Community Involvement Organizations (CIOs), Western Oregon Dispensary, and Tualatin Together to solicit comments and invite participation in the informational webinar by e-blast and social media updates. Interested parties were asked to submit questions ahead of the webinar, so that responses could be addressed during the presentation. Staff also answered additional questions raised during the webinar. The presentation, community input, and questions and answers are provided as Attachments 1-3.

#### Social Media:

Media related to cannabis regulation and the informational webinar were posted to the City of Tualatin's Facebook, Instagram, and Twitter pages on September 3, 6, 11, 15, and 22, 2020. Public comments received as part of this effort have been shared in Attachment 2.

#### Planning Commission Meeting:

A virtual public meeting was held on October 15, 2020 to comply with social distance efforts mandated by Executive Order 20-12. The zoom meeting was posted to the City of Tualatin's website and open to the public. 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. A recommendation for the City Council to amend the subject PTA 20-0006 to remove commercial zoning districts was made at this meeting. No public commentary was received.

#### Public Notice:

The Oregon Department of Land Conservation and Development (DLCD) was notified of subject amendments on October 2, 2020 in accordance with the minimum number of days required by ORS Chapter 197. A Notice of Hearing was emailed to identified stakeholders, CIOs, and the school district on

October 21, 2020. The Notice of Hearing was also published in the Tualatin Times and posted on two City property locations on October 22, 2020.

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 Department of Land Conservation and Development (DLCD) has acknowledged the City's Comprehensive Plan as being consistent with the statewide land use planning goals. The Development Code implements the Community Plan; with legislative amendments subject to the Type IV-B process addressed in Chapter 32.250. This process requires that DLCD receive notice of the subject amendments, in accordance with ORS Chapter 197. DLCD was noticed on October 2, 2020. The proposed amendments conform to Goal 2.

### **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 would expand the areas in which cannabis businesses in Tualatin can operate, thus providing additional economic opportunities. The proposed amendments conform to Goal 9.

## **B. Oregon Revised Statutes**

### **ORS Chapter 475B Cannabis Regulations**

[...]

#### **475B.486 Local time, place and manner regulations.**

##### **(1) For purposes of this section, "reasonable regulations" includes:**

- (a) Reasonable conditions on the manner in which a marijuana producer that holds a license issued under ORS 475B.070 may produce marijuana or in which a researcher of cannabis that holds a certificate issued under ORS 475B.286 may produce marijuana or propagate immature marijuana plants;**
- (b) Reasonable conditions on the manner in which a marijuana processor that holds a license issued under ORS 475B.090 may process marijuana or in which a researcher of cannabis that holds a certificate issued under ORS 475B.286 may process marijuana;**
- (c) Reasonable conditions on the manner in which a marijuana wholesaler that holds a license issued under ORS 475B.100 may sell marijuana at wholesale;**
- (d) Reasonable conditions on the manner in which a marijuana retailer that holds a license issued under ORS 475B.105 may sell marijuana items;**
- (e) Reasonable limitations on the hours during which a premises for which a license has been issued under ORS 475B.010 to 475B.545 may operate;**

- (f) Reasonable requirements related to the public’s access to a premises for which a license or certificate has been issued under ORS 475B.010 to 475B.545; and
  - (g) Reasonable limitations on where a premises for which a license or certificate may be issued under ORS 475B.010 to 475B.545 may be located.
- (2) Notwithstanding ORS 30.935, 215.253 (1) or 633.738, the governing body of a city or county may adopt ordinances that impose reasonable regulations on the operation of businesses located at premises for which a license or certificate has been issued under ORS 475B.010 to 475B.545 if the premises are located in the area subject to the jurisdiction of the city or county, except that the governing body of a city or county may not:
- (a) Adopt an ordinance that prohibits a premises for which a license has been issued under ORS 475B.105 from being located within a distance that is greater than 1,000 feet of another premises for which a license has been issued under ORS 475B.105.
  - (b) Adopt an ordinance that imposes a setback requirement for an agricultural building used to produce marijuana located on a premises for which a license has been issued under ORS 475B.070 if the agricultural building:
    - (A) Was constructed on or before July 1, 2015, in compliance with all applicable land use and building code requirements at the time of construction;
    - (B) Is located at an address where a marijuana grow site first registered with the Oregon Health Authority under ORS 475B.810 on or before January 1, 2015;
    - (C) Was used to produce marijuana pursuant to the provisions of ORS 475B.785 to 475B.949 on or before January 1, 2015; and
    - (D) Has four opaque walls and a roof. [Formerly 475B.340]

**Finding:**

Ordinance 1379-15, adopted in 2015, established what were deemed to be reasonable restrictions on hours of operation, allowed locations, and design and operational requirements. These restrictions are implemented through Chapter 80 of the Tualatin Development Code, which was established by Ordinance 1379-15. The proposed amendments, which, consistent with ORS 475B, would expand the existing time, place, and manner regulations of Chapter 80 in a way that continues to be reasonable, as well as align the maximum separation distance between cannabis facilities to be compliant with state law. Therefore, the proposed amendments conform to ORS 475B.

**E. Tualatin Development Code**

**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 text and map amendments are legislative in nature and will be processed consistent with the Type IV-B procedures in Chapter 32. City Council directed staff to proceed with the subject

amendments at its September 28, 2020 work session. A pre-adoption noticed was filed with DLCD on October 2, 2020, 38 days before the scheduled hearing. Notice was also published in *The Times* on October 22, 2020, at least 14 calendar days before the hearing. This criterion is met.

[...]

**(5) Approval Criteria.**

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

**Finding:**

Under Article XI, section 2 of the Oregon Constitution, the City has “home rule” authority to adopt regulations relating to cannabis and cannabis facilities. The Tualatin Development Code (TDC) contains time, place, and manner restrictions on cannabis facilities in Chapter 80, established by Ordinance 1379-15. The proposed amendments have been made at the direction of Council and are based on input from the community, and therefore, it is in the public’s interest to grant this amendment. This criterion is met.

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

**Finding:**

As stated in previous findings, the proposed amendments are in the public interest. The Tualatin City Council has determined, based on input from the community, that this public interest is best protected by granting the proposed 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:**

Below is a summary of how the proposed amendments conform to applicable objectives of the Tualatin Community Plan:

- Chapter 6 speaks to Commercial Planning Objectives: provide increased employment opportunities and provide shopping opportunities for surrounding communities. The proposed amendments would allow opportunities for cannabis businesses in additional areas of Tualatin, including retail sales in many of Tualatin’s commercial planning districts, which will in turn, support increased employment opportunities as well as shopping opportunities.
- Chapter 10 speaks to Community Design Objectives: protect and enhance the City's appeal to tourists and visitors and thus support and stimulate business and industry and promote the desirability of investment and occupancy in business, commercial and industrial properties. The proposed amendments support expansion of business types offered in Tualatin’s commercial districts.

Therefore the proposed amendments are in conformity with the applicable objectives of the Tualatin Community Plan. This criterion is met.

**(d) The following factors were consciously considered:**

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

**Finding:**

The proposed amendments have been made at the direction of Council and are based on input from the community. The proposed regulations limit cannabis facilities to certain industrial zones, and in the case of retail cannabis businesses, certain commercial zones additionally. Industrial and commercial zones are characteristically zones in which business uses are allowed. Allowing cannabis businesses in residential zones is not permitted by state law. The proposed amendments would require a 1000 foot buffer from residential zones, parks, libraries, and schools (as required by state law), thus acting to preserve the characteristics of these non-businesses uses in different areas of the City, while at the same time providing areas in which cannabis businesses can be sited. Together, these restrictions demonstrate conscious consideration for the various characteristics of the areas in the City. This criterion is met.

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

**Finding:**

The proposed amendments would allow cannabis retailers in the following commercial zoning districts: Office Commercial (CO), Recreation Commercial (CR), General Commercial (CG), Mid Rise/Office Commercial (CO/MR), Medical Center (MC), and Mixed Use Commercial (MUC). The retail sales of goods are common in commercial districts and appropriate in these areas. The proposed amendments would also allow cannabis businesses in industrial zoning districts. Sales, storage, distribution, and production are common in industrial zoning districts and appropriate in these areas. Further requirements to limit the siting of cannabis facilities within 1,000 feet of schools, parks, libraries, and residential districts would further ensure that such uses are located in areas of Tualatin that are suitable. This criterion is met.

**(iii) Trends in land improvement and development;**

**Finding:**

The proposed text amendments would provide the opportunity for additional locations for the siting of cannabis facilities. This criterion is met.

**(iv) Property values;**

**Finding:**

The proposed text amendments would provide the opportunity for additional locations for the siting of cannabis facilities. The actual siting of such businesses would be left up to individual private property owners, and therefore, allowing these uses in additional locations would not impact 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 do not impact right-of-way or access requirements. This criterion is not applicable.

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

**Finding:**

The proposed amendments do not impact requirements for natural resource protection or conservation. This criterion is not applicable.

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

**Finding:**

The proposed amendments do not impact requirements for development of natural resources in the City. This criterion is not applicable.

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

**Finding:**

The proposed amendments are presented as reasonable time, place, and manner regulations on cannabis facilities, and are intended to, through the application of these regulations, balance siting of said facilities with the public need for healthful, safe, aesthetic surroundings and conditions. This criterion is met.

**(ix) Proof of change in a neighborhood or area, or a mistake in the Plan Text or Plan Map for the property under consideration are additional relevant factors to consider.**

**Finding:**

The proposed amendments are not due to change in a specific neighborhood or area nor are they the result of a mistake in the Tualatin Community Plan or Development Code. This 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 proposed amendments do not involve residential uses. 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:**

Findings addressing the applicable Oregon Statewide Planning Goals were included earlier in this document. Additionally, the proposed amendments will not impact an existing or proposed transportation facility or affect the Transportation Planning Rule. 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 Titles 1-14 of the Metro Urban Growth Management Functional Plan as addressed below:

**Title 1 – Housing Capacity:** *requires a city or county maintain or increase its housing capacity*  
The proposed amendments will not impact housing capacity. This title does not apply.

**Title 2 – Regional Parking Policy:** *repealed*

**Title 3 – Water Quality and Flood Management:** *protects Water Quality and Flood Management Areas*  
Water Quality and Flood Management are addressed in Tualatin Development Code Chapters 70, 71, and 74. No amendments are proposed to these chapters. This title does not apply.

**Title 4 – Industrial and Other Employment Areas:** *promotes "clustering" of industries that operate more productively and efficiently when in proximity to each other*  
Cannabis facilities are currently permitted in the Light Manufacturing (ML), General Manufacturing (MG), and Manufacturing Business Park (MBP) zones and will remain in compliance with this title.

**Title 5 - Neighbor Cities and Rural Reserves:** *repealed*

**Title 6 – Centers, Corridors, Station Communities and Main Streets:** *enhancements of these areas as principal centers of urban life via actions and investments*  
The proposed amendments will not affect the Central Commercial (CC) planning district, or Tualatin’s downtown core- being the principal center of Tualatin urban life. This title does not apply.

**Title 7 – Housing Choice:** *implements policies regarding establishment of voluntary affordable housing production goals to be adopted by local governments*  
The proposed amendments will not affect housing choice. This title does not apply.

**Title 8 – Compliance Procedures:** *ensures all cities & counties are equitably held to the same standards*  
Tualatin continues to partner with Metro to comply with the Functional Plan. Amendments were shared and posted with DLCD on October 2, 2020- 38 days before the scheduled hearing.

**Title 9 – Performance Measures:** *repealed*

**Title 10 – Definitions**

***Title 11 – Planning for New Urban Areas: guides planning of areas brought into the UGB***

The proposed amendments will not affect current regulation for land eligible for annexation into the City of Tualatin. Cannabis facilities are currently a permitted use for Manufacturing Business Park eligible land in Tualatin’s Planning Area Boundary (located along the southwest city boundary). This title does not apply.

***Title 12 – Protection of Residential Neighborhoods: protects existing residential neighborhoods from pollution, noise, crime, and provides adequate levels of public services***

The proposed amendments would continue to prohibit cannabis facilities from locating in residential zones, as well as providing a 1,000 foot buffer between such uses and residential zones.

***Title 13 – Nature in Neighborhoods: conserves, protects and restores a continuous ecologically viable streamside corridor system integrated with upland wildlife habitat and the urban landscape***

Natural resources are addressed in Chapter 72 of the Tualatin Development Code. No amendments to this chapter are proposed under this application. This title does not apply.

***Title 14 – Urban Growth Boundary: prescribes criteria and procedures for amendments to the UGB***

No amendments are proposed to the UGB under this application. This title does not apply.

- (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 9-4), and E/E for the rest of the 2040 Design Types in the City's planning area.**

**Finding:**

The proposed amendments will not impact an existing or proposed transportation facility, nor affect vehicle trip generation. This criterion does not apply.

- (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 City of Tualatin is presently served with utilities such as potable water, sanitary sewer, and stormwater management. The proposed amendments will not impact public utility facility policies. Any development action to support cannabis facilities will require a land use application, at which time compliance with objectives and policies pertaining to these issues would be addressed in greater detail. This criterion is met.

ORDINANCE NO. 1445-20

AN ORDINANCE RELATING TO CANNABIS REGULATIONS; AMENDING TUALATIN DEVELOPMENT CODE CHAPTER 80; AND MAKING MINOR AMENDMENTS TO OTHER TUALATIN DEVELOPMENT CODE CHAPTERS.

WHEREAS, on November 3, 1998, Oregon voters approved Ballot Measure 67, known as the "Oregon Medical Marijuana Act;"

WHEREAS, on November 4, 2014, Oregon voters approved Ballot Measure 91, known as the "Control, Regulation, and Taxation of Marijuana and Industrial Hemp Act," and which authorized recreational cannabis production, sales, and use;

WHEREAS, pursuant to Article XI, Section 2 of the Oregon Constitution, the City of Tualatin has "home rule" authority to adopt regulations relating to cannabis, in addition to the provisions in ORS Chapter 475B;

WHEREAS, on March 23, 2015, the City adopted Ordinance No. 1379-15 to regulate cannabis, production, sale, and use within the City, including the location cannabis businesses within the City;

WHEREAS, the City initiated Plan Text Amendment PTA-20-0006 to amend Tualatin Development Code Chapter 80, to modify cannabis regulations within the City and to allow cannabis businesses to locate in certain commercial areas;

WHEREAS, the City provided notice of PTA 20-0006 to the Oregon Department of Land Conservation and Development as provided in ORS 197.610;

WHEREAS, notice of public hearing of PTA 20-0006 was given as required by Tualatin Development Code; and

WHEREAS, a public hearing was held where City Council heard and considered the testimony and evidence presented by the City staff and those appearing at the public hearing, and a majority of City Council having approved PTA 20-0006.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

**Section 1.** TDC Chapter 80 is amended to read as follows:

**CHAPTER 80 - MARIJUANA CANNABIS FACILITIES**

**TDC 80.010. - Purpose.**

The purpose of this chapter is to:

- (1) Protect the general health, safety, property, and welfare of the public;

(2) Balance the right of individuals to produce and access Marijuana Cannabis and Marijuana Cannabis derivatives consistent with state law, with the need to minimize adverse impacts to nearby properties that may result from the production, storage, distribution, sale, and/or use of Marijuana Cannabis and derivatives;

(3) Prevent or reduce criminal activity that may result in harm to persons or property;

(4) Prevent or reduce diversion of state-licensed Marijuana Cannabis and Marijuana Cannabis derivatives to minors; and

(5) Minimize impacts to the City's public safety services by reducing calls for service.

**TDC 80.020. - Definitions.**

The words and phrases have the following meanings:

*Edible Marijuana Cannabis* means edible product that contains Marijuana Cannabis.

*Homegrown Marijuana Cannabis* means Marijuana Cannabis grown or made by a person 21 years of age or older for noncommercial purposes.

*Marijuana Cannabis* means all parts of the plant of the Cannabis family Cannabaceae, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin, and includes both medical and recreational Marijuana Cannabis as defined by Oregon law.

*Marijuana Cannabis extract* means a product obtained by separating resins from the Marijuana Cannabis plant by solvent extraction.

*Marijuana Cannabis facility* means a commercial or public use or structure where Marijuana Cannabis is produced, processed, wholesaled, retailed, distributed, transferred, sold or consumed and registered with the Oregon Health Authority (OHA) or the Oregon Liquor Control Commission (OLCC).

**TDC 80.030. - Relationship to Other Standards.**

(1) The provisions of this Chapter apply to all Marijuana Cannabis facilities requiring a state license or registration.

(2) The regulations in this Chapter are in addition to other development code standards, including all base zone standards. Sites with overlay zones, plan districts, inventoried hazards, and/or sensitive lands are subject to additional regulations. Specific uses or development types may also be subject to regulations set forth elsewhere in the Tualatin Development Code.

(3) To the extent there is a conflict between other provisions in the Tualatin Development Code and the provisions of this Chapter, the provisions in this Chapter apply.

**TDC 80.050. - Planning Districts Where ~~Marijuana~~ Cannabis Facilities Permitted.**

(1) All types of Cannabis facilities are permitted in the following planning districts and subject to the other provisions of this Chapter:

- (a) ~~(1)~~ Light Manufacturing (ML);
- (b) ~~(2)~~ General Manufacturing (MG); and
- (c) ~~(3)~~ Manufacturing Business Park (MBP)

(2) In addition to subsection (1), retail sales and medical dispensary Cannabis facilities are permitted in the following planning districts and subject to the other provisions of this Chapter:

- (a) Office Commercial (CO);
- (b) Neighborhood Commercial (CN);
- (c) Recreation Commercial (CR);
- (d) General Commercial (CG);
- (e) Mid Rise/Office Commercial (CO/MR);
- (f) Medical Center (MC); and
- (g) Mixed Use Commercial (MUC).

**TDC 80.060. - Standards for ~~Marijuana~~ Cannabis Facilities.**

(1) All ~~Marijuana~~ Cannabis facilities must comply with all applicable State requirements.

(2) A ~~Marijuana~~ Cannabis facility cannot be located within ~~3,000~~ 1,000 feet, measured from the closest property line, from any:

- (a) Residential Planning District ~~or residential uses;~~
- (b) City Park listed below:
  - (i) Atfalati Park
  - (ii) Brown's Ferry Park
  - (iii) Ibach Park
  - (iv) Jurgens Park

- (v) Lafky Park
- (vi) Little Woodrose Nature Park
- (vii) Saarinen Wayside Park
- (viii) Stoneridge Park
- (ix) Sweek Pond Natural Area Park
- (x) Tualatin Commons
- (xi) Tualatin Commons Park
- (xii) Tualatin Community Park

(c) School; and

(d) Library.

(3) A ~~Marijuana~~ Cannabis facility cannot be located within ~~2,000~~ 1,000 feet, measured from the closest property line, of any other ~~Marijuana~~ Cannabis facility.

~~(4) A Marijuana facility cannot exceed 3,000 square feet in size.~~

~~(5)~~ (4) A ~~Marijuana~~ Cannabis facility must be located in a permanent building and may not be located in a trailer, shipping container, cargo container, tent, motor vehicle, or other non-permanent structure.

~~(6)~~ (5) A ~~Marijuana~~ Cannabis facility that is a retail sales or medical dispensary ~~Marijuana~~ Cannabis facility is prohibited from co-locating with any other ~~Marijuana~~ Cannabis facility.

~~(7)~~ (6) Drive-through ~~Marijuana~~ Cannabis facilities are prohibited.

**TDC 80.070. - ~~Marijuana~~ Cannabis Facility Operating Restrictions.**

(1) Retail sales and medical dispensary ~~Marijuana~~ Cannabis facilities are restricted to the following operating hours:

(a) The hours of operation that a retail sales ~~Marijuana~~ Cannabis facility may be open to the public is between 10:00 a.m. and 8:00 p.m. of the same day.

(b) The hours of operation that a medical dispensary ~~Marijuana~~ Cannabis facility may be open to registry identification cardholders is between 10:00 a.m. and 8:00 p.m. of the same day.

(2) All Marijuana Cannabis facilities must comply with the following operating restrictions:

(a) Comply with the restrictions on edible Marijuana Cannabis as provided in TDC 80.100;

(b) All Marijuana 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.

**TDC 80.100. - Edible Marijuana Cannabis.**

Marijuana Cannabis facilities that produce, process, wholesale, distribute, transfer, or sell edible Marijuana Cannabis must comply with the following provisions:

(1) All edible Marijuana Cannabis must be individually wrapped at the original point of preparation.

(2) Labeling must be distinctly and clearly legible on the front of the package and must include:

(a) A warning that the contents contain Marijuana Cannabis;

(b) A statement that the contents are not a food product; and

(c) A statement emphasizing that the product is to be kept away from children.

(3) Packaging of edibles must be in child-resistant packaging.

(4) Packaging that makes the product attractive to children or imitates candy is prohibited.

(5) Retail sale of edible Marijuana Cannabis products must be behind a commercial counter or in an enclosed display case.

**TDC 80.200. - Butane Extraction.**

The production of Marijuana Cannabis extracts through the use of butane is prohibited.

**TDC 80.300. - Homegrown Marijuana Cannabis.**

(1) Persons growing homegrown Marijuana Cannabis must comply with all applicable state law requirements.

(2) Homegrown ~~Marijuana~~ Cannabis cannot be grown in the front yard of any property in a residential planning district and must comply with the following:

(a) Be fully screened from view on all sides; and

(b) Be located at least ten feet away from all property lines and 25 feet away from all adjacent residences on neighboring properties.

(3) No person may produce, process, keep, or store homemade ~~Marijuana~~ Cannabis extracts.

**TDC 80.400. - Violations.**

(1) Any person who violates any provision of this Chapter commits a civil infraction and is subject to a fine of up to \$1,000.00. Each violation, and each day that a violation continues, is a separate civil infraction.

(2) The civil infraction procedures in Tualatin Municipal Code Chapter 7-01 apply to the prosecution of any violation of this Chapter.

**Section 2.** The Tualatin Development Code is amended such that the word “Marijuana” is deleted and replaced with the word “Cannabis.”

**Section 3. Findings.** The Council adopts as its findings the Analysis and Findings set forth in Exhibit 1, which is attached and incorporated by reference.

**Section 4. 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 remains in full force and effect.

**Section 5. 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 23rd day of November, 2020.

CITY OF TUALATIN, OREGON

BY Frank Bubenik  
Mayor

APPROVED AS TO FORM

ATTEST:

BY Sean Brady  
City Attorney

BY Sherilyn Lombos  
City Recorder

EXHIBIT 1  
ORDINANCE NO. 1445-20



November 9, 2020

Analysis and Findings for  
PTA 20 -0006

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Project: Chapter 80 – Cannabis Facilities Update  
Applicant: City of Tualatin

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## I. INTRODUCTION

### A. Applicable Criteria

Applicable Statewide Planning Goals; applicable Oregon Administrative Rules; applicable Goals and Policies from the City of Tualatin Comprehensive Plan; applicable Sections of the City of Tualatin Development Code, including Section 33.070 (Plan Amendments).

### B. Project Description

Under Article XI, section 2 of the Oregon Constitution, the City has “home rule” authority to adopt regulations relating to cannabis and cannabis facilities. The Tualatin Development Code (TDC) contains time, place, and manner restrictions on cannabis facilities in Chapter 80, established by Ordinance 1379-15. Presently, such facilities are limited to the Light Manufacturing (ML), General Manufacturing (MG), and Manufacturing Business Park (MBP) planning districts.

The scope of the proposed legislative amendments include:

- Replacing reference to the term “marijuana” with the term “cannabis”;
- Allowing retail cannabis businesses to locate in certain commercial zones;
- Reducing the required minimum separation distance from 3,000 to 1,000 feet between cannabis business and: schools, libraries, parks, and residential zoning district;
- Reducing the required maximum separation distance from 2,000 to 1,000 feet between one cannabis business and another; and
- Removing facility size limitation on cannabis business.

City staff held an informational webinar on September 16, 2020 with community members to discuss the potential changes to cannabis regulations, solicit input, and answer questions. The presentation, community input, and questions and answers are provided herein as attachments.

### C. Attachments

- A. Webinar presentation
- B. Community Input Received
- C. Chapter 80 questions and answers

## II. 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. Citizen involvement efforts specific to this application include an informational webinar held on September 16, 2020, social media engagement, and a public meeting held by the Tualatin Planning Commission on October 15, 2020. Additionally, interested parties were informed that public testimony may be received during the City Council hearing scheduled for the subject text amendment PTA 20-0006 on November 9, 2020. Council member will receive community input, as well as the webinar related questions and answers in their hearing packet. Each form of engagement is described in detail below.

##### Informational Webinar:

City staff engaged Tualatin residents, stakeholders wishing to stay up-to-date on cannabis regulation, Community Involvement Organizations (CIOs), Western Oregon Dispensary, and Tualatin Together to solicit comments and invite participation in the informational webinar by e-blast and social media updates. Interested parties were asked to submit questions ahead of the webinar, so that responses could be addressed during the presentation. Staff also answered additional questions raised during the webinar. The presentation, community input, and questions and answers are provided as Attachments 1-3.

##### Social Media:

Media related to cannabis regulation and the informational webinar were posted to the City of Tualatin's Facebook, Instagram, and Twitter pages on September 3, 6, 11, 15, and 22, 2020. Public comments received as part of this effort have been shared in Attachment 2.

##### Planning Commission Meeting:

A virtual public meeting was held on October 15, 2020 to comply with social distance efforts mandated by Executive Order 20-12. The zoom meeting was posted to the City of Tualatin's website and open to the public. 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. A recommendation for the City Council to amend the subject PTA 20-0006 to remove commercial zoning districts was made at this meeting. No public commentary was received.

##### Public Notice:

The Oregon Department of Land Conservation and Development (DLCD) was notified of subject amendments on October 2, 2020 in accordance with the minimum number of days required by ORS Chapter 197. A Notice of Hearing was emailed to identified stakeholders, CIOs, and the school district on

October 21, 2020. The Notice of Hearing was also published in the Tualatin Times and posted on two City property locations on October 22, 2020.

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 Department of Land Conservation and Development (DLCD) has acknowledged the City's Comprehensive Plan as being consistent with the statewide land use planning goals. The Development Code implements the Community Plan; with legislative amendments subject to the Type IV-B process addressed in Chapter 32.250. This process requires that DLCD receive notice of the subject amendments, in accordance with ORS Chapter 197. DLCD was noticed on October 2, 2020. The proposed amendments conform to Goal 2.

### **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 would expand the areas in which cannabis businesses in Tualatin can operate, thus providing additional economic opportunities. The proposed amendments conform to Goal 9.

## **B. Oregon Revised Statutes**

### **ORS Chapter 475B Cannabis Regulations**

[...]

#### **475B.486 Local time, place and manner regulations.**

##### **(1) For purposes of this section, "reasonable regulations" includes:**

- (a) Reasonable conditions on the manner in which a marijuana producer that holds a license issued under ORS 475B.070 may produce marijuana or in which a researcher of cannabis that holds a certificate issued under ORS 475B.286 may produce marijuana or propagate immature marijuana plants;**
- (b) Reasonable conditions on the manner in which a marijuana processor that holds a license issued under ORS 475B.090 may process marijuana or in which a researcher of cannabis that holds a certificate issued under ORS 475B.286 may process marijuana;**
- (c) Reasonable conditions on the manner in which a marijuana wholesaler that holds a license issued under ORS 475B.100 may sell marijuana at wholesale;**
- (d) Reasonable conditions on the manner in which a marijuana retailer that holds a license issued under ORS 475B.105 may sell marijuana items;**
- (e) Reasonable limitations on the hours during which a premises for which a license has been issued under ORS 475B.010 to 475B.545 may operate;**

- (f) Reasonable requirements related to the public's access to a premises for which a license or certificate has been issued under ORS 475B.010 to 475B.545; and
  - (g) Reasonable limitations on where a premises for which a license or certificate may be issued under ORS 475B.010 to 475B.545 may be located.
- (2) Notwithstanding ORS 30.935, 215.253 (1) or 633.738, the governing body of a city or county may adopt ordinances that impose reasonable regulations on the operation of businesses located at premises for which a license or certificate has been issued under ORS 475B.010 to 475B.545 if the premises are located in the area subject to the jurisdiction of the city or county, except that the governing body of a city or county may not:
- (a) Adopt an ordinance that prohibits a premises for which a license has been issued under ORS 475B.105 from being located within a distance that is greater than 1,000 feet of another premises for which a license has been issued under ORS 475B.105.
  - (b) Adopt an ordinance that imposes a setback requirement for an agricultural building used to produce marijuana located on a premises for which a license has been issued under ORS 475B.070 if the agricultural building:
    - (A) Was constructed on or before July 1, 2015, in compliance with all applicable land use and building code requirements at the time of construction;
    - (B) Is located at an address where a marijuana grow site first registered with the Oregon Health Authority under ORS 475B.810 on or before January 1, 2015;
    - (C) Was used to produce marijuana pursuant to the provisions of ORS 475B.785 to 475B.949 on or before January 1, 2015; and
    - (D) Has four opaque walls and a roof. [Formerly 475B.340]

**Finding:**

Ordinance 1379-15, adopted in 2015, established what were deemed to be reasonable restrictions on hours of operation, allowed locations, and design and operational requirements. These restrictions are implemented through Chapter 80 of the Tualatin Development Code, which was established by Ordinance 1379-15. The proposed amendments, which, consistent with ORS 475B, would expand the existing time, place, and manner regulations of Chapter 80 in a way that continues to be reasonable, as well as align the maximum separation distance between cannabis facilities to be compliant with state law. Therefore, the proposed amendments conform to ORS 475B.

**E. Tualatin Development Code**

**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 text and map amendments are legislative in nature and will be processed consistent with the Type IV-B procedures in Chapter 32. City Council directed staff to proceed with the subject

amendments at its September 28, 2020 work session. A pre-adoption noticed was filed with DLCD on October 2, 2020, 38 days before the scheduled hearing. Notice was also published in *The Times* on October 22, 2020, at least 14 calendar days before the hearing. This criterion is met.

[...]

**(5) Approval Criteria.**

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

**Finding:**

Under Article XI, section 2 of the Oregon Constitution, the City has “home rule” authority to adopt regulations relating to cannabis and cannabis facilities. The Tualatin Development Code (TDC) contains time, place, and manner restrictions on cannabis facilities in Chapter 80, established by Ordinance 1379-15. The proposed amendments have been made at the direction of Council and are based on input from the community, and therefore, it is in the public’s interest to grant this amendment. This criterion is met.

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

**Finding:**

As stated in previous findings, the proposed amendments are in the public interest. The Tualatin City Council has determined, based on input from the community, that this public interest is best protected by granting the proposed 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:**

Below is a summary of how the proposed amendments conform to applicable objectives of the Tualatin Community Plan:

- Chapter 6 speaks to Commercial Planning Objectives: provide increased employment opportunities and provide shopping opportunities for surrounding communities. The proposed amendments would allow opportunities for cannabis businesses in additional areas of Tualatin, including retail sales in many of Tualatin’s commercial planning districts, which will in turn, support increased employment opportunities as well as shopping opportunities.
- Chapter 10 speaks to Community Design Objectives: protect and enhance the City's appeal to tourists and visitors and thus support and stimulate business and industry and promote the desirability of investment and occupancy in business, commercial and industrial properties. The proposed amendments support expansion of business types offered in Tualatin’s commercial districts.

Therefore the proposed amendments are in conformity with the applicable objectives of the Tualatin Community Plan. This criterion is met.

**(d) The following factors were consciously considered:**

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

**Finding:**

The proposed amendments have been made at the direction of Council and are based on input from the community. The proposed regulations limit cannabis facilities to certain industrial zones, and in the case of retail cannabis businesses, certain commercial zones additionally. Industrial and commercial zones are characteristically zones in which business uses are allowed. Allowing cannabis businesses in residential zones is not permitted by state law. The proposed amendments would require a 1000 foot buffer from residential zones, parks, libraries, and schools (as required by state law), thus acting to preserve the characteristics of these non-businesses uses in different areas of the City, while at the same time providing areas in which cannabis businesses can be sited. Together, these restrictions demonstrate conscious consideration for the various characteristics of the areas in the City. This criterion is met.

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

**Finding:**

The proposed amendments would allow cannabis retailers in the following commercial zoning districts: Office Commercial (CO), Recreation Commercial (CR), General Commercial (CG), Mid Rise/Office Commercial (CO/MR), Medical Center (MC), and Mixed Use Commercial (MUC). The retail sales of goods are common in commercial districts and appropriate in these areas. The proposed amendments would also allow cannabis businesses in industrial zoning districts. Sales, storage, distribution, and production are common in industrial zoning districts and appropriate in these areas. Further requirements to limit the siting of cannabis facilities within 1,000 feet of schools, parks, libraries, and residential districts would further ensure that such uses are located in areas of Tualatin that are suitable. This criterion is met.

**(iii) Trends in land improvement and development;**

**Finding:**

The proposed text amendments would provide the opportunity for additional locations for the siting of cannabis facilities. This criterion is met.

**(iv) Property values;**

**Finding:**

The proposed text amendments would provide the opportunity for additional locations for the siting of cannabis facilities. The actual siting of such businesses would be left up to individual private property owners, and therefore, allowing these uses in additional locations would not impact 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 do not impact right-of-way or access requirements. This criterion is not applicable.

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

**Finding:**

The proposed amendments do not impact requirements for natural resource protection or conservation. This criterion is not applicable.

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

**Finding:**

The proposed amendments do not impact requirements for development of natural resources in the City. This criterion is not applicable.

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

**Finding:**

The proposed amendments are presented as reasonable time, place, and manner regulations on cannabis facilities, and are intended to, through the application of these regulations, balance siting of said facilities with the public need for healthful, safe, esthetic surroundings and conditions. This criterion is met.

**(ix) Proof of change in a neighborhood or area, or a mistake in the Plan Text or Plan Map for the property under consideration are additional relevant factors to consider.**

**Finding:**

The proposed amendments are not due to change in a specific neighborhood or area nor are they the result of a mistake in the Tualatin Community Plan or Development Code. This 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 proposed amendments do not involve residential uses. 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:**

Findings addressing the applicable Oregon Statewide Planning Goals were included earlier in this document. Additionally, the proposed amendments will not impact an existing or proposed transportation facility or affect the Transportation Planning Rule. 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 Titles 1-14 of the Metro Urban Growth Management Functional Plan as addressed below:

***Title 1 – Housing Capacity: requires a city or county maintain or increase its housing capacity***

The proposed amendments will not impact housing capacity. This title does not apply.

***Title 2 – Regional Parking Policy: repealed***

***Title 3 – Water Quality and Flood Management: protects Water Quality and Flood Management Areas***

Water Quality and Flood Management are addressed in Tualatin Development Code Chapters 70, 71, and 74. No amendments are proposed to these chapters. This title does not apply.

***Title 4 – Industrial and Other Employment Areas: promotes "clustering" of industries that operate more productively and efficiently when in proximity to each other***

Cannabis facilities are currently permitted in the Light Manufacturing (ML), General Manufacturing (MG), and Manufacturing Business Park (MBP) zones and will remain in compliance with this title.

***Title 5 - Neighbor Cities and Rural Reserves: repealed***

***Title 6 – Centers, Corridors, Station Communities and Main Streets: enhancements of these areas as principal centers of urban life via actions and investments***

The proposed amendments will not affect the Central Commercial (CC) planning district, or Tualatin’s downtown core- being the principal center of Tualatin urban life. This title does not apply.

***Title 7 – Housing Choice: implements policies regarding establishment of voluntary affordable housing production goals to be adopted by local governments***

The proposed amendments will not affect housing choice. This title does not apply.

***Title 8 – Compliance Procedures: ensures all cities & counties are equitably held to the same standards***

Tualatin continues to partner with Metro to comply with the Functional Plan. Amendments were shared and posted with DLCD on October 2, 2020- 38 days before the scheduled hearing.

***Title 9 – Performance Measures: repealed***

***Title 10 – Definitions***

***Title 11 – Planning for New Urban Areas: guides planning of areas brought into the UGB***

The proposed amendments will not affect current regulation for land eligible for annexation into the City of Tualatin. Cannabis facilities are currently a permitted use for Manufacturing Business Park eligible land in Tualatin’s Planning Area Boundary (located along the southwest city boundary). This title does not apply.

***Title 12 – Protection of Residential Neighborhoods: protects existing residential neighborhoods from pollution, noise, crime, and provides adequate levels of public services***

The proposed amendments would continue to prohibit cannabis facilities from locating in residential zones, as well as providing a 1,000 foot buffer between such uses and residential zones.

***Title 13 – Nature in Neighborhoods: conserves, protects and restores a continuous ecologically viable streamside corridor system integrated with upland wildlife habitat and the urban landscape***

Natural resources are addressed in Chapter 72 of the Tualatin Development Code. No amendments to this chapter are proposed under this application. This title does not apply.

***Title 14 – Urban Growth Boundary: prescribes criteria and procedures for amendments to the UGB***

No amendments are proposed to the UGB under this application. This title does not apply.

- (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 9-4), and E/E for the rest of the 2040 Design Types in the City’s planning area.**

**Finding:**

The proposed amendments will not impact an existing or proposed transportation facility, nor affect vehicle trip generation. This criterion does not apply.

- (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 City of Tualatin is presently served with utilities such as potable water, sanitary sewer, and stormwater management. The proposed amendments will not impact public utility facility policies. Any development action to support cannabis facilities will require a land use application, at which time compliance with objectives and policies pertaining to these issues would be addressed in greater detail. This criterion is met.

**Signature:** 

**Email:** fbubenik@tualatin.gov

**Signature:**   
Sherilyn Lombos [Nov 25, 2020 16:43 PST]

**Email:** slombos@tualatin.gov

**Signature:** 

**Email:** sbrady@tualatin.gov

# Ord 1445-20 - TDC 80 Cannabis

Final Audit Report

2020-11-26

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