



TUALATIN CITY PLANNING COMMISSION MEETING

WEDNESDAY, APRIL 15, 2026

TUALATIN CITY SERVICES
10699 SW HERMAN ROAD
TUALATIN, OR 97062

OR

Join Zoom Meeting

<https://us02web.zoom.us/j/83542903759?pwd=AaBB5dQRF1NwNwFxJJYNNP65UGhblv.1>

Meeting ID: 835 4290 3759

Passcode: 818558

Janelle Thompson- Chair Zach Wimer- Vice Chair
Randall Hledik, Justin Lindley
Ursula Kuhn, Allan Parachini
Rae Nicnevin

CALL TO ORDER & ROLL CALL

ANNOUNCEMENTS & PLANNING COMMISSION COMMUNICATION

APPROVAL OF MINUTES

1. Review of January 21, 2026 minutes.

Review of February 21, 2026 minutes.

COMMUNICATION FROM THE PUBLIC (NOT ON THE AGENDA)

Limited to 3 minutes

ACTION ITEMS

FUTURE ACTION ITEMS

COMMUNICATION FROM CITY STAFF

1. Staff will present the Planning Commission's 2025 Annual Report
2. Staff will provide a brief update on the ongoing work related to food cart pods and the Clear & Objective code update.

ADJOURNMENT

Legal Training

1. Staff to provide a brief legal training outlining the Planning Commission's role and responsibilities. This training is not open to the public.

Tualatin Planning Commission

MINUTES OF February 18, 2026 (UNOFFICIAL)

TPC MEMBERS PRESENT:

Janelle Thompson, Chair
Zach Wimer, Vice Chair
Randall Hledik, Commissioner
Justin Lindley, Commissioner
Ursula Kuhn, Commissioner
Rae Nicnevin, Commissioner

STAFF PRESENT:

Teresa Montalvo, Planning Manager
Erin Engman, Senior Planner
Lindsey Hagerman, Office Coordinator

TPC MEMBERS ABSENT:

Allan Parachini, Commissioner

CALL TO ORDER AND ROLL CALL

The meeting was called to order at 6:30 p.m., and the roll call was taken.

ANNOUNCEMENTS & PLANNING COMMISSION COMMUNICATION

None

APPROVAL OF MINUTES

The Commissioners unanimously voted to approve October 15, 2026 minutes (6-0).

COMMUNICATION FROM THE PUBLIC REGARDING ITEMS NOT ON THE AGENDA

None

ACTION ITEM

1. The Planning Commission is asked to provide a recommendation to the City Council on city-initiated amendments to the Tualatin Municipal Code and Development Code known as Domestic Fowl Regulations under PTA 26-0001. These amendments will expand existing regulations that permit backyard chickens in the Low-Density Residential Zone (RL), to include ducks and other domestic fowl as a permitted use subject to licensing requirements.

Erin Engman, Senior Planner presented an overview of the project, including the project background. She explained that City Council adopted Plan Text Amendment (PTA13-02) in 2013 to allow chicken keeping in the RL (Low-Density Residential) zone. Regulations were written specifically for chickens and did not include ducks or other domestic fowl at that time, likely because broader interest was not anticipated.

Under the proposed amendments, staff recommends defining “domestic fowl” to include chickens, ducks, pheasants, pigeons, quails, partridges, doves, and similar birds kept for personal use. This definition was developed after reviewing domestic fowl regulations from other jurisdictions in the region and identifying commonalities among permitted birds. These

birds generally provide sustainable egg production, offer natural pest control, require minimal space, and are well adapted to human environments and activity.

The proposal also identifies prohibited domestic fowl, including roosters, geese, guinea fowl, peacocks, and turkeys. She shared they found that these birds can present potential negative impacts to neighboring properties, as they may be loud, cause property damage, or exhibit aggressive behavior toward people and pets.

Ms. Engman presented the proposed amendments to the development code, detailing the applicable approval criteria. She further described the forthcoming steps, including noticing requirements, consideration of any community feedback, and a scheduled hearing for Ordinance consideration by City Council.

Public Comments

Kevin Mulvaney shared that he is the homeowner of the strange animals in the backyard complaint that sparked the project and thanked the Commissioners.

Questions to Staff

Commissioner Hledik asked how many complaints the city has received about chickens and rats. Ms. Engman shared code enforcement has received 8 complaints in total since 2019, with 3 referencing rat issues. She shared the compliance officer did not find significant evidence pointing to rats on site.

Commissioner Hledik asked how noise complaints are handled. Ms. Engman explained that a code enforcement officer responds to the complaint and remains on site to observe whether the disturbance persists for at least 15 minutes, in accordance with the noise threshold established by the Municipal Code.

Commissioner Hledik shared his concerns about rat infestations in Eugene following established urban farming standards. He then noted that while the City Council requested a streamlined project that would replace "chicken" with "domestic fowl," it might be beneficial to review and potentially strengthen regulations based on experiences from other jurisdictions like Salem and Eugene.

Commissioner Hledik added his thoughts that code could be clarified by adding "combined" to specify the maximum number of domestic fowl allowed and that we could be considering adding that emus and ostriches are to be prohibited.

Commissioner Hledik noted that the current wording that prohibits "harvesting or butchering" could unintentionally restrict egg collection. Since "harvesting" is commonly used in the context of hunting, the group suggested removing or remaining silent on the term "harvesting" to avoid confusion. Commissioners agreed that adding "slaughtering and butchering" while removing "harvesting" would provide clearer language.

Commissioner Hledik addressed that setback requirements to all residences may have been intended to apply only to "abutting" residences. Commissioners agreed that clarifying language around setbacks would be beneficial.

Commissioner Hledik brought up his concern with domestic fowl being treated humanely and size of their coop. Commissioners directed staff to research best practices and guidelines from an accredited source to inform future licensees.

Commissioner Hledik focused on concerns regarding rat infestations and existing regulations, particularly those governing the storage of animal feed and waste. While feed is required to be stored in a covered metal container to prevent access by rodents, it was noted that improperly managed manure and bedding from coops can attract vermin. Reference was made to Eugene's requirement that compost piles containing manure and bedding to be placed at least five feet from property lines and enclosed on all sides with a covered container or bin to deter vermin.

Staff clarified that the Municode includes standards for debris that may affect public health, including manure and asked if the Commissioners would like to see something more robust.

Commissioners expressed that requiring enclosed and covered containers—such as trash cans—could serve as a reasonable preventative measure. The group ultimately agreed to leave the provision as written. The Commissioners also directed staff to consult with the code enforcement office to determine if additional enforcement tools or training may be needed to address vermin complaints related to domestic fowl so that we have effective means to address such complaints.

Commissioner Hledik brought up whether the ordinance should distinguish between chicks and adult birds. Staff clarified that the city does not employ animal specialists so it may be difficult to ascertain a fowl's age to enforce the provision. Commissioners agreed to leave the provision as written.

The group also considered fencing requirements, noting that some jurisdictions require fencing specifically designed and constructed to confine animals on site. Questions were raised about how such standards would apply to various property types, including townhome lots. However, it was observed that the existing code requires animals to be confined at all times within an approved enclosure or under direct supervision, which was deemed sufficient.

The discussion then addressed animal welfare, including prohibitions against cruelty and neglect. Staff clarified that the state includes regulatory standards, which are enforced by county authorities of the police department. The members expressed satisfaction that these matters were adequately addressed.

Chair Thompson recommended that the City Council adopt PTA 26-0001 to amend the Municipal Code and the Development Code to expand backyard chicken regulations to include domestic fowl with the following modifications:

- a “combined” total limited of four domestic fowl of any type; explicit prohibition of emus and ostriches; clarify the 25-foot setback from “abutting” residences; and replace “harvesting” with “on-site butchering and slaughtering”

Commissioner Hledik SECONDED the motion. It was unanimously voted for approval (6-0).

ADJOURNMENT

Chair Thompson made a MOTION to adjourn. The motion was SECONDED by Vice Chair Wimmer. The Commissioners voted unanimously to ADJOURN the meeting at 7:45 p.m. (6-0).

Tualatin Planning Commission

MINUTES OF January 21, 2026 (UNOFFICIAL)

TPC MEMBERS PRESENT:

Janelle Thompson, Chair
Zach Wimer, Vice Chair
Allan Parachini, Commissioner
Randall Hledik, Commissioner
Justin Lindley, Commissioner
Ursula Kuhn, Commissioner
Rae Nicnevin, Commissioner

STAFF PRESENT:

Aquilla Hurd-Ravich, Community Dev. Director
Teresa Montalvo, Planning Manager
Madeleine Nelson, Associate Planner
Erin Engman, Senior Planner
Lindsey Hagerman, Office Coordinator

TPC MEMBERS ABSENT: None**CALL TO ORDER AND ROLL CALL**

The meeting was called to order at 6:30 p.m., and the roll call was taken.

ANNOUNCEMENTS & PLANNING COMMISSION COMMUNICATION

Aquilla Ravich-Hurd, Community Development Director introduced the new Planning Manager Teresa Montalvo.

ACTION

1. Presentation to provide an update on the project to amend the Tualatin Development Code (TDC) for compliance with Oregon Revised Statutes (ORS 197A.400, Clear and Objective Housing Standards), one of a series of state laws intended to address barriers to housing in Oregon.

Madeleine Nelson, Associate Planner, introduced the project. She explained that it is a follow-up to the Clear and Objective Housing Standards introduced in October 2025. Since that time, the city has completed a code audit identifying sections that lack clear and objective standards related to housing. The City's project consultant, MIG, will present the audit findings.

Kate Rogers with MIG introduced herself and colleague Keegan Gulick. Ms. Rogers provided an overview of the Clear and Objective Code Audit, including key findings and preliminary recommendations. She shared the project is intended to align with Oregon Revised Statutes (ORS) 197A.400. Ms. Rogers noted the work is funded by a DLCD grant and is part of broader state efforts to reduce barriers and uncertainty in housing development.

Ms. Rogers shared over the years; the city has undertaken significant work to bring its development code into compliance with these statutory requirements. As a result, the code already includes many standards that have been made clear and objective. However, case law through the Land Use Board of Appeals (LUBA) has further clarified and narrowed the definition “clear and objective”, applying a fairly strict interpretation. Because of this, many jurisdictions continue to update their codes to ensure they meet this evolving standard.

Ms. Rogers shared an example from the existing code that illustrates how discretionary language can create ambiguity. The code currently states that a private main entry area must be provided as a private extension of each dwelling unit. While this may initially seem straightforward, terms such as “private” and “private extension” are open to interpretation, raising questions about size, design, and features. A clearer and more objective approach would specify measurable requirements, such as requiring the main entry area to be recessed at least five feet, potentially along with additional standards like walls or landscaping to create privacy. These types of specific, measurable, and enforceable requirements are necessary to meet the clear and objective standard.

Ms. Rogers outlined the project timeline and current status. She shared that a draft code audit and set of code concepts have been completed. Following this evening’s discussion and a subsequent presentation to City Council, a final version of the code audit will be prepared, after which the process will move into drafting code amendments.

Ms. Rogers noted staff plans to conduct focus group or stakeholder meetings with individuals involved in the Tualatin development community over the coming months. These meetings will begin with an introductory session covering high-level concepts, similar to those discussed in this presentation, followed by later meetings to review and test detailed draft code changes. This engagement is expected to be valuable in evaluating whether the proposed changes are practical and effective.

Ms. Rogers reviewed common issues identified in the code audit and highlighted examples of some recurring patterns. She shared one key issue involved housing types that are allowed in certain zones only through a conditional use process. In some lower-density residential zones, multifamily and retirement housing require conditional use approval, which is discretionary and relies on subjective criteria. She explained that if a housing type is allowed in a zone, it must have a clear and objective approval path, and conditional use review does not meet that requirement. Options include adopting clear and objective standards for these housing types or prohibiting them, though prohibition may conflict with the intent of providing a straightforward path for housing development. Similar issues were noted across multiple zones and housing types.

Ms. Rogers explained provisions related to driveway spacing and ensuring safe and adequately sized access from a property to the public right-of-way in accordance with city street standards. However, several provisions grant discretion to the City Manager, such as the ability to restrict existing driveways to right-in/right-out access. Because this authority is discretionary, applicants may not know during the application process whether such restrictions will be imposed. Ms. Rogers noted that some access standards in this section are more appropriately applied to larger-scale commercial or industrial developments, including potential requirements for shared or joint access between adjacent properties. While joint access is common for commercial projects to reduce multiple street access points, it is generally less applicable to residential development. As a result, staff suggested that a potential solution would be to exempt housing projects from access standards that are not relevant to residential uses, which would be a relatively straightforward amendment.

Ms. Rogers noted that partitions and subdivisions currently have two approval tracks, including a clear and objective pathway. For multifamily housing, most standards are generally clear and objective, though some design-related language would need updates. She let the Commissioners know they discussed a possible alternative to the two-track system that could streamline review by using a single set of clear and objective standards, with the option for applicants to request limited adjustments. These adjustments would allow flexibility, such as changes to building orientation, if the proposal meets the intent of the standard, and would be reviewed administratively with notice and opportunity for public comment. Ms. Rogers requested feedback on whether to move toward this approach.

Ms. Rogers examined the pros and cons of the “two track system” She shared that this approach could avoid an all-or-nothing choice between approval tracks. Applicants would have certainty where they meet clear and objective standards and only take on some uncertainty in the limited areas where they want more flexibility. She noted that the city does not currently have an adjustment or modification process set up this way, and that existing variances are based on property hardship, which is different. Creating this type of process would require new procedures, approval criteria, and purpose statements for some standards, and may be more work than can be accomplished within the scope of this project for all application types.

Ms. Rogers moved onto policy question 2 if retaining the two-track approach, a new track system of standards and guidelines should be crafted for multi-family housing. She explained that, unlike single-family and middle housing, multifamily development currently has only one set of design standards, and many of those are not fully clear and objective. As part of this project, the city would need to either revise all multifamily standards to be clear and objective or create parallel tracks with both standards and guidelines.

Ms. Rogers paused to ask for feedback on policy two whether to keep the current two-track system or consider a new approach, and if the current system is retained, how the multifamily standards should be updated.

Vice Chair Wimer asked whose viewpoint are these policy questions coming from. Ms. Rogers answered from the applicant's perspective where they have to choose one path or the other. Ms. Nelson shared most common path is clear and objective path due to the hearing process of the other type.

There was some discussion about whether the project behind Horizon along Norwood went through this process, but it was clarified that it involved a zone change, which is different. Staff noted that in the past three years, they couldn't recall any housing applications that chose the subjective route, emphasizing that this applies only to housing, since commercial projects still require discretionary review. The Horizon project may have involved a small subdivision or a conditional use permit to allow smaller units, though details were unclear. Overall, the clear and objective path for single-family housing has worked well because it offers enough built-in design options that applicants haven't felt the need to seek a hearing.

Chair Thompson asked when the deadline is. Ms. Rogers let Commissioners know it's already due, but the grant expires midway through 2027.

Commissioner Lindley spoke about the viewpoint from a developer. He spoke about how the purpose statements could be revised to create solid foundation to keep going back to and potentially offer an alternative to variances.

Commissioner Hledik expressed appreciation to the city for considering developer's insights and experience. He shared he liked adjusting the code to fit the DLCD model code that could be nice for higher density development.

Commissioner Kuhn shared she felt the clear and objective path improves efficiency. Commissioner Hledik asked whether the city can adopt an existing DLCD model or specifically an adjustment or modification approach—to address higher-density residential development more efficiently.

Ms. Rogers discussed that the city already has a discretionary two-track review process for low- and medium-low density residential, but no comparable alternative path for higher-density (multifamily) projects.

Commissioner Rae spoke about her concerns if the city should adjust its system to reflect day-to-day living, like access to services. She questioned whether the current clear and objective standards still make sense given those changes.

Commissioners discussed whether creating an adjustment process for multifamily housing could serve as a baseline for other residential uses in the future. Staff noted the process could be implemented narrowly at first and expanded later if desired. Concerns were raised about retaining the current two-track, all-or-nothing system, though some felt changes were unnecessary if the existing process is not problematic. The group identified a broader policy question of whether the City's long-term direction is to move toward an adjustment-based review process, potentially starting with multifamily as a pilot.

Mrs. Montalvo spoke about the options Commissioners had in a two-track system versus an all or nothing option applicants would be applying for.

Commissioner Parachini spoke about the importance of having retirement/assisted living available and a reminder of how many citizens will be in need of this soon.

The Commissioners highlighted the need to carefully consider the benefits and potential advantages of a two-tier system. They express concern that eliminating this approach could remove valuable flexibility for adjustments and modifications, potentially resulting in an overly rigid framework that limits effective decision-making.

Commissioner Kuhn spoke about how modifications to applications can still be made.

Vice Chair Wimer questioned how the non-clear and objective option would work in practice, asking whether applicants must justify compliance with criteria and undergo additional review. They express concern that this pathway may not add real flexibility but instead place more burden on applicants while potentially reducing the flexibility the system aims to preserve.

Ms. Rogers moved onto policy question three regarding if the code should be revised to allow certain multifamily and retirement housing developments by right through a clear and objective process or instead prohibit them in lower-density residential zones. They introduced two main options for consideration—Option A allow uses on limited bases and Option B prohibits multifamily housing in the RL zone—with multiple variations within Option A.

Ms. Rogers asked the Commissioners for suggestions on the different options.

Commissioner Hledik asked about senior living and how that would be categorized. Ms. Rogers answered it would fall under multifamily.

Commissioner Rae asked if new changes would be subjected to design standards. Ms. Rogers answered yes, they would and subject to an architectural review application.

The Planning Commission generally agreed that multifamily housing should not be allowed outright in the Low Density Residential (RL) Planning District RL at this time. Commissioners supported removing multifamily as permitted or conditional use in RL zone, meaning any multifamily development would instead require a rezoning process, allowing for greater community involvement.

While many Commissioners acknowledged the long-term need for increased housing density due to population growth and housing demand, there was strong agreement that this project is not the right vehicle to significantly upzone low-density neighborhoods. Incremental change, aligned with infrastructure readiness—particularly traffic—was emphasized as critical.

The Commission agreed it is more honest and functional to defer broader density increases for RL to a future rezoning effort, rather than adopting standards that would be technically allowed but practically unworkable. There was shared understanding that future upzoning will be necessary, but it should occur through explicit zoning changes, supported by planning for transportation and other infrastructure, and with clear public engagement.

Staff and the consultant indicated they had sufficient direction to proceed with drafting code updates based on this guide. The discussion concluded with acknowledgment that these issues will continue through upcoming efforts, including the Housing Production Strategy and Housing Capacity Analysis, and that this decision does not end the broader conversation about meeting state housing requirements.

Ms. Rogers explained the project team will finalize the code audit, incorporating the feedback we received from the Commission as well as input from City Council. Staff will then proceed with drafting the code amendments and conduct stakeholder outreach to gather additional perspectives. The team anticipates returning to the Commission this spring with a draft for review.

COMMUNICATION FROM STAFF

Mrs. Ravich-Hurd introduced the newest Commissioner Rae Litz.

Mrs. Montalvo spoke about the upcoming Planning Commission meeting in February which would have domestic fowl consideration.

ADJOURNMENT

Vice Chair Wimmer made a MOTION to adjourn. The motion was SECONDED by Commissioner Kuhn. The Commissioners voted unanimously to ADJOURN the meeting at 8:30 p.m. (5-0).



2025 ANNUAL REPORT
TUALATIN PLANNING COMMISSION

April 15, 2026

Planning Commissioners:

Janelle Thompson, Chair
Zach Wimer, Vice Chair
Randall Hledik
Ursula Kuhn
Justin Lindley
Rae Nicnevin
Allan Parachini

2025 ANNUAL REPORT OF THE TUALATIN PLANNING COMMISSION

BACKGROUND

The Tualatin Planning Commission (TPC), formerly the Tualatin Planning Advisory Committee, was established on July 26, 1976 (Ord. 1339-12 and Ord. 342-76). The Planning Commission's membership, organization, and duties are prescribed in Tualatin Municipal Code Chapter 11-1. The Planning Commission is the official Committee for Citizen Involvement in accordance with Statewide Land Use Planning Goal 1, Citizen Involvement. This annual report covers activities conducted by the Planning Commission in 2025.

This report serves to satisfy Tualatin Municipal Code Chapter 11-1-080 which requires an annual report of the activities of the TPC to be filed with the City Council.



2025 Planning Commission

Left to Right:

CITIZEN INVOLVEMENT AND INPUT

The Planning Commission is Tualatin's official committee to fulfill Goal 1: Citizen Involvement of Oregon's statewide land use planning program. The purpose of Goal 1 is to develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the land use planning process. Goal 1 is specific to land use and involving citizens in land use decisions. The Planning Commission serves two functions in Tualatin's land use planning program. Their first and original function is to serve as an advisory committee to the City Council by reviewing and making recommendations on Plan Text and Plan Map Amendments (PTA and PMA). Plan amendments implement policy direction and are essentially legislative decisions. The second function of the Planning Commission is decision-making authority over a specified set of quasi-judicial land use decisions. In other words, the Planning Commission has the authority to approve or deny projects tied to specific properties.

At all Planning Commission meetings, community members are given the opportunity to make comments either in writing or verbally at the public meeting prior to the Planning Commission making a recommendation to the City Council. All Planning Commission meetings, regardless of the agenda items, are published on the City's website. Lastly, the Planning Commission provides space on each agenda for community members to comment on items not on the agenda that are within the Planning Commission's purview. Additionally, Community Development staff meet with the Citizen Involvement Organization Land Use Officers on a quarterly basis. The purpose of these meetings is to provide updates on land use items such as projects under construction, upcoming decisions and long-range planning. These meetings are held directly before the Planning Commission meetings, and they provide a forum for CIO officers to ask questions and get more information about community development processes.

PLANNING COMMISSION MEETINGS

In 2025, the Planning Commission met 7 times during the calendar year.

BOARD AND COMMITTEE SUMMIT

On December 10, 2025, Commission Members participated in the first Board and Committee Summit. The summit brought together the City's eight different boards and committees for the purpose of sharing perspectives on the community's strengths, challenges, and opportunities prior to heading into the new year.

PLANNING COMMISSION RECOMMENDATIONS

The Planning Commission's role as an Advisory Committee to City Council involves making recommendations to Council on legislative items such as Plan Map and Plan Text Changes (PTA/PMA). In 2025, the Planning Commission made a recommendation to the City Council on the following items:

- PTA25-0001/PMA 25-0001 - Adoption of the 2045 Transportation System Plan (TSP) and corresponding amendments relevant to Comprehensive Plan policies and Development Code regulations. The Planning Commission recommended (5-0) that the Council adopt the proposed amendment, finding it in conformance with the Tualatin Comprehensive Plan. City Council approved the amendments on 9/11/25.
- PTA 25-0002 - A city-initiated amendment to the Tualatin Development Code to comply with state-mandated rulemaking known as Climate Friendly and Equitable Communities (CFEC), Walkable Design Standards. The amendment included a variety of code amendments designed to improve neighborhood connectivity, site design standards for commercial and mixed-use developments, and design standards related to auto-oriented uses. The Planning Commission recommended (5-0) that Council adopt the proposed amendment necessary to comply with OAR 660-012-0330. City Council approved the amendment on 11/24/25.

PLANNING ACTION ITEMS

In 2025, the Planning Commission reviewed the following quasi-judicial land use applications:

- IMP 24-0001 - Industrial Master Plan Review for property located at 11155-11361 Leveton Drive to amend the setbacks, parking lot landscaping, and building height standards memorialized under IMP 22-0001. The Planning Commission voted unanimously to approve the IMP (6-0).
- CUP25-0001 – Conditional Use Permit to allow a new water storage reservoir and pump station on a 4.75-acre site in the Low Density Residential (RL) Planning District for property located at 22675 SW 108th Avenue. The Planning Commission voted unanimously (5-0) to approve the Conditional Use Permit.
- CUP24-0002 – Conditional Use Permit for a building, heating, and electrical contractor's office with on-site storage of equipment/materials on a 1.44-acre site in the Light-Manufacturing (ML) zone and specifically located at 18520 SW 108th Avenue. The Planning Commission voted unanimously (7-0) to approve the Conditional Use Permit.

STAFF UPDATES TO THE PLANNING COMMISSION

Staff brought several informational items to the Planning Commission in 2025 including:

- A presentation to introduce a project to update the Tualatin Development Code to comply with Oregon Revised Statutes (ORS) 197A.400 requirements related to clear and objective standards for housing.
- A presentation on the Downtown Revitalization project which included introducing project goals and information on the process and project timeline.
- A presentation of the 2024 Tualatin Planning Commission Annual Report

LOOK AHEAD TO 2026

- Development Code amendments to comply with state requirements related to clear and objective standards for housing.
- Code Clean-up – first in what will become an annual update of the TDC for minor, policy neutral, amendments.
- Food Cart Pods – design standards, use allowances.
- Contextualized Housing Need (CHN) Analysis and Housing Capacity Analysis (HCA) - a comprehensive approach to calculating housing supply and buildable land capacity to better understand housing inventory so that we can better plan to accommodate future housing needs for all residents.



PLANNING COMMISSION ANNUAL REPORT

April 15, 2026 – Planning Commission

Members



The Planning Commission consists of seven members, typically serving a three-year term with option for reappointment by Council.



Janelle Thompson, Chair, Zach Wimer, Vice Chair. Randall Hledik, Ursula Kuhn, Justin Lindley, Rae Nicnevin, and Allan Parachini



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Role of the Planning Commission

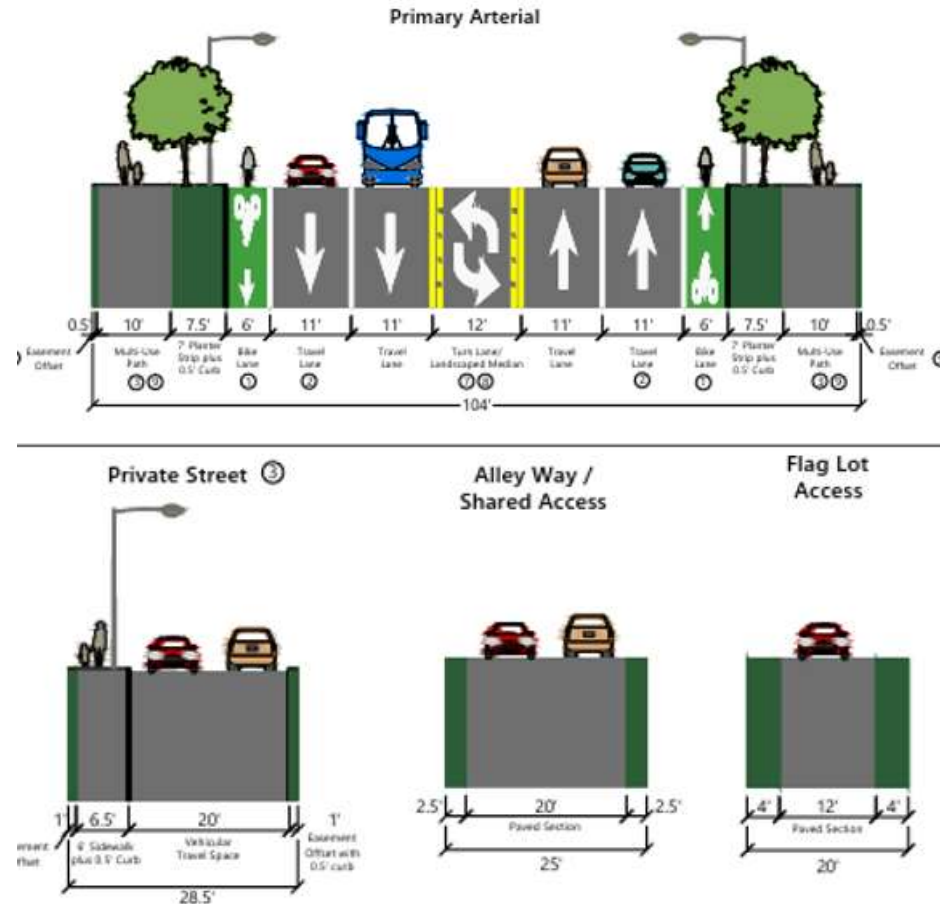
- Tualatin's official Committee to fulfill Goal 1: Citizen Involvement of Oregon's statewide land use planning program.
- **Advisory** - Serves as an Advisory Committee to the City Council by reviewing and making recommendations on legislative matters such as Plan Map and Plan Text Amendments.
- **Advisory** – Provides recommendations to Council on various long range planning topics such as housing and economic development.
- **Decision Maker** - Serves as Hearing Body to approve or deny certain quasi-judicial land use decisions such as Conditional Use Permits, Variances, Industrial Master Plans.
- Meetings are held monthly depending upon agenda items and the Planning Commission met 7 times in 2025.



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Recommendations – 2025

- PTA25-0001/PMA 25-0001
- Adoption of the 2045 Transportation System Plan (TSP) and corresponding amendments relevant to Comprehensive Plan policies and Development Code regulations.
- The Planning Commission recommended (5-0) that the Council adopt the proposed amendment, finding it in conformance with the Tualatin Comprehensive Plan.



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Recommendations - 2025



- PTA 25-0002 - A city-initiated amendment to the Tualatin Development Code to comply with state-mandated rulemaking known as Climate Friendly and Equitable Communities (CFEC), Walkable Design Standards.
- The amendment included a variety of code amendments designed to improve neighborhood connectivity, site design standards for commercial and mixed-use developments, and design standards related to auto-oriented uses.

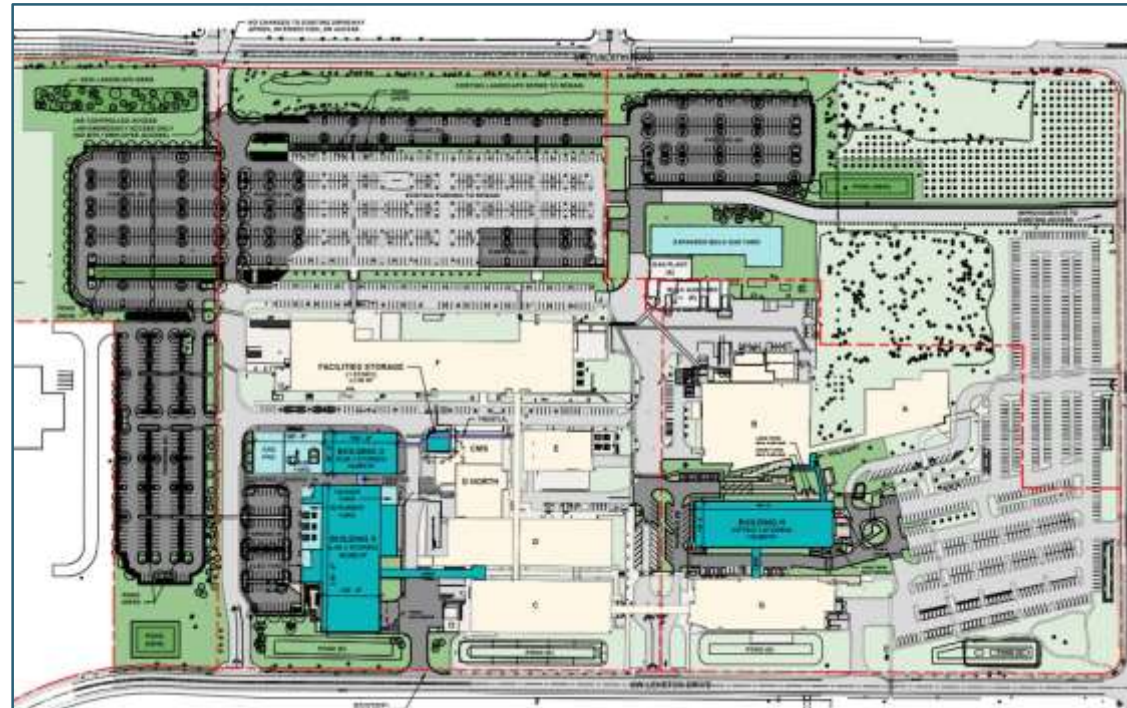


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Decisions - 2025



- **IMP 24-0001** - Industrial Master Plan review to amend the setbacks, parking lot landscaping, and building height standards memorialized under IMP 22-0001. The Planning Commission voted unanimously to approve the IMP (6-0).



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TUALATIN

Decisions - 2025



- **CUP25-0001** – Conditional Use Permit to allow a new water storage reservoir and pump station on a 4.75-acre site in the Low Density Residential (RL) Planning District for property located at 22675 SW 108th Avenue. The Planning Commission votes unanimously (5-0) to approve the Conditional Use Permit.
- **CUP24-0002** – Conditional Use Permit for a building, heating, and electrical contractor’s office with on-site storage of equipment/materials on a 1.44-acre site in the Light-Manufacturing (ML) zone and specifically located at 18520 SW 108th Avenue. The Planning Commission voted unanimously (7-0) to approve the Conditional Use Permit.



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Board & Committee Summit

- On December 10, 2025, Commission Members participated in the first Board and Committee Summit. The summit brought together the City's eight different boards and committees for the purpose of sharing perspectives on the community's strengths, challenges, and opportunities prior to heading into the new year

Staff Updates to Planning Commission

- A presentation to introduce a project to update the Tualatin Development Code to comply with Oregon Revised Statutes (ORS) 197A.400 requirements related to clear and objective standards for housing.
- A presentation on the Downtown Revitalization project which included introducing project goals and information on the process and project timeline.
- A presentation of the 2024 Tualatin Planning Commission Annual Report



CITY of
TUALATIN

Look Ahead to 2026



- Development Code Updates to comply with state requirements related to clear and objective standards for housing
- Annual Code Clean-Up – first in what will be an annual update of the Development Code to address minor, policy neutral, amendments.
- Contextualized Housing Need (CHN) Analysis and Housing Capacity Analysis (HCA) - A comprehensive approach to calculating housing supply and buildable land capacity to help Oregon cities better understand their housing inventory so that they can better plan to accommodate future housing needs for all residents
- Food Cart Pods – design standards, use allowances



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Questions?



Photo
Pending




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**Legal Training
Planning Commission
April 15, 2026**



What will we discuss today?

- 
- Roles and Responsibilities
 - Land Use Approval Procedures
 - Public Meetings
 - Ex Parte Contact / Conflict of Interest / Bias
 - Approval Criteria/Findings
 - Final Decisions
 - Examples and Q&A



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Roles and Responsibilities



Planning Commission

TMC 11.1 – Primary duties include

- Recommendations to City Council regarding Plan Map and Text Amendments
- Recommendations to City Council regarding a variety of planning efforts
- Decision body for certain land use decisions including conditional use permits, and certain variances

Planning Staff

- Responsible for explaining procedures and requirements, reviewing land use applications for completeness and preparing staff reports/recommendations
- Conduct pre-application meetings with developers to alert them to potential code requirements prior to submittals
- Handling all public notice requirements and hearing administration
- *Informs the PC on state requirements, recent case law, and rules of procedure for public hearings*
- Reviews subsequent permit submittals to ensure compliance with land use conditions of approval



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Land Use Approval Procedures



Ministerial

- Reviewed and approved by staff without any notice or opportunity to comment or appeal (Type 1)
- Clear and objective approval criteria and applying standards that require no discretion
- Examples include single family dwellings, following Clear and Objective Standards, property line adjustments

Administrative Decisions

- Staff level decisions that are made without a hearing but with notice provided to neighbors with an opportunity to appeal to a quasi-judicial hearing where testimony would be taken (Type II)
- Low level of discretion
- Examples include subdivisions, certain architectural reviews, minor variances



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Land Use Approval Procedures



Quasi-Judicial Decisions

- Quasi-judicial decisions are decisions where a governing body is applying adopted policies or standards to a *specific property*. Generally, have discretionary approval criteria (Type III)
- Staff makes a recommendation and the approval authority is a hearing body after a public hearing
- Must have a final written decision with *specific findings* related to applicable criteria
- Examples include conditional use permits and variances

Legislative Decisions

- Require a greater level of discretion and go to the planning commission for a recommendation to Council who approves the decision usually through adoption of an ordinance (Type IV)
- Legislative decisions typically affect large areas and are not focused on small, localized segments of property
- Examples include code text amendments and comprehensive plan text amendments



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Public Meetings

- Oregon’s open meeting law requires that decisions of any “governing body” be arrived at openly so that the public can be aware of the body’s deliberations and decisions.
- With a few exceptions, a meeting exists *any time* a quorum of the governing body’s membership is present. For the PC a majority of the members present constitute a quorum.
- No Private Meetings – “private meetings” can occur, at times unintentionally, when four members (quorum) of the PC find themselves in a social setting and discuss the details of a project currently under review. This violates public meeting law.
- Beware of Serial Meetings – “serial meetings” is a term used to describe a series of communications *of any kind*, directly or through intermediaries, regarding a topic under review and also violates public meeting law.
 - This can easily occur when an email discussing a project is forwarded to a “series” of commission members. If the email exchanges are forwarded to enough members that a **quorum** is reached, public meeting law may have been violated.



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Ex Parte Contact, Conflict of Interest, and Bias

Ex Parte Contact (Quasi-Judicial Decisions)

- Occurs when a decision-maker receives information, discusses the land use application, or visits the site in question outside the formal public hearing
- Does *not* include discussions with and information received from staff
- Failure to disclose such contact may result in reversal or remand of a decision
- If ex parte contact does occur, the decision-maker must disclose it on the record at the hearing, and describe the circumstances under which it occurred
- *When in doubt, ask staff prior to the hearing.*



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Ex Parte Contact, Conflict of Interest, and Bias

Conflict of Interest

- A “*potential conflict of interest*” exists if the land use decision could result in a personal financial gain or loss to the decision maker, any member of their household, or any business with which they or a household member is associated.
 - Must publicly declare the potential conflict and explain the nature of the conflict *but may* continue to participate in the discussion and decision.
- An “*actual conflict of interest*” exists if the land use decision would result in a personal financial gain or loss to the decision maker, any member of their household, or any business with which they or a household member is associated.
 - Must declare the conflict in the same manner as for a potential conflict *but may not* participate in the discussion or decision.



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Ex Parte Contact, Conflict of Interest, and Bias

Bias

- “Actual bias” means prejudice or prejudgment of the facts to such a degree that you are incapable of rendering an objective decision on the merits of the case
 - A member of a governing body should not participate in a decision if he or she has an actual bias regarding the application
- Even though bias is often subjective, not all personal views or positions are actual bias in the eyes of the law
- While it is not unusual for decision-makers to have a perspective or background, the threshold test is if this will influence your decision

When in doubt...Ask Staff!!



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Approval Criteria / Findings



- When making a quasi-judicial decision, the governing body must apply the *adopted criteria for approval* contained in the local government's comprehensive plan and development regulations
- If an applicant demonstrates compliance with these criteria, the application **must** be approved even if the governing body disagrees with the criteria or believes that additional unadopted criteria should be applied
- The applicant has the burden of proof. The applicant must introduce evidence that shows that all the approval criteria are satisfied
- **Approval Criteria** – For each quasi-judicial review the Tualatin Development Code has specific approval criteria. Staff will always identify the relevant approval criteria in the staff report
- **Findings:** statements of the relevant facts as understood by the decision-maker and a statement of how each approval criterion is satisfied by the facts



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Final Decisions

As an approval body, you have the following options:

- **Approval** - The reviewing body found that the facts in evidence indicate the criteria are satisfied
- **Approval with conditions** - The reviewing body has found that the facts in evidence do not demonstrate the criteria are fully satisfied, but, through the application of conditions, the criteria can be satisfied.
- **Denial** - The reviewing body has found that the facts in evidence have not demonstrated that the criteria are satisfied and the application cannot be made to comply with conditions attached to it
- **Continuances** –
 - Per ORS 227.178 cities must make a final decision on a land use application, including resolution of all local appeals, within 120 days of the filing of a complete application
 - A hearing may be continued to address a variety of issues, provided it does not exceed the mandated timelines, unless agreed to by the applicant.



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Examples and Q&A

