



City of Tigard Tigard Business Meeting - Agenda

TIGARD CITY COUNCIL

MEETING DATE AND TIME: September 28, 2010 - 6:30 p.m.

MEETING LOCATION: City of Tigard - Town Hall - 13125 SW Hall Blvd., Tigard, OR 97223

PUBLIC NOTICE:

Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). If no sheet is available, ask to be recognized by the Mayor at the beginning of that agenda item. Citizen Communication items are asked to be two minutes or less. Longer matters can be set for a future Agenda by contacting either the Mayor or the City Manager.

Times noted are *estimated*; it is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. *Business agenda items can be heard in any order after 7:30 p.m.*

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

CABLE VIEWERS: The regular City Council meeting is shown live on Channel 28 at 7:30 p.m. The meeting will be rebroadcast at the following times on Channel 28:

Thursday	6:00 p.m.	Sunday	11:00 a.m.
Friday	10:00 p.m.	Monday	6:00 a.m.



City of Tigard Tigard Business Meeting - Agenda

TIGARD CITY COUNCIL

MEETING DATE AND TIME: September 28, 2010 - 6:30 p.m. Study Session; 7:30 p.m. Business Meeting

MEETING LOCATION: City of Tigard - Town Hall - 13125 SW Hall Blvd., Tigard, OR 97223

6:30 PM

◆ STUDY SESSION

A. Discuss Intergovernmental Water Board Intergovernmental Agreement

B. Administrative Items

- Review December Council meeting schedule.

- **EXECUTIVE SESSION:** The Tigard City Council will go into Executive Session to discuss real property transaction negotiations and for consultation with legal counsel regarding potential litigation under ORS 192.660(2) e and h. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

7:30 PM

1. BUSINESS MEETING

- A. Call to Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Council Communications & Liaison Reports
- E. Call to Council and Staff for Non-Agenda Items

2. CITIZEN COMMUNICATION (Two Minutes or Less, Please)
7:40 p.m. (Time is estimated.)

- A. Follow-up to Previous Citizen Communication
- B. Citizen Communication – Sign Up Sheet

3. CONSENT AGENDA: (7:45 p.m. - Time is estimated.) (Tigard City Council) These items are considered routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:

- A. Approve Submittal of an Application for Community Development Block Grant Funds to Finance Sidewalk Improvements on Frewing Street - Resolution No. 10-50

A RESOLUTION OF THE TIGARD CITY COUNCIL SUPPORTING AN APPLICATION FOR FEDERAL ASSISTANCE FOR CONSTRUCTION OF SIDEWALK AND RELATED IMPROVEMENTS ALONG ONE SIDE OF FREWING STREET

- B. Amend the Master Fees and Charges Schedule to Adopt a Flat Fee for the Installation of Prescriptive Solar Photo-Voltaic Systems - Resolution No. 10-51

A RESOLUTION TO AMEND THE MASTER FEES AND CHARGES SCHEDULE AS ADOPTED BY RESOLUTION 10-30 TO INSTITUTE A FLAT FEE FOR ADMINISTRATION, REVIEW, AND INSPECTION OF PRESCRIPTIVE PHOTOVOLTAIC SOLAR SYSTEMS.

- *Consent Agenda - Items Removed for Separate Discussion: Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council/City Center Development Agency has voted on those items which do not need discussion.*

4. PUBLIC HEARING - SUPPLEMENTAL APPROPRIATION AMENDMENT TO FY 2011 BUDGET: FORWARD FROM PRIOR FISCAL YEAR AND RECOGNIZE REVENUE FROM AMERICAN RECOVERY AND REINVESTMENT ACT
7:50 p.m. (Time is estimated.)

- Open Public Hearing
- Declarations or Challenges: Does any Council member wish to declare or discuss a conflict of interest or abstention.
- Staff Report: Community Development Department
- Public Testimony
 - Proponents
 - Opponents
- Staff Recommendation
- Council Questions
- Close Public Hearing
- Council Consideration - Resolution No. 10-52

A RESOLUTION TO ADOPT A SUPPLEMENTAL BUDGET TO ACHIEVE THE FOLLOWING: 1 RESTORATION OF 5 STAFF POSITIONS FROM .80 TO 1.0 FULLTIME EQUIVALENT (FTE) DUE TO INCREASED SERVICE DEMANDS IN THE BUILDING DIVISION, AND INCREASE PERMIT COORDINATOR POSITION FROM .80 TO 1.0 FTE TO HANDLE CODE COMPLIANCE RELATED ISSUES, 2) RECOGNITION OF GRANT REVENUES IN POLICE, LIBRARY, AND THE CAPITAL IMPROVEMENT PROGRAM, 3) RECOGNITION OF BUDGETED CARRYOVERS, 4) BUDGET OF UNANTICIPATED EXPENDITURES IN PUBLIC WORKS WATER FUND, AND 5) RECOGNITION OF PRIOR YEAR FUND BALANCE IN THE TREE REPLACEMENT FUND.

5. CONSIDER ORDINANCE ADOPTING TUALATIN VALLEY FIRE & RESCUE ORDINANCE NO. 10-02 ADOPTING THE OREGON FIRE CODE AND REPEALING CITY OF TIGARD ORDINANCE NO. 07-18
8:05 p.m. (Time is estimated.)

- Staff Report
- Council Discussion
- Council Consideration - Ordinance No. 10-14

AN ORDINANCE ADOPTING TUALATIN VALLEY FIRE & RESCUE ORDINANCE NO. 10-02 ADOPTING THE 2010 OREGON FIRE CODE AND REPEALING CITY OF TIGARD ORDINANCE NO. 07-18

6. LEGISLATIVE PUBLIC HEARING CONTINUED FROM SEPTEMBER 14, 2010 - CONSIDER ADOPTING USE CLASSIFICATION DEVELOPMENT CODE AMENDMENT (DCA2010-00004) 8:20 p.m. (Time is estimated)

REQUEST: The City of Tigard proposes to amend Community Development Code Chapter 18.130 in a manner that redistributes and clarifies the descriptive nature of each use classification. Allowed, restricted, or non-allowed uses are not being substantially affected with the exception of uses categorized as Personal Services and Repair-Oriented-Retail. Proposed changes will also clarify the distinction between primary and accessory uses. LOCATION: Citywide. ZONE: Citywide. APPLICABLE REVIEW CRITERIA: Community Development Code Chapters 18.130, 18.380 and 18.390; Comprehensive Plan Goals 1, Public Involvement; Goal 2, Land Use Planning; Goal 9, Economic Development; Goal 10, Housing; and Statewide Planning Goals 1, 2, 9 and 10. The proposed amendments are available for review on the City's website at http://www.tigard-or.gov/city_hall/departments/cd/code_amendment.asp.

- Continue Public Hearing
- Review Hearing Procedures: City Attorney
- Declarations or Challenges: Does any Council member wish to declare or discuss a conflict of interest or reason for abstention?
- Staff Report: Community Development Department
- Public Testimony was Closed at the September 14, 2010, Council Hearing
- Staff Recommendation
- Council Questions
- Close Public Hearing
- Council Consideration - Ordinance No. 10-15

AN ORDINANCE ADOPTING DEVELOPMENT CODE AMENDMENT DCA2010-00004 TO UPDATE CHAPTERS 18.130 AND RELATED SECTIONS OF THE TIGARD DEVELOPMENT CODE PERTAINING TO USE CLASSIFICATIONS.

7. COUNCIL LIAISON REPORTS
8:40 p.m. (Time is estimated.)

8. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

9. NON AGENDA ITEMS

10. ADJOURNMENT
8:45 p.m. (Time is estimated.)

AIS-159

Business Meeting

Date: 09/28/2010

Length (in minutes): 30 Minutes

Agenda Title: Discuss Intergovernmental Water Board Intergovernmental Agreement

Prepared By: Dennis Koellermeier, Public Works

Item Type: Update, Discussion, Direct Staff

Meeting Type: Council Business Mtg - Study Sess.

Information

ISSUE

Discuss changes the Intergovernmental Water Board would like to make to the Intergovernmental Agreement.

STAFF RECOMMENDATION / ACTION REQUEST

Participate in the discussion and provide direction to staff.

KEY FACTS AND INFORMATION SUMMARY

- The original Intergovernmental Agreements (IGA) between Tigard and the cities of Durham, King City and the Tigard Water District were executed January 1994 and amended June 2006. The Durham IGA was also amended December 1999. Tigard has an agreement with each city individually.
- This IGA addresses all the operational issues between the parties that compose the IWB.
- The Intergovernmental Water Board (IWB) proposes to update the IGA and combine all the agreements into one agreement between the City of Tigard and the other Parties.
- The IWB has discussed the IGA extensively and submitted the amended and restated IGA to Tigard staff.
- Tigard staff and the City Attorney have suggested further revisions dealing with operational issues, policy issues previously considered by the Tigard City Council, and management of the future debt to be issued by Tigard.
- The IWB will discuss the Tigard staff revisions at their October 13th meeting.

OTHER ALTERNATIVES

Council could decide to not update the Intergovernmental Agreement and the Intergovernmental Water Board will continue to operate under the existing agreements, or the Council could direct staff on revisions they would like to include.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

None

Fiscal Impact

Fiscal Information:

- From an immediate budgetary standpoint, annual water revenues are stabilized by altering the reimbursement methodology to a surcharge system.
- From a long-term asset management standpoint, changes in the agreement as amended and recommended by staff:
 - the LO - Tigard Partnership assets remain the property of the City of Tigard, which is consistent with the IGA between LO and Tigard.
 - detailed explanations and itemization of system assets as included in the agreement will minimize future reimbursements to a departing partner, should that happen.
- The agreement clearly defines the role of the IWB on fiscal and operational issues as advisory only to the

City Council.

Attachments

Intergovernmental Water Board Intergovernmental Agreement

**AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT
BETWEEN DURHAM, KING CITY AND THE TIGARD WATER DISTRICT
AND THE CITY OF TIGARD
FOR WATER SUPPLY
*7th Draft 8/27/2010***

This Agreement is made and entered into under authority of Chapter 190, Oregon Revised Statutes, by and between the cities of Durham and King City and the Tigard Water District, an ORS Chapter 264 district ("District") and the City of Tigard ("Tigard"), all Oregon municipal corporations ("the Parties"), in Washington County, Oregon. This Agreement replaces those individual agreements entered between Tigard and each of the other two cities and the District in or about 1993. This Agreement shall be effective in its entirety upon execution by all of the Parties. Upon effectiveness of this Agreement, those individual agreements entered between Tigard and each of the other two cities and the District in or about 1993, and all subsequent amendments thereto shall, by agreement of the Parties, be terminated and replaced by this Agreement.

RECITALS:

A. The three cities withdrew the areas included within their boundaries from the political boundary of the District effective July 1, 1993. In consideration of their separate contracts with Tigard for the operation and maintenance of a water supply to serve all four Parties, Tigard granted to Durham, King City and the Tigard Water District (all Parties other than Tigard being the "Served Parties") an equitable interest in those assets (described as "System Assets" in those contracts) located within the combined service area. Water supply, storage and distribution facilities ("System Assets", as further defined herein) were not divided between the cities and the District as provided for by ORS 222.540 and instead, all such assets wherever located were pledged to the use of the City of Tigard for the operation and maintenance of a single water supply, storage and distribution system to serve all four Parties. All Parties now desire to clarify the method to determine the value of those assets and the Parties' equitable ownership interest in same and to establish the methods for valuation of both real and personal property.

B. The Parties intend that Tigard continue to provide and be the Managing Authority of a water supply system serving all Parties for the duration of this Agreement including use of assets and facilities not within the combined service area that are owned by Tigard and other entities that are not parties to this Agreement. All Parties agree that Tigard is empowered to use any right of condemnation possessed by any of the Parties that is necessary to provide water consistent with the terms of this agreement, and will take any action necessary for Tigard to exercise that right upon the request of Tigard.

C. The combined area as shown on Exhibit 1 constitutes the Tigard Water Service Area. The Parties desire to clarify the role of the Intergovernmental Water Board ("IWB") as to those matters where its actions are advisory to Tigard.

In consideration of those premises as generally recited the Parties now **AGREE:**

1. Purpose and Scope.

1A. Tigard shall continue to furnish and maintain a domestic water supply, storage and distribution system serving all Parties to this Agreement. All Parties pledge to the City of Tigard, the use and benefit of all assets of that system, wherever located whether inside or outside the Parties combined service area, as they now exist and hereafter are constructed or accrue, for the duration of this Agreement as to each Party served. Each Party's equitable interest in any and all System Assets located within the combined service area shall be deemed held as an undivided common interest until the Party terminates this Agreement or until the Agreement is dissolved.

1B. All other Parties delegate to Tigard the authority to enact water system rates and charges, including systems development or connection charges, with the advice of the IWB and as limited by state law, in such amounts as are necessary to maintain the system for the benefit of all Parties. Any and all such rates and charges shall be applied evenly to all customers in similar rate classes throughout the area now served by the system and each Party agrees to enforce those rates and charges without exception within that Party's political boundary. No Party may sell water provided under this Agreement to a third party without the prior written consent of Tigard.

1C. Tigard shall enter into all contracts necessary or desirable to operate the system in its own name. Tigard shall issue and make provisions for repayment of any and all municipal revenue bonds or similar instruments issued to finance capital improvements to the system and may pledge any and all system revenues for repayment of such bonds or instruments. Tigard shall prepare and issue all statements and filings necessary to issue such bonds and shall make all continuing disclosures regarding the bonds or instruments as may be required by state and federal law or bond purchase agreements. A served Party may not issue or contract for any debt that is to be secured by any assets that are necessary to operate or maintain the water supply system.

1D. A served Party shall consider any request by Tigard to exercise powers of eminent domain if needed to acquire property within that Party's political boundary for use for the water supply system. A Party shall not unreasonably withhold its consent to such a request. A Party may condition its exercise of such authority on Tigard's agreement to pay all attorney fees and costs incurred in any such proceedings.

1F. Tigard may incur, without the consent of any other Parties, debt relating to the water supply system, provided payment of the debt is fee, rate or charge based. If the debt is to be paid for by means other than fees, rates or charges, Tigard must have approval and consent of the governing bodies of all minus one of the Parties. Each Party shall be liable for its proportionate share of any debt which has been incurred under this section.

2. Term of Agreement.

2A. The term of this Agreement shall be perpetual. Any served Party may terminate this agreement as between that Party and all other Parties by delivering written notice to the other Parties not less than 5 years prior so as to allow the Parties to reconfigure the supply, storage and distribution system serving the remaining Parties after any division of assets that may result from such termination.

2B. Tigard may terminate this Agreement as to any served Party only for cause and only after Tigard has served written notice to that Party of that Party's default as to a material term of this Agreement and has allowed that Party not less than 30 days to cure that default. On a Party's continued default Tigard may serve written notice of termination to that Party not less than 5 years prior so as to allow that Party to arrange for a replacement water source and supply system with Tigard or with another supplier.

2C. Tigard agrees to negotiate in good faith a wholesale water supply contract with a terminating Party on that Party's request. Tigard and the terminating Party may mutually agree to a different date of termination.

3. Intergovernmental Water Board.

A. The Intergovernmental Water Board (IWB) is continued. The IWB shall consist of five members, with one member to be appointed by each of the four Parties to serve at the pleasure of the appointing Party and a fifth "at large" member who resides in the service area as shown in Exhibit 1 to this Agreement to be appointed by a majority vote of the other members and who shall represent the interest of the general public. The IWB shall decide the process by which it seeks candidates for and appoints the member at large. A member representing a Party shall hold a current elective office for that Party and shall be deemed to act on behalf of the governing body of that Party when voting on any issue before the IWB. The extent to which that Party's member's vote at the IWB is binding on the Party that the member represents shall be determined by each Party. Each Party may appoint an alternate IWB member who may take the place of the regular member who is absent at any IWB meeting. An alternate member shall have the same qualifications as the regular member.

A person appointed to fill a vacancy shall serve the term of the position that was vacated. The IWB by majority vote may declare a position to be vacant for that member's unexcused absence for more than 3 consecutive IWB meetings and shall notify the Party of any such declared vacancy. A Party so notified shall promptly appoint a replacement to fill the term of that vacancy. The Party members shall appoint a member at large for the remainder of the existing term of that position if and when that position becomes or is declared to be vacant.

4. Term of IWB Membership.

An IWB member shall continue to occupy the same position on the IWB from and after the adoption of this Agreement for the duration of that member's term. Each IWB

position including the Member at Large shall have a term of two years that begins on January 1 and expires on December 31 of the second year of each term. There is no limit on the number of terms that any person may serve in any position. Notwithstanding that the term of a position has expired, the Member occupying that position may continue to serve on the Board until a successor is appointed.

5. Conduct of IWB Meetings.

5A. The IWB shall schedule regular meetings and shall conduct all meetings according to Oregon public meetings law and any rule of conduct approved by the Tigard City Council. At its first meeting in every calendar year the IWB shall elect a chairperson for the ensuing calendar year and may elect other officers, all of whom shall have such powers and duties as assigned by the IWB. The Chair shall set the agenda for each meeting. A quorum of the IWB shall be three (3) members and no vote shall be taken on any matter requiring a vote without a quorum. All matters requiring a vote shall be enacted by affirmative vote of at least three (3) members present and voting except where this Agreement provides a different voting requirement.

5B. Tigard shall budget for and provide a sufficient number of employees to provide staff support to the IWB during and between meetings. Tigard employees shall serve at the pleasure of Tigard and shall have no voting privileges. Tigard shall provide adequate facilities and equipment for use for all IWB meetings.

6. Jurisdiction of IWB.

6A. The IWB shall hear and by a majority vote of those members present and voting may advise the Tigard City Council on the following issues:

- 1)** Uniform rate structures to be charged to all water system customers throughout the system, including connection charges, with different rates to be allowed only for different classes of use (e.g., residential, commercial, industrial, irrigation, high elevation surcharge) and all rates and charges (e.g., block rates, consumption rates, lifeline rates) are to be limited to the costs of service;
- 2)** Operation and maintenance issues referred to the IWB by Tigard or that a majority of the IWB raise on the IWB's own motion;
- 3)** The proposed annual budget for the Parties' water supply system;
- 4)** Policies and rules for curtailing water consumption in the same manner throughout the service area in cases of emergency;
- 5)** Capital improvements not listed or scheduled in a capital improvements plan that is adopted as part of Tigard's annual budget for the system;
- 6)** Tigard's proposed issuance of municipal revenue bonds or similar instruments to be used to finance water system capital improvements or to refinance existing water system revenue bonds;
- 7)** Any and all rules and regulations issued by Tigard as to the use of the water system.
- 8)** A proposal by Tigard to provide water service to any area or to any public or private reseller of the water that is located outside the Parties' combined service area as shown

on Exhibit 1 to this Agreement, or a proposal by Tigard to serve by wholesale contract a once-served Party who has terminated this Agreement;

9) A proposal by Tigard to enter a contract or partnership with a water source other than a mutual aid or similar emergency supply agreement;

10) The valuation of a served Party's ownership share(s) of System Assets when recalculated from time to time and when calculated at the time of a Party's termination of this Agreement, as further provided in this Agreement;

11) The sale or purchase of any real property used or proposed for use in the water system, and the terms of any such sale or purchase;

12) The assignment, sale or other conveyance or transfer of any Party's rights or liabilities under this Agreement to any person or entity other than another Party.

6B. In all cases, action taken by the IWB shall be advisory to the City of Tigard. The City shall address and consider the Board's recommendation when taking action or a position on the matter.

7. Ownership and Valuation of Assets.

7A. Each of the Parties owns an equitable, undivided common share (as calculated per Section 7B of this Agreement) of all System Assets used in the system wherever located. The City of Tigard is authorized to pledge the Parties' equitable shares of ownership of any and all such System Assets, to the repayment of any revenue bonds, whereby such interest of the Parties shall be subordinated to the interest of the bond holder(s) as to any and all revenue bonds sold by Tigard to finance capital improvements to the Parties' water supply system the extent required by the debt instrument(s).

7B. A Party's equitable share of a system asset, whether real or personal property, shall be calculated using cumulative meter equivalency values, as defined by the American Water Works association Manual M1, and as shown in Table 7.1. Tigard shall recalculate those shares every two years in the course of Tigard's annual audit and consolidated financial reporting process and will recalculate the Parties' shares on any Party's termination or on dissolution of this Agreement. The Parties' shared interests in any system asset that is real property and that Tigard uses in part for purposes other than operation of the water system shall be shown by lease agreements between the Parties and Tigard and recorded in county deed records.

7C. All System Assets and Other Assets shall be pledged by the Parties to the City of Tigard. All System Assets and Other Assets shall be managed by Tigard and shall be utilized by Tigard in order to provide water services to properties, residences and businesses in the service area.

7D. The value of a system asset shall be calculated by one method for assets that are personal property and another method for real property. An asset that is personal property shall have that asset's depreciated value over its useful life using straight line

depreciation as are set out in the "Tigard Water District System Assets and Liabilities Final Report" of November 1994 , Section II, attached hereto as Exhibit 2. The depreciated value shall be based upon the useful life of the capital improvement under generally accepted accounting principles using a straight line method of depreciation. An asset that is real property shall be valued by an independent appraisal at such time as the property or a portion of same is assigned, sold or otherwise conveyed and at the time of any Party's termination or the dissolution of this Agreement. A list of all System Assets, as of July 1, 2010, is attached hereto as Exhibit 2. Assets not listed in Exhibit 2, or subsequent exhibit amending Exhibit 2, are System Assets if the asset falls within the meaning of the term "system asset" as defined at Section 15.5 of this Agreement.

7E. The proceeds of any sale or other conveyance of any portion or all of a system asset that is real property shall be considered a system asset and deposited into the "Water CIP Fund" or similar other segregated account for use for capital improvements

7F. Tigard shall maintain all assets according to industry standards and shall consider the disposition of any asset that is or becomes surplus to the needs of the water supply system. Tigard shall adequately insure all System Assets against all risks of loss and charge such costs to the Water system. Tigard on any served Party's request, given with adequate notice shall calculate the value of that Party's ownership share of a system asset for that Party's use in its annual budget as may be required by General Accounting Standards Board rules.

7G. For the duration of this Agreement, the cities of King City and Durham and the Tigard Water District, shall be entitled an annual surcharge which shall be calculated as set forth for the year 2010 in Table 7.1 of this Agreement. Tigard shall dispense that amount to a served Party at least once annually.

Table 7.1

Jurisdiction	2009 Rev	Current 1% calc	Meters in 2009	AWWA Meter Eqiv.	TWSA Asset Ownership	2009 \$ per M. E.	Proposed 2010 Adjustment	Est. 2010 Surcharge
Durham	\$190,856.52	\$1,908.57	354	504	2.02%	\$3.79	\$6.00	\$3,024.00
Fire Hydrant	\$4,524.45	N/A	N/A	N/A	N/A	N/A	N/A	N/A
King City	\$411,886.61	\$4,118.87	1313	1541	6.17%	\$2.67	\$6.00	\$9,246.00
Metzger	\$465.07	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Tigard	\$5,739,880.45	N/A	12410	17533	70.25%	\$ -	N/A	N/A
Tigard Water	\$1,703,524.79	\$17,035.25	3742	5379	21.55%	\$3.17	\$6.00	\$32,274.00
	\$8,051,137.89		17819	24957	100.00%			\$44,544.00

8. Division of Assets on Termination or Dissolution.

8A. Upon termination of this Agreement, a Party shall have rights to the use of all System Assets equal to its equitable share, as calculated in section 7B. Tigard shall be compensated for any use of its water system necessary for the continued reasonable use of a system asset by a terminating Party. If a system asset is not essential to the operation of a terminating Party's water system, Tigard may terminate such jurisdiction's right in the system asset capital improvement by payment of a sum equal to the terminating Party's equitable share in the depreciated value of the asset. Alternatively, the Parties may negotiate a wholesale water supply agreement between the terminating Party and the remaining Parties. A Served Party that terminates this Agreement shall not thereby be relieved from liabilities and indebtedness previously contracted by Tigard for the benefit of the water supply system and shall assume its share of that liability and debt.

8B. If this Agreement is terminated by any Party and the terminating Party has remaining indebtedness incurred under Section 1B, the terminating Party shall either:

1. Pay in full, within 60 days of the effective date of termination, its proportionate share of the indebtedness; or
2. Pay annually its proportionate share for the indebtedness as payment is due.

8C. Revenue generated by the operation of the supply system shall not be subject to distribution or accounting on a served Party's termination and shall not be subject to an equitable or other claim by that Party.

8D. A terminating Party may offer to convey its ownership share of System Assets to Tigard and may waive its rights to a division of assets as provided in this Agreement in consideration of a wholesale contract for water supply between the terminating Party and Tigard. Any such contract is subject to IWB review. If the asset is not essential to the operation of such jurisdictions' water system, Tigard may terminate such jurisdiction's rights in the system asset capital improvement by payment of a sum equal to the jurisdiction's proportionate Interest in the depreciated value of such system asset.

8E. Tigard shall have the first right of refusal to purchase a served Party's share of a system asset on that Party's termination of this Agreement or on the Parties' decision to sell all or a portion of a system asset, on the same terms and conditions as offered to any other person or entity. The offer to purchase and Tigard's exercise of its rights as to that offer shall be on the same terms as in that certain Tenancy in Common agreement between the served Parties and Tigard for the property commonly known as 8777 Burnham Street, Tigard, Washington County, Oregon entered in or about June 2007, attached hereto as Exhibit 3.

9. Accounting and Records.

9A. Tigard shall account for the operation and maintenance of the water system as an enterprise fund using generally accepted accounting principles applicable to utility enterprises for the recording and identifying of all revenues and expenditures. .

9B. Tigard shall respond in the normal course of business to all requests for public records by persons who are not Parties and shall defend the other Parties and hold them harmless from any and all claims or legal actions made or filed by the person making the records request. Tigard shall make all financial records available to any Party for inspection and copying on reasonable advance notice and during Tigard's ordinary business hours.

9C. Tigard shall present the proposed annual budget for the water system to the IWB for its consideration and recommendation(s) prior to Tigard's adoption of that budget. Tigard shall provide a copy of each year-end financial audit of its accounts to any Party upon that Party's request.

10. Boundary Changes, Mergers, Consolidations and Annexation of Territory

The Parties' combined service area as it exists on the effective date of this agreement is shown with relation to the Parties' political boundaries on Exhibit 1 to this Agreement, attached and incorporated by this reference. Boundary changes, mergers, consolidations and annexation of territory shall occur consistent with state law, Metro

Code and the adopted Urban Service Area agreements between the Cities and Washington County. Parties have the rights granted pursuant to Metro Code and State law to participate in these proceedings. All Parties may enter an urban services provider agreement with Tigard for water supply as provided by state law.

Tigard reserves the right to determine if water service will be provided in all expansions affecting the Parties of this agreement.

11. Amendment. No amendment to this Agreement and no substitution of any exhibit to this Agreement shall be effective unless in writing signed and dated by all Parties.

12. Severability. If any portion of this Agreement is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, all remaining portions of this Agreement shall remain in effect until this Agreement is terminated or expired. After any declaration of invalidity or unconstitutionality of a portion of this Franchise, any Party may demand that one or more other Parties meet to discuss amending the terms of this Agreement to conform to the original intent of the Parties. If the Parties are unable to agree on a revised agreement within ninety (90) days after such a court decision is final and binding, any Party whose rights and obligations are affected by the decision shall have cause to terminate this Agreement by delivering one hundred and eighty (180) days notice to the other Party.

13. Property Conveyances. All parties agree in good faith to execute any and all real property conveyances deemed necessary or desirable to show each Party's share of ownership of such property as provided for in this Agreement.

14. Execution and Effective Date. This Agreement may be executed in several counterparts, all of which when taken together shall constitute one agreement binding on all Parties who have signed, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute a duplicate original.

15. Definitions. As used in this Agreement, the below terms are defined as follow.

15.1. "Assets" include real, personal and intangible property. Assets are divided into two different groups, "System Assets" and "Other Assets."

15.2. "Intangible Property" includes but is not limited to: moneys, checks, drafts, deposits, interest, dividends and income

15.3. "Managing Authority" means that Tigard will provide water to properties and customers in the current jurisdictions of the Parties equally. If circumstances require water restrictions, each jurisdiction shall share equally. Tigard will provide equally and in a manner consistent with the terms of this Agreement all services required for

delivery of potable domestic water to properties and customers in the current jurisdictions of the Parties, including but not limited to system repair and maintenance, water distribution, new installations, system upgrades and billing functions.

15.4. "Other Assets" are Assets not necessary for the operation of the City of Tigard's water supply system. Other Assets shall remain the property of the jurisdiction in which the asset is located. Water mains, service installations, structures, facilities, improvements or other property not necessary for the operation of the City of Tigard's water supply system are Other Assets.

15.5. "System Assets" are Assets necessary for the operation of the City of Tigard's water supply system. As used herein, the term System Assets does not include any assets constructed, under construction, or to be constructed by the City of Tigard pursuant to the certain Water Agreement between the cities of Tigard and Lake Oswego, entered into on August 6, 2008. Other Assets shall become the property of the jurisdiction in which the asset is located.

The term "System Assets" as used in this Agreement includes, but is not limited to:

i) all interests in real property, all improvements on that property and all other personal property and facilities wherever located that is used by any Party for the supply, treatment, storage, transmission or distribution of potable water to that Party or to any other person or entity; and,

ii) all revenue generated from the sale of any portion of the Parties' domestic water supply to any person wherever located, including connection and systems development charges; and,

iii) all rights to the use of surface-, in stream- or groundwater held by- or for the beneficial use of any Party to this Agreement, notwithstanding that the formal certification or other evidence of that right may name fewer than all Parties to this Agreement as the holder or owner of that right;

iv) all contracts held by Tigard or any other party with any entity not a party to this Agreement for a supply of water for the Parties' joint use.

Business Meeting

Date: 09/28/2010

Length (in minutes): Consent Item

Agenda Title: Approve Submittal of an Application for Community Development Block Grant Funds to Construct Sidewalk Improvements on Frewing Street

Prepared By: Duane Roberts, Community Development

Item Type: Resolution

Meeting Type: Consent Agenda

Information

ISSUE

Shall Council approve a resolution authorizing the submittal of an application for Community Development Block Grant (CDBG) funds to finance the construction of sidewalk improvements on one side of Frewing Street?

STAFF RECOMMENDATION / ACTION REQUEST

Council approve the resolution authorizing submittal of the application.

KEY FACTS AND INFORMATION SUMMARY

The federal Community Development Block Grant (CDBG) Program annually provides more than \$2 million to Washington County to fund activities that benefit low and moderate income persons. The County distributes the money to local jurisdictions and nonprofit organizations based on project applications submitted by sponsors. The County currently is accepting project proposals for the 11/12 funding year. The application due date is October 8, 2010.

During this CDBG funding cycle, staff proposes the City seek funds to finance sidewalk, curb, and drainage improvements on one side of Frewing Street between Pacific Highway and Ash Street. Frewing Street is located west of Downtown Tigard and within a prequalified block group area. A block group is prequalified if more than half the households within the area have incomes below 80% of median.

The improvements proposed for funding would provide a safe, secure, and convenient pedestrian route to services, shopping opportunities, and TriMet and school bus stops. The improvements also would enhance neighborhood character and livability. A map showing the location of the proposed improvements is attached. The decision to seek funding for one, rather than both sides of the street is based on the limited availability of federal CDBG funds and the project's chances of being selected for competitive funding.

Copies of the draft proposal will be available in the City Recorder's office.

To increase the City's chances of obtaining the funds needed to help pay for the improvements, a major effort is underway to solicit neighborhood support for the application. Apartment dwellers are being asked to sign a petition, and homeowners are being asked to provide letters telling a personal story about the need for the improvements.

OTHER ALTERNATIVES

Do not submit an application for this funding cycle.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

NA

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A

Fiscal Impact

Cost: \$252,000

Budgeted (yes or no): No

Where budgeted?: Proposed 11/12

Additional Fiscal Notes:

The amount of funds requested is detailed below. City match of City cash and in-kind contributions are proposed. The local in-kind contribution would be in the form of administrative overhead and design and construction management services.

	<u>Project Grant Dollars</u>	<u>City Cash</u>	<u>City In-Kind</u>
Frewing St. Sidewalks	\$167,000	\$50,000	\$35,000

The Adopted FY2011-2015 Capital Improvement Plan (CIP) currently has \$141,000 annually for the Citywide Sidewalk and Pedestrian Improvements project funded by the Gas Tax Fund. The project has \$121,000 in External Expenses and \$20,000 in Internal Expenses (In-kind).

If the grant is awarded, it will be the intent of staff to use this project to provide the City match. Further, as we work through the development of the FY2012-2016 CIP and FY2012 Budget, the allocation in FY 2012 in will be changed so that at least \$35,000 in Internal Expenses will be budgeted with a corresponding reduction in External Expenses. The receipt and budgeting of the grant funds will more than offset the reduction in External Expenses, allowing the City of Tigard to more than double the amount of sidewalk improvements that we otherwise would have been able to accomplish in FY2012.

By dedicating \$85,000 of the \$141,000 CIP project as matching grant funds, there will still be \$56,000 available for another sidewalk or pedestrian improvement in FY2012.

Approval of the resolution does not financially obligate the City. Actual appropriation of funds and acceptance of a grant would require separate City Council action.

Attachments

Proposed Resolution

Exhibit A - Map

**CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 10-**

A RESOLUTION OF THE TIGARD CITY COUNCIL SUPPORTING AN APPLICATION FOR FEDERAL ASSISTANCE FOR CONSTRUCTION OF SIDEWALK AND RELATED IMPROVEMENTS ALONG ONE SIDE OF FREWING STREET

WHEREAS, SW Frewing Street is an older street constructed without curbs, sidewalks, and/or drainage facilities; and

WHEREAS, the installation of sidewalks and associated improvements along this street would improve neighborhood quality and safety conditions for children and other pedestrians; and

WHEREAS, improvements to SW Frewing Street are defined in an application for federal Community Development Block Grant funds; and

WHEREAS, these improvements meet the national and Washington County Community Development Block Grant objective of serving persons having low and moderate incomes; and

WHEREAS, Washington County will receive an estimated two million dollars for the 2011/12 funding year for which ten cities, the County, and a plethora of non-profit organizations will compete for the funding of various projects.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The City of Tigard hereby expresses its support for making improvements to SW Frewing Street as shown in Exhibit A, and authorizes submission of an application for federal assistance.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2010.

Mayor - City of Tigard

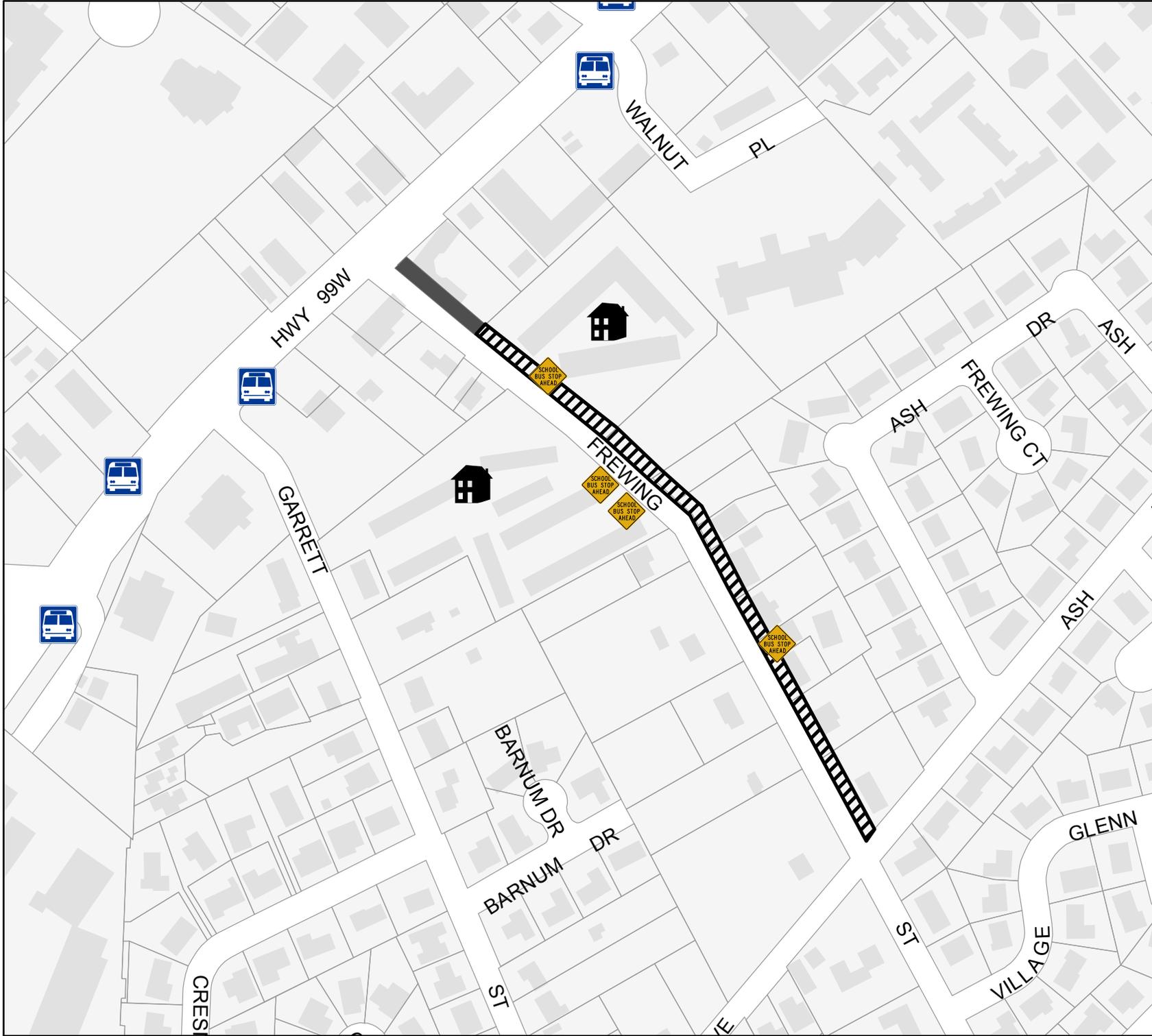
ATTEST:

City Recorder - City of Tigard

EXHIBIT A

Frewing Street Sidewalk Improvements

City of Tigard
Oregon



-  Existing
-  Proposed
-  Apartments
-  TriMet Bus Stop
-  School Bus Stop

** The information represented on this map is current as of September 13, 2010. Revisions will be made as new decisions or amendments occur to alter the content of the map.



Source: City of Tigard, Maps Data Resources Center, City of Tigard, Sept 2009
 Cartography: Community Development Dept, City of Tigard, Sept 2009
 This map was derived from several databases. The City cannot accept responsibility for any errors. Therefore, there are no warranties for this product. However, any modification of errors would be appreciated.
 13125 SW Hall Blvd Tigard, OR 97223 503-639-4171
<http://www.tigard-or.gov>

AIS-184

Item #: 3. B.

Business Meeting

Date: 09/28/2010

Length (in minutes): Consent Item

Agenda Title: Resolution to Amend the Master Fees and Charges Schedule to Adopt a Flat Fee for the Installation of Prescriptive Solar Photo-Voltaic Systems

Prepared By: Mark VanDomelen, Community Development

Item Type: Resolution

Meeting Type: Consent Agenda

Information

ISSUE

Consider approving a resolution to amend the master fees and charges schedule to adopt a flat building permit fee for the installation of prescriptive Solar Photo-Voltaic systems.

STAFF RECOMMENDATION / ACTION REQUEST

Approve a resolution to adopt a flat building permit fee for the installation of prescriptive Solar Photo-Voltaic systems.

KEY FACTS AND INFORMATION SUMMARY

ORS 455.020 was enacted to enable the Director of the Department of Consumer and Business Services to promulgate a State Building Code. ORS 455.210 directs rule making to adopt reasonable fees for the administration, review, and inspection of work relating to the State Building Codes.

OAR 918-800-10 through 918-800-040 requires all municipalities with Building Code Programs to use a standard methodology for determining a flat building permit fee for prescriptive Solar Photo-Voltaic systems. This fee is to be adopted by the local jurisdiction to cover the administration, review, and inspection of these systems.

The City of Tigard Building Official has met with the Building Officials from throughout the Tri-County area to ensure a consistent fee within the area. The proposed fee is consistent with the proposals being considered by councils throughout the Portland metropolitan area.

Prescriptive systems are those systems that meet the requirements of the Oregon Solar Installation Specialty Code and are not defined as complex. Complex systems are engineered systems and systems over 25 Kilowatts.

The proposed flat fee is for non-engineered installations defined as prescriptive under the scope of the 2010 Oregon Solar Installation Specialty Code which is effective October 1, 2010. Engineered systems will be charged permit fees based on the City's existing permit fee schedule for alteration permits.

OTHER ALTERNATIVES

None

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

None

Fiscal Impact

Cost: \$1,800

Budgeted (yes or no): Yes

Where Budgeted (department/program): Building Department

Additional Fiscal Notes:

We estimate that we will not issue a large quantity of permits for prescriptive solar Photo-Voltaic systems this fiscal year. For impact purposes, we estimate 10 installations at \$180 each. This fee would cover up to 2 hours of staff time at \$90 per hour to administer, review, and inspect these installations. We would be able to cover this additional work with currently budgeted staff.

Attachments

Proposed Resolution

Exhibit A

**CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 10-**

A RESOLUTION TO AMEND THE MASTER FEES AND CHARGES SCHEDULE AS ADOPTED BY RESOLUTION 10-30 TO INSTITUTE A FLAT FEE FOR ADMINISTRATION, REVIEW, AND INSPECTION OF PRESCRIPTIVE PHOTOVOLTAIC SOLAR SYSTEMS.

WHEREAS, Oregon Administrative Rules 918-800-010 through 040, 918-050-180 requires all municipalities with Building Code programs to use a standard methodology for determining building permit fees for prescriptive solar photovoltaic systems; and

WHEREAS, prescriptive solar photo-voltaic systems are those non-engineered systems as defined in the scope of the Oregon Solar Installation Specialty Code; and

WHEREAS, the City does not have a building permit fee methodology for a flat fee that conforms with Oregon Administrative Rules 918-800-010 through 040, 918-050-180 for prescriptive solar photo-voltaic systems ; and

WHEREAS, the Council finds that conformance with state law allows for the City to adopt permit fees for prescriptive solar photovoltaic systems; and

WHEREAS, the City of Tigard desires to establish equitable permit fees that reflect the work required to complete the review and inspections; and

WHEREAS, the City of Tigard has a Master Fees and Charges Schedule that was last adopted by Resolution 10-30 with later amendments.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The amended fees and charges are shown on the attached schedule (Exhibit A).

SECTION 2: The revised fee schedule applies to applications submitted beginning October , 2010.

SECTION 3: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2010.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

**City of Tigard
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
COMMUNITY DEVELOPMENT - BUILDING			
	<u>Building Permit Fees</u>		
	(Commercial)		10/1/2009
	<u>Total Valuation:</u>		
	\$0.00 to \$500.00	\$51.09 /minimum	
	\$500.01 to \$2,000.00	\$51.09 /for the first \$500 and \$2.69 /for each additional \$100 or fraction thereof	
	\$2,000.01 to \$25,000.00	\$91.44 /for the first \$2,000 and \$10.76 /for each additional \$1,000 or fraction thereof	
	\$25,000.01 to \$50,000.00	\$338.92 /for the first \$25,000 and \$8.06 /for each additional \$1,000 or fraction thereof	
	\$50,000.01 to \$100,000.00	\$540.42 /for the first \$50,000 and \$5.38 /for each additional \$1,000 or fraction thereof	
	\$100,000.01 and over	\$809.42 /for the first \$100,000 and \$4.49 /for each additional \$1,000 or fraction thereof	
	(Single Family & Multi-Family)		10/1/2009
	<u>Total Valuation:</u>		
	\$0.00 to \$2,000.00	\$66.25 /minimum	
	\$2,000.01 to \$25,000.00	\$66.25 /for the first \$2,000 and \$11.48 /for each additional \$1,000 or fraction thereof	
	\$25,000.01 to \$50,000.00	\$330.29 /for the first \$25,000 and \$8.75 /for each additional \$1,000 or fraction thereof	
	\$50,000.01 to \$100,000.00	\$549.04 /for the first \$50,000 and \$6.25 /for each additional \$1,000 or fraction thereof	
	\$100,000.01 to \$250,000.00	\$861.54 /for the first \$100,000 and \$4.46 /for each additional \$1,000 or fraction thereof	
	\$250,000.01 to \$500,000.00	\$1,530.54 /for the first \$250,000 and \$4.42 /for each additional \$1,000 or fraction thereof	

**City of Tigard
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
	\$500,000.01 to \$1,000,000.00	\$2,635.54 /for the first \$500,000 and \$4.10 /for each additional \$1,000 or fraction thereof	
	\$1,000,000.01 to \$2,000,000.00	\$4,685.54 /for the first \$1,000,000 and \$3.33 /for each additional \$1,000 or fraction thereof	
	\$2,000,000.01 and over	\$8,015.54 /for the first \$2,000,000 and \$3.18 /for each additional \$1,000 or fraction thereof	
	<u>(Site Work/Grading)</u>		10/1/2009
	<u>Total Valuation:</u>		
	\$0.00 to \$500.00	\$51.09 /minimum	
	\$500.01 to \$2,000.00	\$51.09 /for the first \$500 and \$2.69 /for each additional \$100 or fraction thereof	
	\$2,000.01 to \$25,000.00	\$91.44 /for the first \$2,000 and \$10.76 /for each additional \$1,000 or fraction thereof	
	\$25,000.01 to \$50,000.00	\$338.92 /for the first \$25,000 and \$8.06 /for each additional \$1,000 or fraction thereof	
	\$50,000.01 to \$100,000.00	\$540.42 /for the first \$50,000 and \$5.38 /for each additional \$1,000 or fraction thereof	
	\$100,000.01 and over	\$809.42 /for the first \$100,000 and \$4.49 /for each additional \$1,000 or fraction thereof	
	<u>(Single Family, Multi-Family, Commercial, & Industrial Building Permit Fee for Additions, Alterations, and Demolitions)</u>		10/1/2009
	<u>Total Valuation:</u>		
	\$0.00 to \$500.00	\$53.27 /minimum	
	\$500.01 to \$2,000.00	\$53.27 /for the first \$500 and \$3.39 /for each additional \$100 or fraction thereof	
	\$2,000.01 to \$25,000.00	\$104.12 /for the first \$2,000 and \$15.21 /for each additional \$1,000 or fraction thereof	
	\$25,000.01 to \$50,000.00	\$453.95 /for the first \$25,000 and \$11.02 /for each additional \$1,000 or fraction thereof	

**City of Tigard
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
	\$50,000.01 to \$100,000.00	\$729.45 /for the first \$50,000 and \$7.53 /for each additional \$1,000 or fraction thereof	
	\$100,000.01 to \$500,000.00	\$1,105.95 /for the first \$100,000 and \$6.04 /for each additional \$1,000 or fraction thereof	
	\$500,000.01 to \$1,000,000.00	\$3,521.95 /for the first \$500,000 and \$5.09 /for each additional \$1,000 or fraction thereof	
	\$1,000,000.01 and over	\$6,066.95 /for the first \$1,000,000 and \$3.39 /for each additional \$1,000 or fraction thereof	
	<u>Building Plan Review Fee</u>	65% of base building permit fee	9/26/2000
	<u>Deferred Submittals</u>	\$200.00 minimum fee	9/24/2002
	Plan Review	65% of building permit fee based on valuation of the particular portion or portions of the project.	
	<u>Electrical Fees</u>		10/1/2009
	New residential, single or multi-family per dwelling unit; service included:		
	1000 square feet or less	\$168.54	
	Each additional 500 square feet or portion thereof	\$33.92	
	Limited energy, residential or multi-family (with above sq ft)	\$75.00	
	Each manufactured home or modular dwelling service or feeder	\$67.84	
	Services or feeders; installation, alterations or relocation:		
	200 amps or less	\$100.70	
	201 amps to 400 amps	\$133.56	
	401 amps to 600 amps	\$200.34	
	601 amps to 1000 amps	\$301.04	
	Over 1000 amps or volts	\$552.26	
	Reconnect only	\$67.84	
	Temporary services or feeders; installation, alteration or relocation:		
	200 amps or less	\$59.36	
	201 amps to 400 amps	\$125.08	
	401 amps to 600 amps	\$168.54	
	Branch circuits; new, alteration or extension per panel:		
	With purchase of service or feeder - each branch circuit	\$7.42	
	Without purchase of service or feeder First Branch Circuit	\$56.18	

**City of Tigard
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
	Each addit. Branch circuit	\$7.42	
	Miscellaneous (service or feeder not included):		
	Each pump or irrigation circuit	\$67.84	
	Each sign or outline lighting	\$67.84	
	Signal circuit(s) or a limited energy panel, alteration or extension	\$75.00	
	Each additional inspection over the allowable in any of the above		
	Per Inspection	\$66.25 /hour (min 1 hour)	
	Per Hour	\$66.25 /hour (min 1 hour)	
	Industrial Plant Inspection	\$78.18 /hour (min 1 hour)	
	Electrical permit plan review fee	25% of the electrical permit fee	
	<u>Fire Life Safety Plan Review (Commercial Only)</u>	40% of base building permit fee	9/26/2000
	<u>Manufactured Dwelling Installation</u>	\$305.50	9/24/2002
	<u>Manufactured Dwelling and Mobile Home Parks, Recreation Camps, and Organizational Camps</u>	Per OAR	9/24/2002
	<u>Mechanical Fees (1 & 2 Family Dwellings for New, Additions, or Alterations)</u>		10/1/2009
	Heating/Cooling:		
	Air conditioning	\$46.75	
	Furnace 100,000 BTU (ducts/vents)	\$46.75	
	Furnace 100,000+ BTU (ducts/vents)	\$54.91	
	Heat pump	\$61.06	
	Duct work	\$23.32	
	Hydronic hot water system	\$23.32	
	Residential boiler (radiator or hydronic)	\$23.32	
	Unit heaters (fuel-type, not electric), in-wall, in duct, suspended, etc.	\$46.75	
	Flue/vent for any of above	\$23.32	
	Other	\$23.32	
	Other fuel appliances:		
	Water heater	\$23.32	
	Gas fireplace	\$33.39	
	Flue/vent for water heater or gas fireplace	\$23.32	
	Log lighter (gas)	\$23.32	
	Wood/pellet stove	\$33.39	
	Wood fireplace/insert	\$23.32	
	Chimney/liner/flue/vent	\$23.32	

**City of Tigard
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
	Other	\$23.32	
	Environmental exhaust and ventilation:		
	Range hood/other kitchen equipment	\$33.39	
	Clothes dryer exhaust	\$33.39	
	Single-duct exhaust (bathrooms, toilet compartments, utility rooms)	\$23.32	
	Attic/crawlspace fans	\$23.32	
	Other	\$23.32	
	Fuel piping:		
	First four	\$14.15	
	Each additional	\$4.03	
	Minimum permit fee	\$90.00	
	Mechanical plan review fee	25% of Permit Fee	
	<u>Mechanical Permit Fees</u>		10/1/2009
	(Commercial and Multi-family)		
	<u>Total Valuation:</u>		
	\$0.00 to \$500.00	\$69.06 /minimum	
	\$500.01 to \$5,000.00	\$69.06 /for the first \$500 and \$3.07 /for each additional \$100 or fraction thereof	
	\$5,000.01 to \$10,000.00	\$207.21 /for the first \$5,000 and \$2.81 /for each additional \$100 or fraction thereof	
	\$10,000.01 to \$50,000.00	\$347.71 /for the first \$10,000 and \$2.54 /for each additional \$100 or fraction thereof	
	\$50,000.01 to \$100,000.00	\$1,363.71 /for the first \$50,000 and \$2.49 /for each additional \$100 or fraction thereof	
	\$100,000.01 and over	\$2,608.71 /for the first \$100,000 and \$2.92 /for each additional \$100 or fraction thereof	
	Plan Review	25% of permit fee	9/24/2002
	<u>Phase Permitting</u>	\$200.00	9/24/2002
	Plan Review	10% of total project building permit fee not to exceed \$1,500 for each phase	
	<u>Plumbing Fees</u>		10/1/2009
	(Commercial, Industrial, Residential, & Multi-Family)		
	New One & Two Family Dwellings		
	1 bath	\$312.70	

**City of Tigard
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
	2 bath	\$437.78	
	3 bath	\$500.32	
	Each additional bath/kitchen fixture	\$25.02	
	Site Utilities		
	Catch basin or area drain	\$18.76	
	Drywell, leach line, or trench drain	\$18.76	
	Footing drain, first 100'	\$50.03	
	Each additional 100' or part thereof (footing drain)	\$37.52	
	Manufactured home utilities	\$50.03	
	Manholes	\$18.76	
	Rain drain connector	\$18.76	
	Sanitary sewer, first 100'	\$62.54	
	Storm sewer, first 100'	\$62.54	
	Water service, first 100'	\$62.54	
	Each additional 100' or part thereof (sanitary, storm, water service)	\$37.52	
	Fixture or Item		
	Backflow preventer	\$31.27	
	Backwater valve	\$12.51	
	Clothes washer	\$25.02	
	Dishwasher	\$25.02	
	Drinking fountain	\$25.02	
	Ejectors/sump	\$25.02	
	Expansion tank	\$12.51	
	Fixture/sewer cap	\$25.02	
	Floor drain/floor sink/hub	\$25.02	
	Garbage disposal	\$25.02	
	Hose bib	\$25.02	
	Ice maker	\$12.51	
	Interceptor/grease trap	\$25.02	
	Medical gas (value: \$)	<i>see table</i>	
	Primer	\$12.51	
	Roof drain (commercial)	\$12.51	
	Sink/basin/lavatory	\$25.02	
	Solar units (potable water)	\$62.54	
	Tub/shower/shower pan	\$12.51	
	Urinal	\$25.02	
	Water closet	\$25.02	
	Water heater	\$37.52	
	Water Piping/DWV	\$56.29	
	Other:	\$25.02	
	Minimum permit fee	\$72.50	

**City of Tigard
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
	Plumbing plan review	25% of permit fee	
	Medical Gas Systems		9/24/2002
	<u>Total Valuation:</u>		
	\$1 - \$5,000	\$72.50 /minimum	
	\$5,001 - \$10,000	\$72.50 /for the first \$5,000 and \$1.52 /for each additional \$100 or fraction thereof, to and including \$10,000.	
	\$10,001 - \$25,000	\$148.50 /for the first \$10,000 and \$1.54 /for each additional \$100 or fraction thereof, to and including \$25,000.	
	\$25,001 - \$50,000	\$379.50 /for the first \$25,000 and \$1.45 /for each additional \$100 or fraction thereof, to and including \$50,000.	
	\$50,001 and up	\$742.00 /for the first \$50,000 and \$1.20 /for each additional \$100 or fraction thereof.	
	<u>Residential Fire Suppression Systems Permit</u>		10/1/2009
	Multipurpose or Continuous Loop System		
	<u>Square Footage:</u>		
	0 to 2,000	\$121.90	
	2,001 to 3,600	\$169.60	
	3,601 to 7,200	\$233.20	
	7,201 and greater	\$327.54	
	Stand Alone System		
	<u>Square Footage:</u>		
	0 to 2,000	\$198.75	
	2,001 to 3,600	\$246.45	
	3,601 to 7,200	\$310.05	
	7,201 and greater	\$404.39	
	<u>Commercial Fire Suppression Systems Permit</u>		10/1/2009
	<i>Based on valuation-Use New Commercial Building Fee Table</i>		
	<u>Restricted Energy</u>		6/27/2000
	Residential Energy Use, for all systems combined	\$75.00	
	Commercial Energy Use, for each system	\$75.00	

**City of Tigard
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
	<u>Sanitary Sewer Inspection Fee</u>		6/6/2000
	Residential	\$35.00	
	Commercial	\$45.00	
	Industrial	\$75.00	
	<u>Miscellaneous Fees</u>		
	Address Change	\$50.00	7/1/2007
	Fee paid inspections for residential structures pursuant to Title 14, Chapter 16		6/27/2000
	Single & Two Family Dwellings	\$100.00	
	Apartment Houses & Social Care Facilities	\$160.00 /plus \$7 for each dwelling unit in excess of 3	
	Hotels	\$160.00 /plus \$5 for each dwelling unit in excess of 5	
	<u>Information Processing & Archiving (IPA) Fee</u>	\$2.00 /sheet larger than 11" X 17"	7/1/2010
		\$0.50 /sheet 11" X 17" and smaller	
	<u>Investigation Fee</u>	Additional fee to equal to the amount of the permit	7/1/2007
	<u>Prescriptive Solar Photo-Voltaic Installations</u>	\$180.00	10/1/2010
	<u>Phased Occupancy</u>	\$200.00	6/27/2000
	<u>Permit or Plan Review Extension</u>	\$90.00	
	<u>Temporary Occupancy</u>	\$90.00	
	<u>Other Inspections & Fees:</u>		
	1. Inspections outside of normal business hours (minimum charge - 2 hours)	\$90.00 per hour	10/1/2009
	2 Reinspection fees	\$90.00 per hour	10/1/2009
	3. Inspections for which no fee is specifically indicated (minimum charge: one-half hour)	\$90.00 per hour	10/1/2009
	4. Additional plan review required by changes, additions or revisions to plans (minimum charge: one-half hour)	\$90.00 per hour	10/1/2009

when applying internal staffing costs to capital improvement projects as well as assisting in the development of indirect charges. Also, the Information Technology Division requires the carry over of 3 contracts that began in FY 2010 but were not completed. They are contracts for \$3,522 for the ArcGIS Server Optimization, \$375 for Accela APO Technical Assistance, and \$20,800 for the GIS/Document Management Integration. Total costs of these carryovers amount to \$59,697.

4. a. Fanno Creek Park - This project will improve the Lower Fanno Creek Park in conjunction with the planned public plaza in Downtown Tigard. A total of \$15,000 is required for HDR Engineering to perform the stream analysis study in order to complete this project through its landuse stage. The \$15,000 is a carryover from the FY 2010 Budget and will increase the Beginning Fund Balance in the Parks SDC Fund for FY 2011.

4. b. Permit Center Roof - On August 17, 2010, a budget amendment was sent to Council that budgeted the \$285,500 cost of this project in the Facilities Fund. This project is funded by an American Recovery & Reinvestment Act grant in the amount of \$230,500 which is reimburseable when the work is completed. The remaining \$55,000 is paid with General Fund dollars. The project was budgeted in FY 2010 and was expected to be completed by June 2010. However, the project was delayed due to inclement weather, and was not included in time for the adoption of the FY 2011 budget. However, Resolution 10-44 for Budget Amendment #11-01 did not recognize the the grant proceeds that will be received in order to refund Contingency in the General Fund. This supplemental recognizes the grant proceeds. This action taken with this current supplemental will recognize the \$230,500 grant revenue as well as reimburse General Fund contingency by that same amount.

4. c. Water Building Lease Payment - In August 2007, an intergovernmental agreement was established between the Intergovernmental Water Board and the City of Tigard to lease the Water Building which houses some of the Public Works staff. Due to staff turnover in prior years, payments for the lease are 3 years in arrears at a total cost of \$235,007. Total payment will be paid by those operating funds that are housed within the Water Building based on number of FTE. They include General Fund, Gas Tax, Sanitary Sewer, and Storm Funds. Per the intergovernmental agreement between the city and the Intergovernmental Water Board, the Water Fund is exempt from contributing to the payment of the Water Building lease.

5. Tree Replacement Fund - In FY 2009, the Tree Replacement Fund was created in order to account for funds collected from developers in lieu of planting trees. Fees collected were previously accounted for in the General Fund for FY 2008. Prior to FY 2008, fees were accounted for in the Parks Capital Fund. For FY 2009, \$575,000 was budgeted as a transfer from General Fund to the Tree Replacement Fund for fees collected through that fiscal year. Due to staff turnover in prior years, only the revenue for FY 2009 was transferred leaving the prior year fees in the General Fund. The remaining amount of \$371,778 will be transferred from the General Fund to the Tree Replacement Fund. While planning the FY 2011 Budget, it was anticipated that the issue would be rectified during FY 2009-2010. This did not happen. The result is that the FY 2010-2011 General Fund Beginning Fund Balance is higher by the remaining \$371,778, funding the transfer to the Tree Replacement Fund.

OTHER ALTERNATIVES

Do not approve Supplemental Budget #11-02.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

Goal 4: Advance Methods of Communication

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A

Fiscal Impact

Cost: \$1,109,114

Budgeted (yes or no): No

Where Budgeted (department/program): Multiple

Additional Fiscal Notes:

- Total requirements for the FY 2011 Budget will increase by \$1,109,114 across 10 funds, representing a 1.0% increase in FY2011 Budgeted Requirements for the City of Tigard.
- Of the increase, \$742,170 is in the General Fund, representing a 2.1% increase in FY2011 Budgeted Requirements for the fund.
- All increases are funded through Beginning Fund Balances due to carryforward items, dedicated revenues, or use of Contingency.
- No fund will have a change in its budgeted Ending Fund Balance due to this action.

Attachments

Resolution-Supplemental
Exhibit A

**CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 10-**

A RESOLUTION TO ADOPT A SUPPLEMENTAL BUDGET TO ACHIEVE THE FOLLOWING: 1) RESTORATION OF 5 STAFF POSITIONS FROM .80 TO 1.0 FULLTIME EQUIVALENT (FTE) DUE TO INCREASED SERVICE DEMANDS IN THE BUILDING DIVISION, AND INCREASE PERMIT COORDINATOR POSITION FROM .80 TO 1.0 FTE TO HANDLE CODE COMPLIANCE RELATED ISSUES, 2) RECOGNITION OF GRANT REVENUES IN POLICE, LIBRARY, AND THE CAPITAL IMPROVEMENT PROGRAM, 3) RECOGNITION OF BUDGETED CARRYOVERS, 4) BUDGET OF UNANTICIPATED EXPENDITURES IN PUBLIC WORKS WATER FUND, AND 5) RECOGNITION OF PRIOR YEAR FUND BALANCE IN THE TREE REPLACEMENT FUND.

WHEREAS, the city is acknowledging those items that were unknown at the time the FY 2011 Budget was adopted; and

WHEREAS, the Building Division in Community Development experienced an increase in demand for its services, therefore, increase 5 staff positions from .80 to 1.0 FTE in order to handle the increase in workload and service demands; and

WHEREAS, increase the Permit Coordinator from .80 to 1.0 FTE in order to perform code compliance related duties in Community Development; and

WHEREAS, the city will expend \$139,892 from the General Fund for the Police and Library of which the city will be reimbursed by grants; and

WHEREAS, the city recognized a total of \$59,697 in budgeted carryover amounts into the existing budget; and

WHEREAS, the Capital Improvement Program will recognize a \$15,000 carryover for Fanno Creek Park; and

WHEREAS, the city will receipt \$230,500 of grant revenue for the Permit Center Roof to be refunded to the General Fund; and

WHEREAS, the city entered into lease agreement with the Intergovernmental Water Board in 2007; and

WHEREAS, due to a lack of payment for 3 years plus current year, the city will bring the lease agreement current with a payment of \$235,007 for the Water Building to be transferred from those operating funds that are housed at 8777 S.W. Burnham St. These funds include the General Fund, Gas Tax, Sanitary Sewer, and Storm Funds; and

WHEREAS, the Tree Replacement Fund was created in FY 2009 to account for funds collected from developers in lieu of planting trees; and

WHEREAS, in FY 2009, \$575,000 was budgeted as a transfer from General Fund to the Tree Replacement Fund for fees collected throughout that fiscal year; and

WHEREAS, due to staffing changes, only the revenue for FY 2009 was transferred leaving the prior year fees in the General Fund; and

WHEREAS, the amount remaining of \$371,778 will be transferred from General Fund to the Tree Replacement Fund.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The FY 2010-11 Budget is hereby amended as detailed in Attachment #1-Supplemental Budget #11-02 including Exhibit A.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2010.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

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City of Tigard
Summary of Changes

Exhibit A

Project/Contract Description	Dept/Div.	Amount Requested	Comments
1. Community Development			
a. Services for Building Activity			
1) Personnel Services	CD/Building	\$ 91,917	Restoration of 5 staff (Building Official, Building Services Supervisor, Sr. Permit Tech, Permit Tech, Sr. Plans Examiner) to fulltime status.
2) Personnel Services	CD/Building	\$ 13,500	Expense for Inspectors (3) to work two additional days per month for six months.
Total Building		\$ 105,417	
b. Code Compliance Program			
1) Permit Coordinator approval of FTE change	CD/Dev. Services-Planning	\$ 12,010	Change position from .80 FTE to 1.0 FTE to receive and evaluate all nuisance complaints.
Total Development Services-Planning		\$ 12,010	
Total Community Development		\$ 117,427	
2. Police			
a. Recognition of Grant Revenues			
1)FY 2009 Interoperability Homeland Grant	Police/Support	\$ 23,300	Purchase of mobile data computers and mounts
2) FY 2010 Justice Assistance Grant	Police/Operations	\$ 18,869	Desktop computers
3) FY 2009 Justice Assistance Grant-Recovery	Police/Operations	\$ 53,572	For implementation of E-Ticketing Project
4) FY 2009 Justice Assistance Grant-Formula	Police/Operations	\$ 6,900	For purchase of miscellaneous equipment
5) FY 2009 Homeland Security Grant	Police/Admin	\$ 1,249	Citizen Communication Software
6) FY 2009 Homeland Security Grant	Police/Operations	\$ 6,217	GPS Units and Thumb Drives
7) FY 2009 Homeland Security Grant	Police/Operations	\$ 18,928	For purchase of tent, scene control lighting, camera, and cell phone transmitter
Total Police		\$ 129,035	
2. Library			
b. Recognition of Grant Revenues			
	Library/Reader Svcs	\$ 8,349	Ready-to-Read grant
	Library/Reader Svcs	\$ 2,508	Library Services & Technology Act grant
Total Library		\$ 10,857	
Total Grant Revenues		\$ 139,892	
3. Finance & Information Services			
a. Professional Services			
Hire consultant to conduct a federally approved overhead and hourly rate study.	Finance/Admin	\$ 35,000	Carryover appropriation for citywide federally approved rate for determining indirect charges.
b. Contract carryovers			
Gartrell Group: ArcGIS Server Optimization	Finance/IT	\$ 3,522	Contract began in FY 2010 and will be completed in FY 2011
TruePoint Solutions: Accela APO Tech Assistance	Finance/IT	\$ 375	Contract began in FY 2010 and will be completed in FY 2012
Gartrell Group: GIS/Document Management Integration	Finance/IT	\$ 20,800	Contract was awarded and work postponed until FY 2011.
Total Finance		\$ 59,697	

City of Tigard
Summary of Changes

Exhibit A

Project/Contract Description	Dept/Div.	Amount Requested	Comments
4. Public Works			
a. Fanno Creek Park	PW/CIP	\$ 15,000	A carryover amount for HDR Engineering for public hearing and completion of work through land use phase.
b. Permit Center Roof	PW/CIP	\$ 230,500	This action completes the budget items from Supplemental #11-01 and recognizes the grant revenues which are funding the majority of the project.
c. Water Building Lease Payment	PW/Admin	\$ 235,007	Payment for the lease of the Water Building to bring payment schedule current. Payment is based on FTE of which those operating funds including General Fund, Gas Tax, Sanitary Sewer, and Storm Funds will share the cost.
Total Public Works		\$ 480,507	
5. Tree Replacement Fund			
Fund Transfer	Finance/Admin	\$ 371,778	Transfer of tree replacement funds collected in prior fiscal years from the General Fund to the Tree Replacement Fund

**Fiscal Year 2010-11 Budget
Amendment #11-02**

1. a. Building Services

- 1) Due to increased service demand and revenues, restore of 5 staff from .80 to 1.0 FTE. Of these 5 positions, 20 % of the 0.2 FTE increase for the Building Services Supervisor position is paid by the General Fund, Development Services-Planning Division.
- 2) Also, an addition of \$13,500 is required for 3 Inspectors to work two days per month based on increased workload.

Building	Adopted		Revised
Resources	Budget	Amendment	Budget
Beginning Fund Balance	\$ 162,031		\$ 162,031
Property Taxes	\$ -		\$ -
Franchise Fees	\$ -		\$ -
Licenses & Permits	\$ 798,881	\$ 101,937	\$ 900,818
Intergovernmental	\$ 1,470		\$ 1,470
Charges for Services	\$ -		\$ -
Fines & Forfeitures	\$ -		\$ -
Interest Earnings	\$ 19,489		\$ 19,489
Miscellaneous	\$ 9,793		\$ 9,793
Other Financing Sources	\$ -		\$ -
Transfers In from Other Funds	\$ 175,000		\$ 175,000
Total Resources	\$ 1,166,664	\$ 101,937	\$ 1,268,601
Requirements			
Policy and Administration	\$ -		\$ -
Community Development	\$ 1,011,736	\$ 101,937	\$ 1,113,673
Community Services	\$ -		\$ -
Public Works	\$ -		\$ -
Program Expenditures Total	\$ 1,011,736	\$ 101,937	\$ 1,113,673
Loans	\$ -		\$ -
Work-In-Progress	\$ -		\$ -
Transfers to Other Funds	\$ 94,031		\$ 94,031
Contingency	\$ 60,129		\$ 60,129
Total Budget	\$ 1,165,896	\$ 101,937	\$ 1,267,833
Ending Fund Balance	\$ 768	\$ -	\$ 768
Total Requirements	\$ 1,166,664	\$ 101,937	\$ 1,268,601

Fiscal Year 2010-11 Budget
Amendment #11-02

1. a. Building Services

General Fund		Revised Adopted Budget	Amendment	Revised Budget
Resources				
	Beginning Fund Balance	\$ 6,117,299		\$ 6,117,299
	Property Taxes	\$ 12,218,117		\$ 12,218,117
	Franchise Fees	\$ 4,706,831		\$ 4,706,831
	Licenses & Permits	\$ 861,296		\$ 861,296
	Intergovernmental	\$ 5,616,141		\$ 5,616,141
	Charges for Services	\$ 254,793		\$ 254,793
	Fines & Forfeitures	\$ 936,000		\$ 936,000
	Interest Earnings	\$ 102,184		\$ 102,184
	Miscellaneous	\$ 22,209		\$ 22,209
	Other Financing Sources	\$ 249,000		\$ 249,000
	Transfers In from Other Funds	\$ 3,523,981		\$ 3,523,981
	Total Resources	\$ 34,607,851	\$ -	\$ 34,607,851
Requirements				
	Policy and Administration	\$ 808,510		\$ 808,510
	Community Development	\$ 3,050,141	\$ 3,480	\$ 3,053,621
	Community Services	\$ 19,304,054		\$ 19,304,054
	Public Works	\$ 4,569,689		\$ 4,569,689
	Program Expenditures Total	\$ 27,732,394	\$ 3,480	\$ 27,735,874
	Loans	\$ 249,000		\$ 249,000
	Work-In-Progress	\$ -		\$ -
	Transfers to Other Funds	\$ 1,158,456		\$ 1,158,456
	Contingency	\$ 632,966	\$ (3,480)	\$ 629,486
	Total Budget	\$ 29,772,816	\$ -	\$ 29,772,816
	Ending Fund Balance	\$ 4,835,035	\$ -	\$ 4,835,035
	Total Requirements	\$ 34,607,851	\$ -	\$ 34,607,851

**Fiscal Year 2010-11 Budget
Amendment #11-02**

1. b. Staff Changes related to Code Compliance Program

Staffing changes for the Permit Coordinator to perform all duties related to code compliance. The staff change consists of increasing this position from .80 FTE to a 1.0 FTE at a cost of \$12,010. The cost of the staff change will be paid from a combination of salary savings and reallocation of currently budgeted funds. Overall, there is no change to the General Fund.

General Fund	Revised Adopted Budget	Amendment	Revised Budget
Resources			
Beginning Fund Balance	\$ 6,117,299		\$ 6,117,299
Property Taxes	\$ 12,218,117		\$ 12,218,117
Franchise Fees	\$ 4,706,831		\$ 4,706,831
Licenses & Permits	\$ 861,296		\$ 861,296
Intergovernmental	\$ 5,616,141		\$ 5,616,141
Charges for Services	\$ 254,793		\$ 254,793
Fines & Forfeitures	\$ 936,000		\$ 936,000
Interest Earnings	\$ 102,184		\$ 102,184
Miscellaneous	\$ 22,209		\$ 22,209
Other Financing Sources	\$ 249,000		\$ 249,000
Transfers In from Other Funds	\$ 3,523,981		\$ 3,523,981
Total Resources	\$ 34,607,851	\$ -	\$ 34,607,851
Requirements			
Policy and Administration	\$ 808,510		\$ 808,510
Community Development	\$ 3,050,141		\$ 3,050,141
Community Services	\$ 19,304,054		\$ 19,304,054
Public Works	\$ 4,569,689		\$ 4,569,689
Program Expenditures Total	\$ 27,732,394	\$ -	\$ 27,732,394
Loans	\$ 249,000		\$ 249,000
Work-In-Progress	\$ -		\$ -
Transfers to Other Funds	\$ 1,158,456		\$ 1,158,456
Contingency	\$ 632,966		\$ 632,966
Total Budget	\$ 29,772,816	\$ -	\$ 29,772,816
Ending Fund Balance	\$ 4,835,035	\$ -	\$ 4,835,035
Total Requirements	\$ 34,607,851	\$ -	\$ 34,607,851

Fiscal Year 2010-11 Budget
Amendment #11-02

2 a. & 2 b. Recognition of Grant Revenues

Receipt of grant revenues received after adoption of FY 2011 budget for Police and Library.

General Fund		Revised Adopted Budget	Amendment	Revised Budget
Resources				
Beginning Fund Balance	\$	6,117,299		\$ 6,117,299
Property Taxes	\$	12,218,117		\$ 12,218,117
Franchise Fees	\$	4,706,831		\$ 4,706,831
Licenses & Permits	\$	861,296		\$ 861,296
Intergovernmental	\$	5,616,141	\$ 139,892	\$ 5,756,033
Charges for Services	\$	254,793		\$ 254,793
Fines & Forfeitures	\$	936,000		\$ 936,000
Interest Earnings	\$	102,184		\$ 102,184
Miscellaneous	\$	22,209		\$ 22,209
Other Financing Sources	\$	249,000		\$ 249,000
Transfers In from Other Funds	\$	3,523,981		\$ 3,523,981
Total Resources	\$	34,607,851	\$ 139,892	\$ 34,747,743
Requirements				
Policy and Administration	\$	808,510		\$ 808,510
Community Development	\$	3,050,141		\$ 3,050,141
Community Services	\$	19,304,054	\$ 139,892	\$ 19,443,946
Public Works	\$	4,569,689		\$ 4,569,689
Program Expenditures Total	\$	27,732,394	\$ 139,892	\$ 27,872,286
Loans	\$	249,000		\$ 249,000
Work-In-Progress	\$	-		\$ -
Transfers to Other Funds	\$	1,158,456		\$ 1,158,456
Contingency	\$	632,966		\$ 632,966
Total Budget	\$	29,772,816	\$ 139,892	\$ 29,912,708
Ending Fund Balance	\$	4,835,035	\$ -	\$ 4,835,035
Total Requirements	\$	34,607,851	\$ 139,892	\$ 34,747,743

**Fiscal Year 2010-11 Budget
Amendment #11-02**

3. Increase in Professional Services & Contract Carryovers

- a. Carryforward appropriation to hire a consultant to conduct a federally approved overhead and hourly rate study.
- b. Contract carryovers for the Geographic Information System (GIS) and Accela.

	Adopted Budget	Amendment	Revised Budget
Central Services Fund			
Resources			
Beginning Fund Balance	\$ 58,376		\$ 58,376
Property Taxes	\$ -		\$ -
Franchise Fees	\$ -		\$ -
Licenses & Permits	\$ 20,000		\$ 20,000
Intergovernmental	\$ -		\$ -
Charges for Services	\$ -		\$ -
Fines & Forfeitures	\$ -		\$ -
Interest Earnings	\$ 584		\$ 584
Miscellaneous	\$ -		\$ -
Other Financing Sources	\$ -		\$ -
Transfers In from Other Funds	\$ 6,517,963		\$ 6,517,963
Total Resources	\$ 6,596,923	\$ -	\$ 6,596,923
Requirements			
Policy and Administration	\$ 6,031,190	\$ 59,697	\$ 6,090,887
Program Expenditures Total	\$ 6,031,190	\$ 59,697	\$ 6,090,887
Transfers to Other Funds	\$ -		\$ -
Contingency	\$ 559,336	\$ (59,697)	\$ 499,639
Total Budget	\$ 6,590,526	\$ -	\$ 6,590,526
Ending Fund Balance	\$ 6,397	\$ -	\$ 6,397
Total Requirements	\$ 6,596,923	\$ -	\$ 6,596,923

Fiscal Year 2010-11 Budget
Amendment #11-02

4. a. Fanno Creek Park

Carryforward amount of the HDR Engineering contract to complete work through land use stage of project.

	Adopted Budget	Amendment	Revised Budget
Parks SDC Fund			
Resources			
Beginning Fund Balance	\$ 2,546,398	\$ 15,000	\$ 2,561,398
Total Resources	\$ 2,922,863	\$ 15,000	\$ 2,937,863
Requirements			
Program Expenditures Total	\$ -	\$ -	\$ -
Transfers to Other Funds	\$ 2,408,263	\$ 15,000	\$ 2,423,263
Contingency	\$ -	\$ -	\$ -
Total Budget	\$ 2,690,111	\$ 15,000	\$ 2,705,111
Ending Fund Balance	\$ 232,752	\$ -	\$ 232,752
Total Requirements	\$ 2,922,863	\$ 15,000	\$ 2,937,863

	Adopted Budget	Amendment	Revised Budget
Parks Capital Fund			
Resources			
Beginning Fund Balance	\$ 115,020	\$ -	\$ 115,020
Intergovernmental	\$ 3,350,000	\$ -	\$ 3,350,000
Transfers In from Other Funds	\$ 2,692,100	\$ 15,000	\$ 2,707,100
Total Resources	\$ 6,157,120	\$ 15,000	\$ 6,172,120
Requirements			
Program Expenditures Total	\$ -	\$ -	\$ -
Work-In-Progress	\$ 6,074,100	\$ 15,000	\$ 6,089,100
Transfers to Other Funds	\$ 71,898	\$ -	\$ 71,898
Contingency	\$ -	\$ -	\$ -
Total Budget	\$ 6,145,998	\$ 15,000	\$ 6,160,998
Ending Fund Balance	\$ 11,122	\$ -	\$ 11,122
Total Requirements	\$ 6,157,120	\$ 15,000	\$ 6,172,120

Fiscal Year 2010-11 Budget
Amendment #11-02

4. b. Permit Center Roof

Recognition of grant revenue to be used for repair of Permit Center Roof.

General Fund	Revised Adopted Budget	Amendment	Revised Budget
Resources			
Beginning Fund Balance	\$ 6,117,299		\$ 6,117,299
Property Taxes	\$ 12,218,117		\$ 12,218,117
Franchise Fees	\$ 4,706,831		\$ 4,706,831
Licenses & Permits	\$ 861,296		\$ 861,296
Intergovernmental	\$ 5,616,141	\$ 230,500	\$ 5,846,641
Charges for Services	\$ 254,793		\$ 254,793
Fines & Forfeitures	\$ 936,000		\$ 936,000
Interest Earnings	\$ 102,184		\$ 102,184
Miscellaneous	\$ 22,209		\$ 22,209
Other Financing Sources	\$ 249,000		\$ 249,000
Transfers In from Other Funds	\$ 3,523,981		\$ 3,523,981
Total Resources	\$ 34,607,851	\$ 230,500	\$ 34,838,351
Requirements			
Policy and Administration	\$ 808,510		\$ 808,510
Community Development	\$ 3,050,141		\$ 3,050,141
Community Services	\$ 19,304,054		\$ 19,304,054
Public Works	\$ 4,569,689		\$ 4,569,689
Program Expenditures Total	\$ 27,732,394	\$ -	\$ 27,732,394
Loans	\$ 249,000		\$ 249,000
Work-In-Progress	\$ -		\$ -
Transfers to Other Funds	\$ 1,158,456		\$ 1,158,456
Contingency	\$ 632,966	\$ 230,500	\$ 863,466
Total Budget	\$ 29,772,816	\$ 230,500	\$ 30,003,316
Ending Fund Balance	\$ 4,835,035	\$ -	\$ 4,835,035
Total Requirements	\$ 34,607,851	\$ 230,500	\$ 34,838,351

**Fiscal Year 2010-11 Budget
Amendment #11-02**

4. c. Water Building Lease Payment

Payment for the lease of the Water Building to bring payment schedule current.

In August 2007, an intergovernmental agreement was made between the Intergovernmental Water Board and the City to lease the Water Building. Due to staff turnover, payments for the lease are 3 years in arrears plus this year's payment at a cost of \$58,752 per year for a total of \$235,007.

The cost for the lease will be paid by those operating funds that are housed in the Water Building. They include the Gas Tax, Storm, Sanitary Sewer, and General Funds. By agreement, the Water Fund is exempt.

Water Fund	Adopted Budget	Amendment	Revised Budget
Resources			
Beginning Fund Balance	\$ 2,410,162		\$ 2,410,162
Licenses & Permits	\$ 55,000		\$ 55,000
Charges for Services	\$ 8,067,083		\$ 8,067,083
Interest Earnings	\$ 24,086		\$ 24,086
Transfers In from Other Funds	\$ -	\$ 235,007	\$ 235,007
Total Resources	\$ 10,556,331	\$ 235,007	\$ 10,791,338
Requirements			
Public Works	\$ 6,334,338	\$ 235,007	\$ 6,569,345
Program Expenditures Total	\$ 6,334,338	\$ 235,007	\$ 6,569,345
Transfers to Other Funds	\$ 3,910,366		\$ 3,910,366
Contingency	\$ 70,487		\$ 70,487
Total Budget	\$ 10,315,191	\$ 235,007	\$ 10,550,198
Ending Fund Balance	\$ 241,140	\$ -	\$ 241,140
Total Requirements	\$ 10,556,331	\$ 235,007	\$ 10,791,338

Fiscal Year 2010-11 Budget
Amendment #11-02

4. c. Water Building Lease Payment

		Adopted Budget	Amendment	Revised Budget
General Fund				
Resources				
Beginning Fund Balance	\$	6,117,299	\$	6,117,299
Total Resources	\$	34,607,851	\$ -	\$ 34,607,851
Requirements				
Program Expenditures Total	\$	27,732,394	\$ -	\$ 27,732,394
Transfers to Other Funds	\$	872,956	\$ 149,327	\$ 1,022,283
Contingency	\$	918,466	\$ (149,327)	\$ 769,139
Total Budget	\$	29,772,816	\$ -	\$ 29,772,816
Ending Fund Balance	\$	4,835,035	\$ -	\$ 4,835,035
Total Requirements	\$	34,607,851	\$ -	\$ 34,607,851

		Adopted Budget	Amendment	Revised Budget
Gas Tax Fund				
Resources				
Beginning Fund Balance	\$	3,963,528	\$	3,963,528
Total Resources	\$	7,485,062	\$ -	\$ 7,485,062
Requirements				
Program Expenditures Total	\$	1,986,472	\$ -	\$ 1,986,472
Transfers to Other Funds	\$	475,622	\$ 31,156	\$ 506,778
Contingency	\$	58,000	\$ (31,156)	\$ 26,844
Total Budget	\$	7,472,009	\$ -	\$ 7,472,009
Ending Fund Balance	\$	13,053	\$ -	\$ 13,053
Total Requirements	\$	7,485,062	\$ -	\$ 7,485,062

Fiscal Year 2010-11 Budget
Amendment #11-02

4. c. Water Building Lease Payment

	Adopted Budget	Amendment	Revised Budget
Sanitary Sewer Fund			
Resources			
Beginning Fund Balance	\$ 9,884,621		\$ 9,884,621
Total Resources	\$ 11,833,467	\$ -	\$ 11,833,467
Requirements			
Program Expenditures Total	\$ 1,068,629	\$ -	\$ 1,068,629
Transfers to Other Funds	\$ 196,289	\$ 23,368	\$ 219,657
Contingency	\$ 265,000	\$ (23,368)	\$ 241,632
Total Budget	\$ 2,359,585	\$ -	\$ 2,359,585
Ending Fund Balance	\$ 9,473,882	\$ -	\$ 9,473,882
Total Requirements	\$ 11,833,467	\$ -	\$ 11,833,467

	Adopted Budget	Amendment	Revised Budget
Storm Fund			
Resources			
Beginning Fund Balance	\$ 781,889		\$ 781,889
Total Resources	\$ 2,586,465	\$ -	\$ 2,586,465
Requirements			
Program Expenditures Total	\$ 1,315,372	\$ -	\$ 1,315,372
Transfers to Other Funds	\$ 214,839	\$ 31,156	\$ 245,995
Contingency	\$ 270,000	\$ (31,156)	\$ 238,844
Total Budget	\$ 2,104,211	\$ -	\$ 2,104,211
Ending Fund Balance	\$ 482,254	\$ -	\$ 482,254
Total Requirements	\$ 2,586,465	\$ -	\$ 2,586,465

**Fiscal Year 2010-11 Budget
Amendment #11-02**

5. Tree Replacement Fund Transfer

In FY 2008-09, the Tree Replacement Fund was created in order to account for funds collected from developers in lieu of planting trees. Fees collected were previously accounted for in the General Fund for 2007-2008 and prior to that were in the Parks Capital Fund.

For FY 2008-2009, \$575,000 was budgeted as a transfer from the General Fund to the Tree Replacement fund for fees collected through that fiscal year. Due to staff turnover, only the revenue for FY 2008-2009 was transferred leaving the prior year fees in the General Fund.

The amount remaining for transfer to the Tree Replacement Fund is \$371,778.

While planning the FY 2011 Budget, it was anticipated that the issue would be rectified during FY 2009-2010. This did not happen. The result is that the FY 2010-2011 General Fund

Beginning Fund Balance is higher by the remaining \$371,778, funding the transfer to the Tree Fund.

	Adopted Budget	Amendment	Revised Budget
Tree Replacement Fund			
Resources			
Beginning Fund Balance	\$ 464,412	\$ (371,778)	\$ 92,634
Interest Earnings	\$ 4,000		\$ 4,000
Tree Replacement Revenue	\$ 40,000		\$ 40,000
Transfers In from Other Funds	\$ -	\$ 371,778	\$ 371,778
Total Resources	\$ 508,412	\$ -	\$ 508,412
Requirements			
Transfers to Other Funds	\$ 204,500		\$ 204,500
Contingency			\$ -
Total Budget	\$ 204,500	\$ -	\$ 204,500
Ending Fund Balance	\$ 303,912	\$ -	\$ 303,912
Total Requirements	\$ 508,412	\$ -	\$ 508,412

Fiscal Year 2010-11 Budget
Amendment #11-02

5. Tree Replacement Fund Transfer

General Fund	Revised Adopted Budget	Amendment	Revised Budget
Resources			
Beginning Fund Balance	\$ 6,117,299	\$ 371,778	\$ 6,489,077
Total Resources	\$ 34,607,851	\$ 371,778	\$ 34,979,629
Requirements			
Program Expenditures Total	\$ 27,732,394	\$ -	\$ 27,732,394
Loans	\$ 249,000		\$ 249,000
Transfers to Other Funds	\$ 1,158,456	\$ 371,778	\$ 1,530,234
Contingency	\$ 632,966		\$ 632,966
Total Budget	\$ 29,772,816	\$ 371,778	\$ 30,144,594
Ending Fund Balance	\$ 4,835,035	\$ -	\$ 4,835,035
Total Requirements	\$ 34,607,851	\$ 371,778	\$ 34,979,629

AIS-175

Item #: 5.

Business Meeting

Date: 09/28/2010

Length (in minutes): 10 Minutes

Agenda Title: Adopt Tualatin Valley Fire & Rescue Ordinance No. 10-02 Adopting the Oregon Fire Code and Repeal City of Tigard Ordinance No. 07-18

Prepared By: Mark VanDomelen, Community Development

Item Type: Ordinance

Meeting Type: Council Business Meeting - Main

Information

ISSUE

Consider approving an ordinance to adopt Tualatin Valley Fire and Rescue (TVF&R) Ordinance 10-02 adopting the 2010 Oregon Fire Code and repeal City of Tigard Ordinance 07-18.

STAFF RECOMMENDATION / ACTION REQUEST

Approve the Ordinance adopting Tualatin Valley Fire & Rescue (TVF&R) Ordinance No. 10-02, which adopts the most recent edition of the Oregon Fire Code and allows TVF&R to provide fire prevention and firefighting services for the City of Tigard, and repeals Tigard Ordinance 07-18, which adopted the prior TVF&R Ordinance applying the prior Oregon Fire Code.

KEY FACTS AND INFORMATION SUMMARY

The Building Division enforces the State Specialty Codes in the City of Tigard as identified in Chapter 14.04 of the Tigard Municipal Code. Under authority of ORS 455.150, the City administers the Specialty Codes (structural, plumbing, electrical, mechanical, and residential) as adopted by the State of Oregon.

Fire prevention and firefighting services are provided to the City of Tigard by TVF&R. Oregon law, under ORS 478.924, requires local fire districts to adopt the Oregon Fire Code by local ordinance. This allows the fire district to review appeals to code rulings and issue interpretations at the local level.

The City of Tigard Building Division works in partnership with TVF&R by reviewing plans and performing inspections to ensure all new construction complies with the requirements of the most recently adopted Oregon Fire Code. TVF&R provides a liaison to work with the Current Planning Division to review land use development cases and assist the Building Division with Fire Code requirements.

TVF&R has adopted the most recent Oregon Fire Code through TVF&R Ordinance No. 10-02. Tigard has historically adopted TVF&R's ordinance through a City of Tigard Ordinance. The most recent City of Tigard Ordinance, No. 07-18, which adopted the 2007 Oregon Fire Code, would be repealed with the adoption of the new TVF&R Ordinance.

OTHER ALTERNATIVES

None

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

None

Fiscal Impact

Fiscal Information:

This item does not change the existing fiduciary relationship or work responsibilities between TVF&R and the the City. The current year budget is adequate for implementation of the City's obligations under the agreement with TVF&R.

Attachments

Proposed Ordinance

Exhibit A to Proposed Ordinance

City of Tigard Ordinance No. 07-18

**CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 10-**

AN ORDINANCE ADOPTING TUALATIN VALLEY FIRE & RESCUE ORDINANCE NO. 10-02 ADOPTING THE 2010 OREGON FIRE CODE AND REPEALING CITY OF TIGARD ORDINANCE NO. 07-18

WHEREAS, the City of Tigard enforces the State Building Code under the authority of ORS 455.150 within in the City of Tigard; and

WHEREAS, Tualatin Valley Fire & Rescue (TVF&R) provides fire prevention and firefighting services to the City of Tigard; and

WHEREAS, it is necessary to adopt TVF&R Ordinance No. 10-02 in order for TVF&R to apply the Oregon Fire Code within the City of Tigard.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: Pursuant to ORS 478.924, the 2010 Oregon Fire Code as adopted by Tualatin Valley Fire and Rescue, a Rural Fire Protection District as Ordinance 10-02 (Exhibit A), is hereby adopted by the City of Tigard as the City's Fire Code.

SECTION 2: Ordinance No. 07-18 is hereby repealed.

SECTION 3: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

PASSED: By _____ vote of all Council members present after being read by number and title only, this ____ day of _____, 2010.

Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this ____ day of _____, 2010.

Craig Dirksen, Mayor

Approved as to form:

City Attorney

Date

ORDINANCE 10-02

AN ORDINANCE ADOPTING FIRE CODES AND STANDARDS FOR TUALATIN VALLEY FIRE AND RESCUE, A RURAL FIRE PROTECTION DISTRICT, PROVIDING FOR A REASONABLE LEVEL OF LIFE SAFETY AND PROPERTY PROTECTION FROM THE HAZARDS OF FIRE, EXPLOSION OR DANGEROUS CONDITIONS IN NEW AND EXISTING BUILDINGS, STRUCTURES, AND PREMISES AND TO PROVIDE SAFETY TO FIREFIGHTERS AND EMERGENCY RESPONDERS DURING EMERGENCY OPERATIONS, AND REPEALING ORDINANCE 07-01.

WHEREAS, Tualatin Valley Fire & Rescue, A Rural Fire Protection District, has developed uniform fire regulations for the jurisdictions served; and

WHEREAS, Tualatin Valley Fire and Rescue, A Rural Fire Protection District, hereinafter referred to as the District, finds it necessary to adopt regulations that establish a minimum level of fire safety, thus does hereby adopt the following regulations; and now, therefore;

IT IS ORDAINED AS FOLLOWS:

TITLE AND FILING:

This ordinance, including the codes hereby adopted, shall be filed in the record of the District and in the office of Washington, Multnomah, and Clackamas County Clerks and Oregon State Fire Marshal's office as prescribed by ORS 478.940. A copy shall be posted at each fire station within the District. From the date on which this ordinance shall take effect, provisions thereof shall be controlling within the territorial limits of the District and within each city and county within the District approving pursuant to ORS 478.924. The whole of this ordinance shall be known as the Fire Prevention Code and may be referred to as the Fire Code and shall be enforced by the Fire Marshal's Office created by Ordinance 91-02.

SCOPE:

The purpose of this code is to establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises and to provide safety to firefighters and emergency responders during emergency operations as authorized by ORS 478.910

SECTION I – ADOPTION OF THE 2010 OREGON FIRE CODE:

For the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the International Fire Code, 2009 Edition, as published and copyrighted by International Fire Code Council and as amended and adopted by the Oregon State Fire Marshal's Office and known as the 2010 Oregon Fire Code, is hereby adopted.

SECTION II – ENFORCEMENT OF CODE

Notwithstanding provisions in the Oregon Fire Code authorizing or requiring inspections of buildings and premises or testing of fire protection systems and equipment, e.g. Sections 106, or provisions providing for enforcement of the Code, such inspections, testing and enforcement of the Code shall be discretionary by the Chief and other individuals charged by the Chief with such activities. The District recognizes that it has limited financial resources with which to provide fire, rescue, and other services and functions and is forced to make public policy decisions as to allocation of District resources. Although the District places a high

priority on prevention, inspection, and maintenance of fire systems, due to financial limitations, it is the Board's policy to require inspections only so often as necessary to provide a reasonable level of fire and life safety. Accordingly, although the Fire Chief and other individuals charged by the Chief with these activities are encouraged to pursue them, performing such activities, as well as the scope and frequency of such activities, shall be within the discretion of the Fire Chief. It is the intention of the District to make clear that the District's duty to perform the inspections and testing, or to take enforcement actions as set forth in the Code, is limited to providing a reasonable level of fire and life safety. Such actions are discretionary.

SECTION III – AMENDMENTS TO THE 2010 OREGON FIRE CODE:

The 2010 Oregon Fire Code is hereby amended as follows:

1. The following new SECTION 907.7.6 is added:

907.7.6 Alarm Verification. No later than December 1, 2010, or as soon thereafter as approved by a city or county, Supervising Stations shall not retransmit alarm signals to Public Fire Service Dispatch and Communications Centers until an attempt is made to verify the accuracy of the alarm signal at the Protected Premises. Verification attempt shall be made within 90 seconds of receipt of alarm signal. If the Protected Premises is contacted and can confirm that no fire or emergency condition exists, then the alarm signal shall not be retransmitted. In all other situations, the alarm signal shall be immediately retransmitted. This section modifies the retransmission requirements of NFPA 72. Nothing in this section is intended to permit delay of notification devices and evacuation at the Protected Premises.

Exception: Waterflow alarms and Manual Pull Station alarms shall be immediately retransmitted without verification where they can be distinguished by the Supervising Station from other alarm initiating devices at the Protected Premises.

2. The following section of Appendix B105.3.1.2 is deleted in its entirety:

B105.3.1.2 Fire Alarm Systems. A reduction in required fire-flow of 25% is allowed when the building is provided with an automatic and manual fire alarm system that is installed throughout the building and is monitored by an approved central receiving station. The systems shall meet all requirements of NFPA 72 as specific for a central station fire alarms system providing total (complete) coverage by detection devices.

SECTION IV – PENALTIES

Any person who violates any of the provisions of these regulations hereby adopted or fails to comply therewith, or violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statements, specification or plans submitted and approved thereunder and from which no appeal has been taken, or shall fail to comply with such an order as affirmed or modified by the Board of Appeals or by a court of competent jurisdiction within the time affixed herein, shall severally, for each and every such violation and non-compliance respectively, be guilty of a violation of the Fire Prevention Code as provided in ORS 478.930, punishable upon conviction as prescribed by ORS 478.990. All fines or punishments authorized upon conviction shall include the costs to the District to remedy the violation including costs of towing, storage or removal of the hazard or obstruction if necessary.

The Chief or designated representative may bring a complaint in law or in equity to alleviate a violation of this ordinance as well as in addition to the rights to enforce said ordinance under the provisions of ORS 478.930 and ORS 478.990.

SECTION V – FIRE CODE BOARD OF APPEALS

As authorized by ORS 479.180, the District may establish a board of appeals. Such board of appeals may be implemented through bylaws and other procedures adopted by ordinance of the District. In the event that the fire district Board adopts a board of appeals, the provisions of this ordinance, where appropriate, are subject to the board of appeals procedures.

SECTION VI – REPEAL OF CONFLICTING ORDINANCES

The provisions of this ordinance, i.e. the Fire Code, shall be controlling within the territorial limits of the District and within each city and county within the District approving pursuant to ORS 478.924. The existing fire code, Ordinance 07-01, has been approved within each city and county within the District. The District desires that the existing fire code continue in effect until such time as the cities and counties within the District have approved this new Fire Code pursuant to ORS 478.924. Accordingly, Ordinance 07-01, and all former ordinances or parts thereof, which are conflicting or inconsistent with the provisions of this ordinance or of the code or standards hereby adopted, are hereby repealed, effective the effective date of this ordinance; provided, however, that Ordinance 07-01 shall continue in effect in each city or county which has approved it until the city or county approves this Ordinance 10-02. Further, prosecutions or violations under repealed ordinances may continue after the effective date of this ordinance.

SECTION VII – VALIDITY

The District hereby declares that should any section, paragraph, sentence or word of this ordinance or of the Codes or Standards hereby adopted be declared for any reason to be invalid, it is the intent of the District that it would have passed all other portions of this ordinance independent of the elimination of any such portion as may be declared invalid.

SECTION VIII – DATE OF EFFECT

The Board of Directors of the Fire District finds and determines that it is necessary and expedient that the provisions of this ordinance become effective 30 days following adoption, as authorized by ORS 198.570.

First reading by Title only this _____ day of _____, 2010.

Second reading by Title only this _____ day of _____, 2010.

PASSED by the District this _____ day of _____, 2010.

PRESIDENT

SECRETARY-TREASURER

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 07- 18

AN ORDINANCE ADOPTING TUALATIN VALLEY FIRE & RESCUE ORDINANCE 07-01
ADOPTING THE 2007 OREGON FIRE CODE AND REPEALING ORDINANCE NO. 05-02

WHEREAS, the City of Tigard enforces the State Building Code under the authority of ORS 455.150 within in the City of Tigard ; and

WHEREAS, Tualatin Valley Fire & Rescue (TVF&R) provides fire prevention and firefighting services to the City of Tigard; and

WHEREAS, TVF&R Ordinance 07-01 adopts the 2007 Oregon Fire Code as shown in Exhibit "A"; and

WHEREAS, it is necessary to adopt TVF&R Ordinance 07-01 in order for TVF&R to apply the Oregon Fire Code within the City of Tigard.

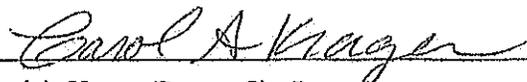
NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: Pursuant to ORS 478.924, the 2007 Oregon Fire Code as adopted by Tualatin Valley Fire and Rescue, a Rural Fire Protection District as Ordinance 07-01 (Exhibit A), is hereby adopted by the City of Tigard as the City's Fire Code.

SECTION 2: Ordinance No. 05-02 is hereby repealed.

SECTION 3: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

PASSED: By unanimous vote of all Council members present after being read by number and title only, this 23rd day of October, 2007.



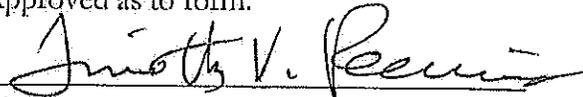
Carol A. Krager, Deputy City Recorder

APPROVED: By Tigard City Council this 23rd day of October, 2007.



Craig Dirksen, Mayor

Approved as to form:



City Attorney

10.23.07

Date

Business Meeting

Date: 09/28/2010

Length (in minutes): 30 Minutes

Agenda Title: Use Classifications Development Code Amendment DCA2010-00004 (Continued from September 14, 2010)

Prepared By: John Floyd, Community Development

Item Type: Ordinance **Meeting Type:** Council Business Meeting - Main
Public Hearing - Legislative

Information

ISSUE

Continuation of a public hearing to consider Development Code Amendment DCA2010-00004 (Use Categories).

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends Council adopt the draft ordinance included as Attachment "1".

KEY FACTS AND INFORMATION SUMMARY

On July 19, 2010 the Tigard Planning Commission unanimously adopted a recommendation to Council regarding a series of text amendments to the Use Classifications chapter of the Tigard Development Code (TDC 18.130). As a type IV legislative procedure, Council is the deciding body with the responsibility to approve, approve with modifications, or to deny the recommended amendments.

On September 14, 2010 Council held a public hearing to consider the Planning Commission Recommendation. At that hearing Council received a presentation from staff, including three suggested changes to the Planning Commission Recommendation. As part of the public hearing, Council opened the proceedings to public testimony but none was submitted. Subsequently, Council moved to close the public hearing and continue the item to September 28, 2010 with a directive that staff incorporate the suggested changes into the implementing documents.

The suggested changes have been incorporated into the draft text amendments contained in Exhibit "A" of the draft ordinance (Attachment "1"). Also included in Exhibit "A" are a background and summary of the project.

OTHER ALTERNATIVES

No Action – The code would remain unchanged and the existing ambiguities continue to result in administrative burdens for the City and uncertainties for developers and the general public.

Expanded Action – The subject code amendment focuses primarily on reformatting existing language. Many substantive code improvement elements have been identified in the process. Staff has made a determined effort to limit this code amendment package to simplification and clarification of existing code, leaving substantive improvements to future code amendment packages. However, there may be some more or less discrete additions to the proposed scope that the Council may want to consider. For example, adding new use categories such as Parks And Open Space, or combining existing use categories such as Outdoor Sales and Retail Sales or Community Recreation and Outdoor Entertainment. Because these issues may trigger additional Measure 56 notice and require further analysis, staff does not recommend their inclusion at this time.

Alternate Actions – Convert the existing use classifications to a list of explicit uses, or determine some other approach.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

Council Goal 1. Implement Comprehensive Plan.

DATES OF PREVIOUS COUNCIL CONSIDERATION

Briefing held on August 17, 2010.
Public Hearing held on September 14, 2010.

Fiscal Impact

Cost: None
Budgeted (yes or no): Yes
Where Budgeted (department/program): Community Development
Additional Fiscal Notes:
There is no direct fiscal impact to the existing or future budgets.

Attachments

[Attachment 1 - Draft Ordinance](#)
[Exhibit A to Draft Ordinance](#)
[Exhibit B to Draft Ordinance](#)
[Attachment 2 - Planning Commission Minutes of July 19, 2010](#)

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 10-_____

AN ORDINANCE ADOPTING DEVELOPMENT CODE AMENDMENT DCA2010-00004 TO UPDATE CHAPTERS 18.130 AND RELATED SECTIONS OF THE TIGARD DEVELOPMENT CODE PERTAINING TO USE CLASSIFICATIONS.

WHEREAS, the City has proposed an amendment to the Tigard Community Development Code pertaining to Use Classifications; and

WHEREAS, the Tigard Planning Commission held a public hearing, consistent with Statewide Planning Goal 1 and noticed in accordance with City standards, on July 19, 2010, and recommended approval of the proposed DCA2010-00004 by motion on a unanimous vote (6-0); and

WHEREAS, on September 14, 2010, the Tigard City Council held a public hearing, consistent with Statewide Planning Goal 1 and noticed in accordance with City standards, to consider the Commission's recommendation on DCA2010-00004; and

WHEREAS, on September 28, 2010, the Tigard City Council adopted DCA2010-00004 by motion, pursuant to the public hearing and its deliberations; and

WHEREAS, Council's decision to adopt DCA2010-00004 is based on the background information and commentary contained in the July 19, 2010 Planning Commission Recommendation; the findings and conclusions found in the City of Tigard staff report dated July 12, 2010; and remainder of the associated record, which are incorporated herein by reference and are contained in land-use file DCA2010-00004.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: Tigard Community Development Code is amended to include new text and to rescind existing text as shown in "**EXHIBIT A**"; and

SECTION 2: The City recognizes the background information and commentary contained in "**EXHIBIT A**", and the findings and conclusions contained in "**EXHIBIT B**", to be the legislative basis for this ordinance; and

SECTION 3: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

PASSED: By _____ vote of all Council members present after being read by number and title only, this _____ day of _____, 2010.

Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this _____ day of _____, 2010.

Craig Dirksen, Mayor

Approved as to form:

City Attorney

City of Tigard

Use Categories Development Code Amendment

DCA2010-00004

Planning Commission Recommendation of July 19, 2010

With

Changes Directed by Council on September 14, 2010

Acknowledgements

Tigard City Council

Mayor Craig Dirksen
Council President Nick Wilson
Councilor Gretchen Buehner
Councilor Sydney Webb
Councilor Marland Henderson

Tigard Planning Commission

Tom Walsh, President
Jeremy Vermilyea, Vice President
Tom Anderson
Margaret Doherty
Karen Ryan
Timothy L. Gashke
Stuart Hasman
Donald Schmidt, Alternate
Richard Shavey, Alternate

Tigard Staff

Craig Prosser, City Manager
Ron Bunch, Community Development Director
Susan Harnett, Assistant Community Development Director
Gary Pagenstecher, Associate Planner
John Floyd, Associate Planner
Cheryl Caines, Associate Planner & Code Editor
Doreen Laughlin, Senior Administrative Specialist
Patty Lunsford, Planning Assistant

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Background

The existing Use Classifications chapter (TDC 18.130) was last amended in 2006, but remains insufficiently detailed to enable some land uses to be clearly identified and assigned to a land use category. Similarly, the existing language does not provide sufficient clarity regarding how the city is to regulate land uses which are incidental and accessory to the primary use of a property. The resulting ambiguities result in administrative burdens for the City and uncertainty for developers, property owners, and the general public. As a central element of the Tigard Development Code, amendments to this chapter are the first major Development Code Amendment being forwarded as part of the Regulatory Improvement Initiative.

Project Summary

The Use Categories Development Code Amendment is an amendment package designed to improve code administration by clarifying and simplifying the land use categories that are a major base component of the Tigard Development Code (TDC). The purpose of the amendments is not to expand or restrict existing uses allowed within the Tigard Zoning Code. Rather, the amendment seeks to improve the existing code by making it consistent, clear, and as simple as possible. On July 19, 2010 the Tigard Planning Commission recommended a package of amendments to Council, the main points of which are listed below.

- The recommendation includes changing the name of the Chapter from Use Classification to Use Categories.
- The recommendation includes revising and expanding the purpose statement. (TDC 18.130.010).
- The recommendation includes a new section that will guide administration of the chapter (TDC 18.130.015), including the distinction between primary and accessory uses (TDC 18.120.030 & 18.130.015).
- The recommendation includes clarification of existing use categories by reformatting the existing use descriptions into four general subcategories applicable to each use category: Characteristics, Accessory Uses, Examples, and Exceptions (TDC 18.130.020). Existing language is being retained as much as practicable, but expanded and clarified where necessary.
- The recommendation includes minor text corrections and formatting changes within the Zoning District Chapters (TDC 18.510-18.530) to coincide with changes being made to the Use Classification Chapter.
- The recommendation creates the “Custom Arts and Crafts” land use category, recently established as part of the Tigard Downtown District Development and Design Standards (Ordinance 10-2). Under Ordinance 10-2, this land use category was inserted into the Commercial Zones Use Table (TDC Table 18.520.1) and the Definitions chapter (TDC 18.120.030.A.61), but not the Use Classifications chapter. The proposed language copies and expands upon that used in the Definitions chapter.

- The recommendation includes specific exceptions for incidental and temporary outdoor activities, such as Christmas Tree Lots, which have been regulated the same as permanent “Outdoor Sales” land uses (TDC 18.130.020.C.12.d.3).
- The recommendation includes new language clarifying the intent of two use categories which will result in a change of allowable uses within the “Personal Services” and “Repair-Oriented Retail” use categories. Dry-cleaners and drop-off laundry facilities would be considered “Repair-Oriented Retail” rather than “Personal Services.” As a result of this reclassification, these uses will no longer be allowed within the following Zoning Districts: C-P (Professional/Administrative Commercial District), and MUR-1 & MUR-2 (Mixed Use Residential Districts). As required under ORS 227.186, Measure 56 notices were sent to all property owners within these zoning districts.
- The recommendation includes as examples new uses not addressed in past versions of the code, including, “doggy-daycares” and “beverage container redemption centers”.

On September 14, 2010 Council held a public hearing to consider the Planning Commission Recommendation. At that hearing Council received a presentation from staff, which included three suggested changes to the Planning Commission Recommendation of July 19. As part of the public hearing, Council opened the proceedings to public testimony but none was submitted. Subsequently, Council moved to close the public hearing and continue the item to September 28, 2010 with a directive that staff incorporates the suggested changes into this document. The suggested changes can be summarized as follows:

- The first modification is that transitional housing (TDC18.340.040.C) be amended to allow a 45 day maximum tenancy, rather than the existing 30 day limit. The change would grant a more realistic timeline to social service providers, without changing the underlying characteristic of this land use which is a defined limit on the duration of occupancy.
- Correction of a grammatical error and a typo.

How to Read the Development Code Amendments

This section is organized by Development Code chapter number.

Even-numbered pages contain commentary on the amendments, which are contained on the opposite (following) odd-numbered page. The commentary establishes, in part, the legislative intent in adopting these amendments.

Odd-numbered pages show the existing language with proposed amendments. Text that is proposed to be added to the code is shown in red font with double underlines. Text that is proposed to be deleted is shown with ~~strikerough~~ formatting.

Commentary

The Tigard Development Code does not distinguish between primary and accessory uses. The proposal includes definitions for each which will be inserted into the existing list of Definitions chapter, which will be renumbered to accommodate the new terms. Both definitions match language also contained in the revised Use Categories chapter (18.730).

PROPOSED AMENDMENTS

Chapter 18.120
Definitions

18.120.030 Meaning of Specific Words and Terms

- A. For additional words and terms, see also Use Classifications (Chapter 19.130); Mixed Solid Waste and Recyclable Storage (Chapter 18.775); Sensitive Lands (Chapter 18.775); Signs (Chapter 18.780); Tree Removal (Chapter 18.790); and Wireless Communication Facilities (Chapter 18.798). As used in this title, the following words and phrases mean:

5. “Accessory Use” - Uses or activities which are a subordinate part of a primary use and are clearly incidental to a primary use on site. Developments may have more than one accessory use.

137. “Primary Use” - A primary use is the activity, or combination of activities of chief importance on the site, and the main purposes for which the land or structures are intended, designed, or ordinarily used. Developments may have more than one primary use.

Commentary

Recommended changes to TDC 18.130.010 clarify the chapter purpose, and how land uses are to be categorized into functional categories.

This page also contains an entirely new Section (TDC 18.130.015), which provides more detail on how uses are to be classified. Subsection A expands upon the chapter purpose and provides administrative direction on how uses are to be categorized. As part of this administrative direction on use categories, the purpose of the “Characteristics” subsection of each use category is defined and the concept of primary versus secondary uses is introduced and defined.

The recommendation also reduces the number of subsections by expanding the number of sections from three to nine. Uses are also being reorganized into alphabetical order. The purpose is to ease navigation and reduce the length and complexity of citations.

CHAPTER 18.130
USE CLASSIFICATIONS CATEGORIES

Sections:

- 18.130.010 Purpose
18.130.015 Classification of Uses
~~18.130.020 Listing of Use Classifications~~
18.130.025 Category Titles
~~18.130.030 Unlisted Use: Authorization of Similar Use~~ Omitted and Unanticipated Uses
18.130.040 Residential Use Categories
18.130.050 Civic Use Categories
18.130.060 Commercial Use Categories
18.130.070 Industrial Use Categories
18.130.080 Other Use Categories

18.130.010 Purpose

- A. ~~Purpose.~~ ~~The purpose of this chapter is to classify uses into a limited number of use types on the basis of common functional, product or compatibility characteristics, thereby providing a basis for the regulation of uses in accordance with criteria which are directly relevant to the public interest.~~ This Chapter classifies land uses and activities into use categories on the basis of common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and certain site factors. The use categories provide a systematic basis for assignment of present and future uses to zones. The decision to allow or prohibit the use categories in the various zones is based on the goals and policies of the Comprehensive Plan.

18.130.015 Classification of Uses

A. Considerations.

1. The "Characteristics" subsection of each use category describes the characteristics of each use category. Uses are assigned to the category whose description most closely describes the nature of the primary use. A primary use is the activity, or combination of activities of chief importance on the site, and the main purposes for which the land or structures are intended, designed, or ordinarily used. Accessory Uses are uses or activities which are a subordinate part of a primary use and are clearly incidental to a primary use on site. Developments may have more than one primary use. Developments may also have one or more accessory uses. Developments with more than one primary use are addressed in Subsection B. below. Accessory uses are addressed in Subsection C. below.

Commentary

Recommended amendments on the opposite page contain additional language being added under section 18.130.015. This new language includes the addition of criteria to be used when assigning proposed or existing land use to an appropriate category, how to administer developments with multiple primary uses, how accessory uses are to be treated, and the appropriate use of the new examples subsection under each use classification.

2. The following items are considered to determine what use category the use is in, and whether the activities constitute primary uses or accessory uses:
 - a. The description of the activity(ies) in relationship to the characteristics of each use category;
 - b. The relative amount of site or floor space and equipment devoted to the activity;
 - c. Relative amounts of sales from each activity;
 - d. The customer type for each activity;
 - e. The relative number of employees in each activity;
 - f. Hours of operation;
 - g. Building and site arrangement;
 - h. Vehicles used with the activity;
 - i. The relative number of vehicle trips generated by the activity;
 - j. Signs;
 - k. How the use advertises itself; and
 - l. Whether the activity would be likely to be found independent of the other activities on the site.

- B. Developments with multiple primary uses. When all of the primary uses of a development fall within one use category, then the development is assigned to that use category. When the primary uses of a development fall within different use categories, each primary use is classified in the applicable category and is subject to the regulations for that category.

- C. Accessory uses. Accessory uses are allowed by right in conjunction with the use unless stated otherwise in the regulations. Also, unless otherwise stated, they are subject to the same regulations as the primary use. Common accessory uses are listed as examples with the categories.

- D. Use of examples. The "Examples" subsection of each use category provides a list of examples of uses that are included in the use category. The names of uses on the lists are generic. They are based on the common meaning of the terms and not on what a specific use may call itself. For example, a use whose business name is "Wholesale Liquidation" but that sells mostly to consumers, would be included in the Sales Oriented Retail category rather than the Wholesale Sales category. This is because the actual activity on the site matches the description of Sales Oriented Retail.

18.130.025 Category Titles

The names of the use categories start with capital letters throughout this title.

Commentary

Changes to TDC 18.130.030 are intended to reinforce the use of use categories, rather than lists of specific uses. This section is also being moved forward in the chapter, to provide adjacency with other administrative notes regarding this Use Categories.

18.130.030 ~~Unlisted Use: Authorization of Similar Use~~ Omitted and Unanticipated Uses

- A. Purpose. It is not possible to contemplate all of the various uses which will be compatible within a zoning district. Therefore, unintentional omissions occur and unanticipated uses may not be clearly assignable to a use category. The purpose of these provisions is to establish a procedure for determining whether certain specific uses would have been permitted in a zoning district had they been contemplated and whether such ~~unlisted~~ omitted and/or unanticipated uses are compatible with the listed uses.
- B. Process. The Director shall render an interpretation, as governed by Chapter 18.340
- C. Approval standards. Approval or denial of an unlisted use application by the Director shall be based on findings that:
1. The use is consistent with the intent and purpose of the applicable zoning district;
 2. The use is similar to and of the same general type as the ~~uses~~ use categories listed in the zoning district;
 3. The use has similar intensity, density, and off-site impacts as the ~~uses~~ use categories listed in the zoning district, to be evaluated using the criteria set forth in Subsection 18.130.015.A.2; and
 4. The use has similar impacts on the community facilities as the listed ~~uses~~ use categories. Community facilities include streets, schools, libraries, hospitals, parks, police and fire stations, and water, sanitary sewer and storm drainage systems.
- D. Other provisions.
1. The Director shall not authorize an ~~unlisted~~ omitted and/or unanticipated use in a zoning district if the use category is specifically listed in another zone as either a permitted use, restricted use, or a conditional use.
 2. The Director shall maintain a list by zoning district of approved unlisted uses and the list shall have the same effect as an amendment to the use provisions of the applicable zone.

Commentary

As discussed above, the **recommendation** reduces the number of subsections by expanding the number of sections from three to nine. Uses are also being reorganized into alphabetical order. The purpose is to ease navigation and reduce the length and complexity of citations.

On the opposite page, Residential Use Types moves from being a subsection (18.130.020.A) to a full section (18.130.040). In addition, Group living has been reordered ahead of Household Living for the purposes of alphabetizing the Section. Substantive changes to Group Living are limited to the addition of more detail regarding accessory uses. Otherwise the new language and reformatting are intended to add clarity.

18.130.020 — Listing of Use Categories**A. Residential use types:**

2. ~~Group Living: Living facilities for groups of unrelated individuals which includes at least one person residing on the site who is responsible for supervising, managing, monitoring and/or providing care, training or treatment of residents. Larger group living facilities may also be characterized by shared facilities for eating, hygiene and/or recreation. Examples include nursing/ convalescent homes, residential care/treatment facilities; sororities/fraternities and convents/monasteries. Tenancy is longer than one month. Does not include detention and post-detention facilities (see 18.130.020 E.3., Detention Facilities).~~

18.130.040 Residential Use TypesA. Group Living

1. Characteristics: Group Living is a living facility for groups of unrelated individuals which includes at least one person residing on the site who is responsible for supervising, managing, monitoring, and/or providing care, training, or treatment of residents. Large group living facilities may also be characterized by shared facilities for eating, hygiene, and/or recreation.
2. Accessory Uses: Accessory uses commonly found are recreational facilities and parking.
3. Examples: Examples include dormitories; communes; fraternities and sororities; monasteries and convents; nursing and convalescent homes; some group homes for the physically and mentally disabled; and some residential programs for drug and alcohol treatment.
4. Exceptions.
 - a. Does not include lodging meeting the definition of Transitional Housing, Detention Facilities, and/or Commercial Lodging.
 - b. Does not include lodging where the residents meet the definition of Household, and where tenancy is arranged on a month-to-month basis, or for a longer period, which is classified as Household Living.

Commentary

Substantive changes to the Household Living use categories are limited to the addition of more detail regarding accessory uses. No change is being proposed to what constitutes a household or dwelling unit, which are defined in the definitions chapter under sections 18.120.030.A.96 and 18.120.030.A.75. Otherwise the new language and reformatting are intended to add clarity.

- ~~1. Household Living: Living facilities for small groups (households) of people who are related or unrelated, featuring self-contained units including facilities for cooking, eating, sleeping and hygiene. Tenancy is longer than one month. Includes most types of senior housing, e.g., congregate care, assisted living, if residents live in self-contained units. The maximum number of people who may reside in any given dwelling unit shall be determined by the Uniform Building Code.~~

B. Household Living

1. Characteristics: Household Living is characterized by the residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month basis, or for a longer period. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of commercial lodging or transitional housing. Apartment complexes that have accessory services such as food service, dining rooms, and housekeeping are included as Household Living if tenancy meets length of stay requirements and residents have access to facilities for individual meal preparation. The maximum number of people who may reside in any given dwelling unit shall be determined by the State Building Code.
2. Accessory Uses: Accessory uses commonly found are recreational activities, keeping of normal household pets, hobbies, and parking of the occupants' vehicles. Home occupation, and accessory dwelling units are examples of accessory uses that are subject to additional regulations.
3. Examples: Uses include living in houses, duplexes, apartments, condominiums, retirement center apartments, manufactured housing, and other structures with self-contained dwelling units. Includes most types of senior housing, e.g., congregate care, assisted living, if residents live in self-contained units.
4. Exceptions:
 - a. Does not include for-profit lodging, where tenancy may be arranged for periods less than one month. Such uses are considered a hotel or motel use and are classified as commercial lodging.
 - b. Does not include lodging meeting the definition of Transitional Housing.

Commentary

Substantive changes to Transitional Living are limited to the addition of more detail regarding accessory uses. Otherwise the new language and reformatting are intended to add clarity.

On September 14, 2010 Council directed staff to modify the characteristics section of transitional housing to allow for a 45 day maximum tenancy, rather than the existing one-month time limit. This change would allow for a more realistic time frame for the users and operators of transitional housing who often need more than 30 days to process and find permanent housing arrangements. However, the new time limit would not change the underlying characteristic of transitional housing which is a defined limit on the duration of occupancy. Commercial lodging uses such as hotels and motels would remain unaffected by this amendment.

5. ~~Transitional Housing: Public or non-profit living facilities with same characteristics as Group Living but with tenancy less than one month. Examples include homeless shelters, women's/children's shelters, drug/alcohol treatment facilities. Excludes private, profit-making short-term housing (see 18.130.020 C.1., Commercial Lodging); and detention and post-detention facilities (see 18.130.020 E.3., Detention Facilities).~~

C. Transitional Housing

1. Characteristics: Transitional housing is characterized as public or non-profit living facilities possessing the same characteristics as Household or Group Living, but with tenancy less than 45 days.
2. Accessory Uses: Accessory uses commonly found are recreational facilities, parking of autos for the occupants and staff, and parking of vehicles for the facility.
3. Examples: Examples include homeless shelters, women's/children's shelters, drug/alcohol treatment facilities.
4. Exceptions:
 - a. Does not include for-profit lodging where tenancy may be arranged for periods less than one month, which is considered a hotel or motel use and is classified as Commercial Lodging
 - b. Does not include residential uses meeting the definition of Group Living.
 - c. Does not include residential uses where the residents meet the definition of Household Living.
 - d. Does not include residential uses meeting the definition of Detention Facilities.

Commentary

Changes to Basic Utilities includes the addition of new language describing the characteristics of this category, to better clarify what constitutes as a “basic utility” versus other kinds of public infrastructure.

~~B. Civic use types:~~

- ~~1. Basic Utilities: Community infrastructure, including water and sewer systems, telephone exchanges, power substations and transit stations.~~

18.130.050 Civic Use Categories

A. Basic Utilities

1. Characteristics: Basic Utilities are infrastructure services which need to be located in or near where the service is provided. Service may be public or privately provided.
2. Accessory Uses: Accessory uses commonly found are parking; and control, monitoring, data or transmission equipment and shelters.
3. Examples: Examples include water and sewer systems, telephone exchanges, power substations, and transit stations.
4. Exceptions:
 - a. Utility Offices where employees or customers are generally present are classified as offices.
 - b. Bus barns are classified as Warehouse/Freight Movement.
 - c. Public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or other similar services on a regional level are classified as Rail Lines and Utility Corridors.

Commentary

The description of Colleges has been expanded beyond the phrase “institutions of higher learning” to provide greater clarity regarding the expected characteristics and examples for this land use category. For profit trade and vocational schools are still excluded from this category.

On July 19, 2010 the Planning Commission voted to combine the language in section G.1 of Page 31 into one long sentence through the insertion of a comma and the words “and are.” This was done to correct a grammatical error, and not to change the intent or effect of the language. For similar reasons, the language of section B.1 is being combined into one long sentence, through the insertion of a comma and the word “and”.

- ~~2. Colleges: Institutions of higher education with/without dormitories. Excludes private, profit-making trade and vocational schools (see 18.130.020 C.1., Personal Services).~~

B. Colleges

1. Characteristics: Colleges are institutions of higher education leading to a general or specialized degree. They are certified by the State Board of Higher Education or by a recognized accrediting agency, and tend to be in a campus like setting or on multiple blocks, with or without dormitories.
2. Accessory Uses: Accessory uses commonly found include offices, housing for students, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities, and supporting commercial facilities.
3. Examples: Examples include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital, and seminaries.
4. Exceptions:
 - a. Does not include private, for-profit trade and vocational schools which are considered Personal Services.
 - b. Does not include public and private schools at the primary, elementary, middle, junior high, or high school level that provide state mandated basic education.

Commentary

The description for Community Recreation has been expanded to provide greater clarity regarding the characteristics of this category. Examples remain the same.

- ~~3. Community Recreation: Public or non-profit recreational, social and multi-purpose facilities. Examples include: community centers, senior centers, indoor and outdoor tennis/racquetball and soccer clubs, indoor/outdoor swimming pools, parks, playgrounds, picnic areas and golf courses. Excludes commercial recreational facilities (see 18.130.020 3.C.3.e, Indoor Entertainment).~~

C. Community Recreation

1. Characteristics: Community Recreation uses are public or non-profit recreational, social and multi-purpose facilities of an indoor and/or outdoor nature.
2. Accessory Uses: Accessory uses commonly found are parking, offices, athletic facilities, clubhouses, picnic shelters, maintenance facilities, and concessions.
3. Examples: Examples include community centers, senior centers, indoor and outdoor tennis/racquetball and soccer clubs, indoor/outdoor swimming pools, parks, playgrounds, picnic areas and golf courses.
4. Exceptions:
 - a. Does not include uses meeting the definition of Cultural Institutions.
 - b. Does not include for-profit commercial recreational facilities which are considered Entertainment-Oriented Commercial Uses.

Commentary

The description for Cultural Institutions has been expanded to provide greater clarity regarding the characteristics of this category. Accessory uses and examples remain the same.

4. ~~Cultural Institutions: Public or non-profit cultural facilities including libraries, museums and galleries. May include incidental and subordinate commercial uses such as a gift shop, bookstore, and limited food and beverage services.~~

D. Cultural Institutions

1. Characteristics: Cultural Institutions are uses of a public or non-profit nature which engage in the cultural, intellectual, historical, scientific, or artistic enrichment of the public.
2. Accessory Uses: Accessory uses commonly found are parking, gift shops, bookstores, limited food and beverage services, and classrooms.
3. Examples: Examples include libraries, museums, and galleries.
4. Exceptions:
 - a. Does not include uses meeting the definition of Schools or Colleges.
 - b. Does not include uses meeting the definition of Community Recreation.
 - c. Does not include for-profit commercial recreational facilities which are considered Entertainment-Oriented Commercial.

Commentary

The Day Care use category has been compressed from four discrete types into one broad category. This was done as the four subtypes do not correspond with how they are regulated in Use Tables 18.510.1 and 18.520.1. Both tables contain notes that state “In-home dare care which meets all state requirements permitted by right; freestanding day care centers which meet all state requirements permitted conditionally.” Because the state may choose to amend how it regulates day cares, the proposed language only includes the phrase “in a facility meeting all state requirements” in order to avoid the necessity of updating the City’s codes should the state amend its regulations.

~~5. Day Care: As defined by Oregon State Statute:~~

- ~~a. Family Day Care: Provision of day care services for children, with or without compensation, in the home of the caregiver. May provide care for six or fewer children full-time, with an additional four or fewer full-time or part-time children. During the school year, a family day care provider may care for four additional children on days and during the hours that school is not in session. Such children must be at least an age eligible for first grade. During summer vacation, a provider may care for four additional day care children of any age up to a maximum of four hours per day. No more than a total of 10 children including the provider's own children may be present at any one time.~~
- ~~b. Day Care Group Home: Day care facility in which care is provided in the home of the caregiver, with or without compensation, for 7-12 children. It is subject to certification by the Children's Services Division.~~
- ~~c. Institutional Day Care: Day care facility operated with or without compensation that is certified by the state to care for 13 or more children, or a facility that is certified to take care of 12 or fewer children and located in a building constructed as other than a single-family dwelling. Typical uses include nursery schools, pre-schools, kindergartens, before- and after-school care facilities or child development centers.~~

E. Day Care

1. Characteristics: Day Care is the provision of regular child care, with or without compensation, to four or more children by a person or person(s) who are not the child's parent, guardian, or person acting in place of the parent, in a facility meeting all state requirements.
2. Accessory Uses: Accessory uses commonly found are offices, play areas and parking.
3. Examples: Examples include nursery schools, before-and-after school care facilities, and child development centers.
4. Exceptions:
 - a. Does not include care given by the parents, guardians, or relatives of the children, or by babysitters.

Commentary

Similar to the Basic Utilities section, the Emergency Services category includes expanded language to clarify the intent of this use category. Examples remain the same.

6. ~~Emergency Services: Public safety facilities including police and fire stations, emergency communications and ambulance services.~~

F. Emergency Services

1. Characteristics: Emergency Services are public safety facilities necessary for the protection of life and property.
2. Accessory Uses: Accessory uses may include offices; meeting areas; parking; food preparation areas; transmission equipment; and temporary holding cells within a police station.
3. Examples: Examples include police and fire stations, emergency communications, and ambulance services.
4. Exceptions:
 - a. Does not include uses meeting the definition of Detention Facilities.
 - b. Does not include uses meeting the definition of Medical Centers.

Commentary

The Medical Centers category retains substantially the same language describing its characteristics, accessory uses, examples and exceptions but formatted to fit the new structure. The one main addition is the inclusion of an exception to make clear that emergency services are not part of this category.

On July 19, 2010 the Planning Commission voted to combine the language in section G.1 into one long sentence through the insertion of a comma and the words “and are.” This was done to correct a grammatical error, and not to change the intent or effect of the language.

7. ~~Medical Centers: Facilities providing inpatient, outpatient and emergency and related ancillary services to the sick and infirm. Usually developed in campus setting. Accessory uses may include diagnostic and treatment facilities, laboratories, surgical suites, kitchen/food service facilities; laundry, housekeeping and maintenance facilities; administrative offices and parking. Medical centers may also include free-standing offices for hospital-based and/or private-practice physicians and other allied health care professionals; these medical office buildings are regulated as Offices.~~

G. Medical Centers

1. Characteristics: Medical Centers are facilities providing inpatient, outpatient, and emergency and related ancillary services to the sick and infirm, and are usually developed in a campus setting or on multiple blocks.
2. Accessory Uses: Accessory uses may include diagnostic and treatment facilities, laboratories, surgical suites, kitchen/food service facilities; laundry, housekeeping and maintenance facilities; administrative offices and parking.
3. Examples: Examples include hospitals and medical complexes that include hospitals.
4. Exceptions:
 - a. Medical Centers may also include free-standing offices for hospital-based and/or private-practice physicians and other allied health care professionals; these medical office buildings are regulated as Offices
 - b. Does not include uses meeting the definition of Emergency Services

Commentary

The Postal Service category retains substantially the same language, but reformatted for the new subcategories.

Religions Institutions maintains substantially the same language, but expanded to include examples from various religions. Daycare is included as an accessory use to Religious Institutions, formalizing a Director's Interpretation issued on January 28, 2010.

- ~~8. Postal Service: Refers to postal services and processing as traditionally operated by the U.S. Postal Service, United Parcel Service or other similar entities. Such facilities include customer sales, mail sorting and fleet truck storage.~~

H. Postal Service

1. Characteristics: Postal Service includes letter, periodical and package delivery services traditionally operated by the United States Postal Service and for-profit entities such as United Parcel Service and Federal-Express. Such facilities typically include customer sales, sorting facilities, and fleet truck loading and storage.
 2. Accessory Uses: Accessory uses commonly found are offices, parking, and storage facilities.
 3. Examples: Examples include U.S. Post Offices and parcel package distribution centers.
- ~~9. Religious Institutions: Places of religious worship which may include related accessory uses such as offices, classrooms, auditoriums, social halls, gymnasiums and other recreational activities.~~

I. Religious Institutions

1. Characteristics: Religions Institutions provide meeting space that is primarily used for religious worship.
2. Accessory Uses: Accessory uses may include offices, classrooms, daycare, parking, social halls, and recreational activities.
3. Examples: Examples include churches, temples, synagogues, and mosques.

Commentary

The Schools category has been expanded to provide greater clarity on the purpose of this use category, in contrast to other types of education such as universities and vocational schools.

Social/Fraternal Clubs/Lodges retains the same descriptive language, but has been expanded to include accessory uses and examples of allowed uses.

~~10. Schools: Public and private elementary, middle and high schools.~~

J. Schools

1. Characteristics: Schools include public and private schools at the primary, elementary, middle, junior high, or high-school level that provide state-mandated basic education.
2. Accessory Uses: Accessory uses may include play areas, cafeterias, recreational and sports facilities, athletic fields, auditoriums, and before-and-after-school daycare.
3. Examples: Examples include public and private daytime schools.
4. Exceptions:
 - a. Does not include preschools which are classified as Daycare uses.
 - b. Does not include private, profit-making trade and vocational schools which are considered Personal Services.
 - c. Does not include uses meeting the definition of Colleges.

~~11. Social/Fraternal Clubs/Lodges: Non-profit organizations with social, philanthropic and/or recreational functions and activities.~~

K. Social/Fraternal Clubs/Lodges

1. Characteristics: Social/Fraternal Clubs/Lodges are non-profit organizations with social, philanthropic, and/or recreational functions and activities.
2. Accessory Uses: Accessory uses commonly found are offices, auditoriums, parking, and limited food and beverage service.
3. Examples: Examples include Veterans of Foreign Wars posts, Elks Lodges, and Masonic Temples.

Commentary

Adult Entertainment remains substantially the same, but reformatted into the new subcategories. Adult video stores are not included as examples because they are defined as an adult bookstore in the definitions chapter (TDC 18.120.030.A.8).

Animal Related Commercial remains substantially the same, but with greater clarification on how this category is distinguished from other use categories. Poultry and livestock are being clarified as an agricultural use, as stated in the exceptions. This exception is based upon an existing note under the residential use table (TDC Table 18.510.1, note “6”) that links the two, stating “When an agricultural use is adjacent to a residential use, no poultry or livestock, other than normal household pets, may be housed or provided use of a fenced run within 100 feet of any nearby residence except a dwelling on the same lot.” Similarly, a single dwelling unit for an on-site caretaker or the owner/operator and their family has been added as an accessory use, consistent with existing note “6” of TDC Table 18.530.1.

~~C. Commercial use types:~~

18.130.060 Commercial Use Categories

- ~~d. Adult Entertainment: Facilities including adult motion picture theaters, adult video/book stores and topless, bottomless and nude dance halls which include materials and activities characterized or distinguished by an emphasis on matters depicting specified sexual activities or anatomical areas.~~

A. Adult Entertainment

1. Characteristics: Adult Entertainment includes uses characterized or distinguished by an emphasis on matters depicting specified sexual activities or anatomical areas.
2. Accessory Uses: Accessory uses commonly found include parking.
3. Examples: Examples include adult motion picture theaters, adult book stores, and topless, bottomless, and nude taverns and dance halls.

- ~~f. Animal-related: Animal breeding and boarding facilities. Excludes pet sales/supplies (see 18.120.030 C.4.a, Sales Oriented); animal grooming (see 18.130.20 C.4.b, Personal Services); and veterinary clinics (see 18.130.020 C.6., Offices).~~

B. Animal-related Commercial

1. Characteristics: Animal-Related uses are those engaged in breeding, and/or boarding of normal household pets. Limited animal sales may or may not be part of the use.
2. Accessory Uses: Accessory uses commonly found include parking, office space, and storage space.
3. Examples: Examples include animal breeders, kennels, overnight boarding facilities, and a single dwelling unit exclusively occupied by an on-site caretaker or the kennel owner/operator and family.
4. Exceptions:
 - a. Facilities where the primary activity is animal sales shall be considered Sales-Oriented Retail.
 - b. Does not include animal grooming, which is considered Personal Services or Repair-Oriented Retail.
 - c. Does not include veterinary clinics, which are considered Office.
 - d. Does not apply to poultry or livestock, which are considered an Agriculture/Horticulture Use.

Commentary

Bulk Sales retains substantially the same language, just reformatted.

Commercial Lodging retains substantially the same language, but reformatted to fit the new subsections.

- ~~d. Bulk sales: Establishments which engage in the sales, leasing and rental of bulky items requiring extensive interior space for display including furniture, large appliance and home improvement sales.~~

C. Bulk sales

1. Characteristics: Establishments engaging in the sales, leasing, and rental of bulky items requiring extensive interior space for display.
 2. Accessory Uses: Accessory uses commonly found include parking, office space, and storage space.
 3. Examples: Examples include furniture, large appliances, and home improvement.
 4. Exceptions:
 - a. Does not include uses meeting the definition of Outdoor Sales.
 - b. Does not include Motor Vehicle Sales/Rental.
- ~~1. Commercial Lodging: Residential facilities such as hotels, motels, rooming houses and bed-and-breakfast establishments where tenancy is typically less than one month. May include accessory meeting and convention facilities and restaurants/bars.~~

D. Commercial Lodging

1. Characteristics: Commercial Lodging includes for-profit residential facilities where tenancy is typically less than one month.
2. Accessory Uses: Accessory uses commonly found are parking, restaurants and bars, meeting and convention facilities, and recreational facilities for guests such as pools and gym.
3. Examples: Examples include hotels, motels, rooming houses, and bed-and-breakfast establishments.
4. Exceptions:
 - a. Does not include uses meeting the definition of Group Living or Transitional Housing

Commentary

This land use category was introduced into the Tigard Development Code under Ordinance 10-2 which, amongst other things, established the Tigard Downtown District Development and Design Standards. In that amendment Custom Arts and Crafts was established in Table 18.520.1, and in the definitions chapter (TDC 18.120.030.A.61), but not in the Use Classifications Chapter (TDC 18.130) which is the repository of land use descriptions. The recommendation amendment here fills this gap.

E. Custom Arts and Crafts

1. Characteristics: Establishments engaged in the on-site manufacture and sale of crafts, art, sculpture, pottery, stained glass, musical instruments, and similar items produced without the use of a mechanized assembly line or large-scale machinery. Typically the business is operated by an artist or craftsperson who may or may not be supported by a small number of assistants.
2. Accessory Uses: Accessory uses commonly found include showrooms, sales facilities, parking, office space, storage space, and temporary outdoor activities subject to further regulation under 18.785.
3. Examples: Examples include artisans and artists producing arts and crafts from materials such as wood, glass, fabric, fiber, and painted images on canvas or other portable materials.
4. Exceptions:
 - a. Does not include uses where customers come to paint or assemble their own craft or artwork. Such uses are considered Sales-Oriented-Retail.

Commentary

Eating and Drinking Establishments remains substantially the same, but with the addition of accessory uses and an exception to clarify this category from grocery and convenience stores.

Both Outdoor and Indoor entertainment categories remain substantially the same regarding the characteristics and examples of each use, with accessory uses and exceptions introduced for greater clarity.

- ~~2. Eating and Drinking Establishments: Establishments which sell prepared food and beverages for consumption on site or take-away including restaurants, delicatessens, bars, taverns, brew-pubs and espresso bars.~~

F. Eating and Drinking Establishments

1. Characteristics: Eating and Drinking Establishments are characterized by the sale of prepared food and beverages for consumption on-site or take-away.
2. Accessory Uses: Accessory uses commonly found are parking and outdoor seating areas.
3. Examples: Examples include restaurants, delicatessens, retail bakeries, taverns, brew-pubs, and espresso bars.
4. Exceptions:
 - a. Does not include grocery stores and convenience stores, which are classified as Sales-Oriented General Retail.

- ~~e. Indoor Entertainment: Commercial indoor facilities such as health/fitness clubs, tennis, racquetball and soccer centers, recreational centers, skating rinks, bowling alleys, arcades, shooting ranges and movie theaters.~~

G. Indoor Entertainment

1. Characteristics: Indoor entertainment consists of for-profit facilities providing active recreational uses of a primarily indoor nature.
2. Accessory Uses: Accessory uses commonly found include parking, offices, limited retail, and concessions.
3. Examples: Examples include health/fitness clubs, tennis, racquetball and soccer centers, recreational centers, skating rinks, bowling alleys, arcades, shooting ranges, and movie theaters.
4. Exceptions:
 - a. Does not include uses meeting the definition of Community Recreation or Cultural Institutions.

Commentary

The TDC presently separates multiple entertainment-oriented uses into multiple sub-categories, but does not regulate them as a broader category. This can be confusing when the primary functional difference between an entertainment-oriented category and a civic category is only a matter of ownership and organizational status (for-profit versus public/non-profit), not of actual land use activity. As a result it is proposed that the Entertainment Oriented Category be omitted and the land use categories be individually numbered.

The characteristics and examples of Major Event Entertainment is proposed to remain substantially the same, with accessory uses and exceptions introduced to provide greater clarity.

~~3. Entertainment-Oriented~~

- ~~a. Major Event Entertainment: Facilities such as auditoriums, stadiums, convention centers and race tracks which provide athletic, cultural or entertainment events and exhibits for large groups of spectators.~~

H. Major Event Entertainment

1. Characteristics: Major Event Entertainment facilities are uses characterized by activities and structures that draw large numbers of people to specific events or shows. Activities are generally of a spectator nature.
2. Accessory Uses: Accessory uses commonly found include parking, maintenance facilities, and concessions.
3. Examples: Examples include auditoriums, stadiums, convention centers and race tracks.
4. Exceptions:
 - a. Does not include uses meeting the definition of Cultural Institutions.
 - b. Does not include movie theaters or playhouses, which are considered Indoor Entertainment.

Commentary

Motor Vehicle Sales/Rental remains substantially the same, but reformatted and clarified.

Motor Vehicle Servicing/Repair remains substantially the same, just reformatted and clarified.

~~5. Motor Vehicle Related~~

- ~~a. Motor Vehicle Sales/Rental: Includes cars, light and heavy trucks, mobile home, boat and recreational vehicle sales, rental and service.~~

I. Motor Vehicle Sales/Rental

1. Characteristics: Motor Vehicle Sales/Rental includes land uses involved in the sale, lease, and/or rental of cars, motorcycles, light and heavy trucks, mobile homes, boats, and recreational vehicles.
2. Accessory Uses: Accessory uses commonly found include parking, auto repair and maintenance facilities, office space, and storage space.
3. Examples: Examples include auto dealerships, used car lots, and car rental facilities.

- ~~b. Motor Vehicle Servicing/Repair: Free-standing vehicle servicing and repair establishments including quick and general vehicle service, car washes and body shops not an accessory to new vehicle sales.~~

J. Motor Vehicle Servicing/Repair

1. Characteristics: Motor Vehicle Servicing/Repair includes free-standing vehicle servicing and repair establishments not accessory to new vehicle sales.
2. Accessory Uses: Accessory uses commonly found include parking, office space, and storage space.
3. Examples: Examples include general service stations, quick oil-change facilities, car washes, and body shops.

- ~~e. Vehicle Fuel Sales: Establishments engaging in the sale of gasoline, diesel fuel and oil products for cars, trucks, recreational vehicles and boats.~~

Commentary

Non-Accessory Parking remain substantially the same, just reformatted.

~~7. Non-Accessory Parking: Any private or public parking, either paid or free, which is not an accessory to a primary use; includes public and private parking structures and lots, and transit park-and-ride lots. May also include free-standing fleet vehicle parking lot.~~

K. Non-Accessory Parking

1. Characteristics: Non-Accessory Parking is any public or private parking which is not accessory to a primary use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as Non-Accessory Parking.
2. Accessory Uses: Accessory uses commonly found are a ticket booth to collect fees and house security personnel.
3. Examples: Examples include public and private structures and surface parking lots, free-standing fleet vehicle parking, commercial district shared parking lots, and transit park-and-ride lots.
4. Exceptions
 - a. Parking facilities accessory to a use, but which charge the public to park for occasional events nearby, are not considered Commercial Parking Facilities.

Commentary

The Office category remains substantially the same, but with one clarification in the characteristics sub-category that distinguishes medical offices from other types of offices. This distinction is important as Table 18.765.2 (Minimum and Maximum Required Off-Street Vehicle and Bicycle Parking Requirements) already distinguishes between these two types of office space.

- ~~6. Office: Government, business and professional offices. Examples include local, regional, state and federal offices and agencies; medical, dental and veterinary clinics and laboratories; blood collection centers; offices for attorneys, architects, accountants, engineers, stockbrokers, real estate agents, mortgage bankers, insurance brokers and other consultants; headquarters offices; sales offices; and radio and television studios. Also includes painting, landscaping, building and janitorial contractors where the indoor storage of materials and equipment are incidental to the office use. If this storage exceeds 50% of occupied space, such uses are classified as Industrial Services (see 18.130.020 D.1) Offices that are part of and are located within a firm in another use category are considered accessory to the firm's primary activity.~~

L. Office

1. Characteristics: Office uses are characterized by activities conducted in an office setting that focus on the provision of goods and services, usually by professionals. Traditional Office uses are characterized by activities that generally focus on business, government, professional, medical, or financial services. Office uses may include activities that, while conducted in an office-like setting, are less consumer-oriented and focus on the support of off-site service personnel or in the development, testing, production, processing, packaging, or assembly of goods and products. Medical, dental, veterinary offices are out-patient clinics which provide healthcare to humans or animals, characterized by a professional or group of professionals assisted by support staff.
2. Accessory Uses: Accessory uses commonly found are parking and storage facilities.
3. Examples: Examples include government offices; medical, dental, and veterinary clinics and laboratories; blood collection centers; professional offices for attorneys, architects, engineers, stockbrokers, insurance brokers, and other consultants; headquarters offices; sales offices; radio and television studios; administrative offices for painting, building, and landscaping contractors; and software development firms.
4. Exceptions:
 - a. Offices that are part of and are located within a firm in another use category are considered accessory to the firm's primary activity.
 - b. Contractors and others who perform services off-site are included in the Office category if equipment and materials are incidental to the office use and their storage does not constitute 50% or more of occupied space, otherwise they are considered as Industrial Services.

Commentary

Both Outdoor and Indoor entertainment categories remain substantially the same regarding the characteristics and examples of each use, with accessory uses and exceptions introduced for greater clarity.

- b. ~~Outdoor Entertainment: Facilities with extensive outdoor facilities including outdoor tennis clubs, golf courses and shooting ranges.~~

M. Outdoor Entertainment

1. Characteristics: Outdoor entertainment consists of for-profit facilities providing active recreational uses primarily in an out-of-doors setting.
2. Accessory Uses: Accessory uses commonly found include parking, offices, clubhouses, and concessions.
3. Examples: Examples include outdoor tennis clubs, golf courses, and shooting ranges.
4. Exceptions:
 - a. Does not include uses meeting the definition of Community Recreation.

Commentary

Outdoor Sales remains substantially the same in characteristics and examples, but receives expanded language regarding exceptions to this category. The intent of this use category is not to include truly temporary activities that occur for a limited period of time, such as Christmas tree lots or seasonal markets, which are better regulated in TDC 18.785.

- e. ~~Outdoor sales: Establishments which engage in sales requiring outdoor display and/or storage including lumber yards and nurseries.~~

N. Outdoor Sales

1. Characteristics: Outdoor Sales are sales-oriented establishments requiring extensive outdoor or only partially-enclosed display and/or storage. These uses may be retail, wholesale, or a combination of the two.
2. Accessory Uses: Accessory uses commonly found include parking and office space.
3. Examples: Examples include lumber yards and plant nurseries.
4. Exceptions:
 - a. Does not include Motor-Vehicle Sales/Rental and Vehicle Fuel.
 - b. Does not include outdoor dining areas for Eating and Drinking establishments.
 - c. Does not include incidental and temporary outdoor activities such as Christmas tree lots, 'sidewalk sales', and seasonal markets, which may be subject to additional regulation under 18.785.
 - d. Does not include limited outdoor or partially-enclosed display and/or storage areas that are clearly incidental and accessory to retail uses selling hardware and home improvement supplies.

Commentary

Personal Services and Repair Oriented Retail remain substantially the same with one significant clarification that results in the moving of a few example businesses types. Personal Services is being clarified as providing consumer services in a manner necessitating one visit per transaction. In contrast, repair-oriented retail is being clarified to provide consumer services that typically require two visits per transaction (drop-off & pick-up). As a result, the following business examples are being moved from Personal Services to Repair-Oriented Retail: dry cleaners, quick printing, doggy-day care and drop-off pet grooming facilities.

- ~~b. Personal Services: Establishments which provide consumer services such as banks and credit unions; barber and beauty shops; pet grooming; laundromats and dry cleaners; copy centers; photographic studios; trade/vocational schools; and mortuaries.~~

O. Personal Services

1. Characteristics: Personal Services are establishments which are oriented towards the provision of consumer services in a manner typically necessitating no more than one consumer visit per service transaction.
2. Accessory Uses: Accessory uses commonly found include parking, office space, and storage space.
3. Examples: Examples include banks/credit unions, barber/beauty shops, self-serve pet grooming, laundromats, copy centers, photographic studios, trade/vocational schools, mortuaries, and beverage container redemption centers.
4. Exceptions:
 - a. Does not include Office Uses.
 - b. Does not include Repair-Oriented Retail Uses.
 - c. Does not include Motor-Vehicle Servicing/Repair and Vehicle Fuel.
- ~~c. Repair-oriented: Establishments which engage in the repair of consumer and business goods including television and radios; bicycles; clocks; jewelry; guns; small appliances and office equipment; tailors and seamstresses; shoe repair; locksmith and upholsterer.~~

P. Repair-Oriented Retail

1. Characteristics: Repair-Oriented Retail are establishments providing product repair of consumer and business goods, and other consumer services that typically necessitate two or more consumer visits per service transaction.
2. Accessory Uses: Accessory uses commonly found include parking, office space, workshop space, and storage.
3. Examples: Examples include televisions and radios, bicycles, clocks, jewelry, guns, small appliances, office equipment, tailors and seamstresses, shoe repair, locksmiths, upholsterers, photo and laundry drop-off, dry-cleaners, quick printing, drop-off pet grooming and doggy-daycare.
4. Exceptions:
 - a. Does not include Motor-Vehicle Servicing/Repair.

Commentary

Like entertainment oriented uses, the General Retail Category and its subcategories does not appear to serve a functional use. As a result the categories are being renumbered as distinct use categories rather than as a set of “General Retail” categories.

Sales-Oriented Retail remains substantially the same, only reformatted. In recognition of temporary and seasonal land uses that can occur in places like parking lots (i.e. Christmas Tree Lots), temporary activities regulated by TDC 18.785 are included as an accessory use.

~~4. General Retail~~

- ~~a. Sales-Oriented: Establishments which consumer-oriented sales, leasing and rental of consumer, home and business goods including art; art supplies; bicycles; clothing; dry goods; electronic equipment; fabric; gifts; groceries; hardware; household products; jewelry; pets and pet products; pharmaceuticals; plant; printed materials; stationery and videos. Excludes large-scale consumer products (see 18.130.020 C.4.d); and those sold primarily outdoors (see 18.130.020 C.4.e, Outdoor Sales).~~

Q. Sales-Oriented Retail

1. Characteristics: Sales-Oriented Retail firms are involved in the sale, leasing, and rental of new or used products to the general public.
2. Accessory Uses: Accessory uses commonly found include parking, office space, storage space, and temporary outdoor activities subject to regulation in TDC 18.785.
3. Examples: Examples include art, art supplies, bicycles, clothing, dry goods, electronics, fabric, gifts, groceries, hardware, household products, jewelry, pets and pet products, pharmaceuticals, plants, printed materials, stationary, and printed and electronic media.
4. Exceptions:
 - a. Does not include uses meeting the definition of Bulk Sales.
 - b. Does not include uses meeting the definition of Outdoor Sales.
 - c. Does not include Motor-Vehicle Sales/Rental and Vehicle Fuel.

- ~~8. Self-Service Storage: Commercial operations which provide rental of storage space to the public. The storage areas are designed to allow private access by the tenant for storing or removing personal property. Does not include moving and storage companies where there is no individual storage or where employees are primary movers of the goods to be stored (see 18.130.020 D.5, Warehouse/Freight Movement).~~

R. Self-Service Storage

1. Characteristics: Commercial operations which provide rental of storage space to individuals or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property.
2. Accessory Uses: Accessory uses commonly found include parking, office space, and a dwelling unit for a residential caretaker.
3. Examples: Examples include single-story and multi-story facilities that provide individual storage areas for rent, often called miniwarehouses or self-storage facilities; and the storage of boats and recreational vehicles.
4. Exceptions:
 - a. Does not include moving and storage companies where there is no individual storage or where employees are primary movers of the goods to be stored. Such uses are considered Warehouse/Freight Movement.
 - b. Does not include the storage of fleet vehicles, which is considered non-accessory parking, or the storage of sales or rental inventory, which is considered Motor Vehicle Sale/Rental.

Commentary

Vehicle Fuel Sales remains substantially the same, but with expansive language clarifying that all types of vehicle fuel and not just petroleum products.

S. Vehicle Fuel Sales

1. Characteristics: Vehicle Fuel Sales includes establishments engaging in the sale of petroleum and non-petroleum based fuels for cars, motorcycles, trucks, recreational vehicles, and boats.
2. Accessory Uses: Accessory uses commonly found include parking, office space, and storage space.
3. Examples: Examples include gas stations and electric vehicle charging stations.

Commentary

General Industrial remain substantially the same, just reformatted.

18.130.070 Industrial Use Categories

- b. ~~General Industrial: Manufacturing, processing and assembling of semi-finished or finished products from raw materials. All activities are contained within buildings although there may be some outside storage of raw materials. Examples include food processing; breweries, distilleries and wineries; production of apparel or textiles; woodworking including cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone or glass materials or products; manufacturing and production of large-scale machinery.~~

A. General Industrial

1. Characteristics: General Industrial includes the manufacturing, processing and assembling of semi-finished or finished products from raw materials. All activities are contained within buildings, with some outside storage of raw materials.
2. Accessory Uses: Accessory uses commonly include parking, office, and storage space.
3. Examples: Examples include food processing; breweries, distilleries and wineries; production of apparel or textiles; woodworking including cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone or glass materials or products; manufacturing and production of large-scale machinery.
4. Exceptions:
 - a. Does not include uses meeting the definition of Custom Arts and Crafts.
 - b. Does not include the manufacture and production of goods from the composting of organic material, which is considered Waste-Related.

Commentary

Heavy Industrial remains substantially the same, just reformatted.

- e. ~~Heavy Industrial: Manufacturing, processing and assembling of semi-finished or finished products from raw materials. A substantial proportion of activities and storage may be undertaken outdoors with resulting noise, glare, vibration and other potentially adverse impacts. Examples include energy production facilities; concrete batching and asphalt mixing; production of metals or metal products including enameling and galvanizing; production of cars, trucks, recreational vehicles or mobile homes.~~

B. Heavy Industrial

1. Characteristics: Heavy Industrial includes the manufacturing, processing, and assembling of semi-finished or finished products from raw materials. A substantial portion of activities and storage may be undertaken outdoors with resulting noise, glare vibration, and other potentially adverse impacts.
2. Accessory Uses: Accessory uses may include parking, office, storage, and maintenance facilities.
3. Examples: Examples include energy production facilities; concrete batching and asphalt mixing; production of metals or metal products including enameling and galvanizing; production of cars, trucks, recreational vehicles or mobile homes.
4. Exceptions:
 - a. Does not include energy production from the biological decomposition of organic materials, such uses are considered Waste-Related.

Commentary

Industrial Services remains substantially the same, just reformatted and addition language to clarify the intent and characteristics of land uses to be assigned to this category.

~~D. Industrial use types:~~

- ~~1. Industrial Services: Includes the repair and servicing of industrial and business machinery, equipment and/or products. Examples include welding shops; machine shops; repair shops for tools, scientific/professional instruments, and motors; sales, repair, storage, salvage or wrecking of heavy machinery, metal and building materials; towing and vehicle storage; auto and truck salvage and wrecking; heavy truck servicing and repair; tire recapping and retreading; truck stops; building, heating, plumbing or electrical contractors; printing, publishing and lithography; exterminators; janitorial and building maintenance contractors; fuel oil distributions; solid fuel yards; laundry, dry-cleaning and carpet cleaning plants; and photo-finishing laboratories.~~

C. Industrial Services

1. Characteristics: Industrial Services are uses that repair and service industrial, business, or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Includes contractors, building maintenance services and similar uses, that perform services off-site. Few customers, especially the general public, come to the site.
2. Accessory Uses: Accessory uses may include offices, parking, storage, loading docks, and railroad lead and spur lines to allow the loading and unloading of rail cars.
3. Examples: Examples include welding shops; machine shops; repair shops for tools, scientific/professional instruments, and motors; sales, repair, storage, salvage or wrecking of heavy machinery, metal and building materials; towing and vehicle storage; auto and truck salvage and wrecking; heavy truck servicing and repair; tire recapping and retreading; truck stops; building, heating, plumbing or electrical contractors; printing, publishing and lithography; exterminators; janitorial and building maintenance contractors; fuel oil distributions; solid fuel yards; laundry, dry-cleaning and carpet cleaning plants; and photo-finishing laboratories.
4. Exceptions:
 - a. Contractors and others who perform services off-site are included in the Office category if equipment and materials storage does not constitute 50% or more of occupied space and fabrication or similar work is not carried out at the site.

Commentary

Light Industrial remains substantially the same, just reformatted.

— 2. ~~Manufacturing and Production~~

- a. ~~Light Industrial: Includes production, processing, assembling, packaging or treatment of finished products from previously prepared materials or components. All activities and storage is contained within buildings. Examples include the manufacturing and assembly of small-scale machinery, appliances, computers and other electronic equipment; pharmaceuticals; scientific and musical instruments; art work, toys and other precision goods; sign-making; and catering facilities.~~

D. Light Industrial

1. Characteristics: Light Industrial includes the production, processing, assembling, packaging, and/or treatment of finished products from previously prepared materials or components. All activities and storage is contained within buildings.
2. Accessory Uses: Accessory uses commonly include parking, office, and storage space.
3. Examples: Examples include the manufacturing and assembly of small-scale machinery, appliances, computers and other electronic equipment; pharmaceuticals; scientific and musical instruments; art work, toys and other precision goods; sign-making; and catering facilities.
 - b
4. Exceptions:
 - a. Does not include uses meeting the definition of Custom Arts and Crafts.

Commentary

Railroad Yards remains substantially the same, but reformatted and clarified regarding the intent of this category.

- ~~3. Railroad Yards: A terminus of several railroad lines where the loading, unloading, transshipment and switching of rail cars is undertaken.~~

E. Railroad Yards

1. Characteristics: Railroad Yards are areas that contain multiple railroad tracks used for rail car switching, assembling of trains, and the transshipment of goods from other transportation modes to or from trains.
2. Accessory Uses: Accessory uses may include offices, employee facilities, storage areas, and rail car maintenance and repair facilities.

Commentary

Research and Development remains substantially the same, just reformatted.

- ~~4.. Research and Development: Facility featuring a mix of uses including office, research laboratories and prototype manufacturing. If no manufacturing component, considered Office use (see 18.130.020 C.6).~~

F. Research and Development

1. Characteristics: Research and Development includes facilities featuring a mix of uses including office, research laboratories and prototype manufacturing.
2. Accessory Uses: Accessory uses may include parking, storage, and employee facilities.
3. Exceptions:
 - a. If manufacturing is not present, it is considered an Office use.

Commentary

Warehouse/Freight Movement remains substantially the same, just reformatted and with accessory uses specified as with all other sections.

5. ~~Warehouse/Freight Movement: Uses involved in the storage and movement of large quantities of materials or products indoors and/or outdoors; associated with significant truck and rail traffic. Examples include free-standing warehouses associated with retail furniture or appliance outlets; household moving and general freight storage; cold storage plants/frozen food lockers; weapon and ammunition storage; major wholesale distribution centers; truck, marine and air freight terminals; bus barns; grain terminals; and stockpiling of sand, gravel, bark dust or other aggregate and landscaping materials.~~

G. Warehouse / Freight Movement

1. Characteristics: Warehouse/Freight Movement includes uses involved in the storage and movement of large quantities of materials or products for themselves or other firms. Goods are generally delivered to other firms for the final consumer, except for some will-call pickups. May occur indoors and/or outdoors, and usually associated with significant truck and rail traffic. There is little on-site sales activity with the customer present.
2. Accessory Uses: Accessory uses may include offices, parking, fleet truck parking and maintenance area, storage, docks, rail spur or lead lines, and the repackaging of goods..
3. Examples: Examples include free-standing warehouses associated with retail furniture or appliance outlets; household moving and general freight storage; cold storage plants/frozen food lockers; weapon and ammunition storage; major wholesale distribution centers; truck, marine and air freight terminals; bus barns; grain terminals; and stockpiling of sand, gravel, bark dust or other aggregate and landscaping materials.
4. Exceptions:
 - a. Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related uses.

Commentary

The Waste-Related category remains substantially the same, just reformatted and with additional language distinguishing this use category from Basic Utilities.

- ~~7. Waste-Related: Uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses which collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material. Examples include recycling/garbage transfer stations; landfills; composting, energy recovery and sewage treatment plants.~~

H. Waste-Related

1. Characteristics: Waste-Related uses are characterized as uses that receive solid or liquid wastes from others for disposal onsite or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods from the biological decomposition of organic material. Waste-Related uses also include uses that receive hazardous wastes from others and are subject to state regulations regarding hazardous waste management.
2. Accessory Uses: Accessory uses may include parking, recycling of materials, offices, and repacking and transshipment of by-products.
3. Examples: Examples include recycling/garbage transfer stations; landfills; waste composting, energy recovery, portable sanitary equipment storage and pumping, and sewage treatment plants.
4. Exceptions:
 - a. Infrastructure services that must be located in or near the area where the service is provided in order to function are considered Basic Utilities. Examples include sewer pipes that serve a development or water re-use pipes and tanks, pump stations, and collection stations necessary for the water re-use that serve a development or institution.
 - b. The disposal of clean fill, as defined in OAR 340-093-0030, is not considered a waste-related use.

Commentary

Wholesale Sales remains substantially the same, but with additional language clarifying the characteristics of this use category.

6. ~~Wholesale Sales: Involves sales, leasing or rental of equipment or products primarily intended for industrial, institutional or commercial businesses. Businesses may or may not be open to the general public, but sales to the general public is limited. Examples include the sale or rental of machinery, equipment, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, and building hardware.~~

I. Wholesale Sales

1. Characteristics: Wholesale Sales is characterized by the sale, leasing, or rental of equipment or products primarily intended for industrial, institutional, or commercial users. The use emphasizes on-site sales or order taking, and often include display areas. The uses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products may be picked up on site or delivered to the customer.
2. Accessory Uses: Accessory uses may include offices, product repair, warehouses, parking, and the repackaging of goods.
3. Examples: Examples include the sale or rental of machinery, equipment, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, and building hardware.
4. Exceptions:
 - a. Firms that engage primarily in sales to the general public are classified as Sales-Oriented Retail or Bulk Sales.
 - b. Firms that are primarily storing goods with little on-site business activity are classified as Warehouse and Freight Movement.

Commentary

Agriculture/Horticulture remains substantially the same, but is clarified to include the keeping of both plants and animals. This addition was done to correspond with both the common understanding of the word, but also existing notes in Tables 18.510.1 and 18.530.1 that presumes the potential for poultry and livestock with animal uses.

~~E. Other use types:~~

- ~~1. Agriculture/Horticulture: Open areas devoted to the raising of fruits, vegetable, nuts, nursery stock and/or flowers; may include on-site sales of products grown on the site. Excludes nurseries, which are classified under Outdoor Sales (see 18.130.020 C.4.c)~~

18.130.080 Other Use Categories

A. Agriculture / Horticulture

1. Characteristics: Agricultural/Horticultural uses are open areas devoted to the raising, production, or keeping of plants and/or animals being raised for food or fiber production. Sales of products grown on site may be included.
2. Accessory Uses: Accessory uses include dwellings for proprietors and animal training.
3. Examples: Examples include breeding or raising of fowl or livestock, stables, riding academies, farming, and truck gardening.
4. Exceptions:
 - a. Does not include nurseries, which are classified as Outdoor Sales.
 - b. Does not include uses involving common household pets, which are considered Animal Related Commercial uses.

Commentary

Cemeteries and Detention Facilities remain substantially the same, but with each use category reformatted.

- ~~2. Cemeteries: Facilities for storing human remains. Accessory uses may include chapels, mortuaries, offices, maintenance facilities and parking.~~

B. Cemeteries

1. Characteristics: Cemeteries are facilities for the permanent storage of human remains.
2. Accessory Uses: Accessory uses may include chapels, mortuaries, offices, maintenance facilities, and parking.
- ~~3. Detention Facilities: Uses which have the characteristics of Group Living but are devoted to the housing, training and supervision of those under judicial detention. Examples include prisons, jails, probation centers, juvenile detention homes and related post-incarceration and half-way houses.~~

C. Detention Facilities

1. Characteristics: Detention facilities are uses devoted to the judicially required detention, incarceration, or supervision of people.
2. Accessory Uses: Accessory uses include offices, recreational and health facilities, therapy facilities, maintenance facilities, and hobby and manufacturing facilities.
3. Examples include prisons, jails, probation centers, juvenile detention homes, and related post-incarceration and half-way houses.
4. Exceptions:
 - a. Programs that provide care and training or treatment for psychiatric, alcohol, or drug problems, where patients are residents of the program, but where patients are not supervised by police officers, are classified as transient housing.

Commentary

Heliports and Mining all remain substantially the same, but with each use category reformatted.

- ~~4. Heliports: Public or private facilities designed for the landing, departure, storage and fueling of helicopters.~~

D. Heliports

1. Characteristics: Heliports are public or private facilities designed for the landing, departure, storage and fueling of helicopters.
2. Accessory Uses: Accessory uses may include offices, parking, maintenance and fueling facilities.
5. ~~Mining: Uses which mine or extract mineral or aggregate resources from the ground for off-site use. Accessory uses may include storage, sorting and transfer facilities.~~

E. Mining

1. Characteristics: Mining is the extraction of mineral or aggregate resources from the ground for off-site use.
2. Accessory Uses: Accessory uses may include office, parking, storage, sorting, and transfer facilities.
3. Examples: Examples include dredging or mining for sand or gravel, quarrying, and oil, gas, or geothermal drilling.

Commentary

Rail Lines/Utility Corridors remains substantially the same, just reformatted and with additional examples and exceptions to clarify the scope and intent of this use category.

- ~~6. Rail Lines/Utility Corridors: The regional corridors in public or private ownership dedicated for use by rail lines; above-grade or underground power or communication lines; water, sewer and storm sewer lines; or similar services.~~

F. Rail Lines / Utility Corridors

1. Characteristics: Rail/Utility Corridors are regional corridors in public or private ownership, including easements, dedicated for the express use of rail lines; above-grade or underground power or communication lines; water, sewer, and storm sewer lines; or similar services.
2. Examples: Examples include rail trunk and feeder lines; regional electrical transmission lines; and regional gas and petroleum pipelines.
3. Exceptions:
 - a. Railroad lead and spur lines for delivery of rail cars to sites or for unloading of rail cars on specific sites are classified as accessory to the primary use of the site.
 - b. Rail Lines / Utility Corridors contained within a motor vehicle rights-of-way are not included.
 - c. Does not include Railroad Yards.

Commentary

Wireless Communication Facilities remains substantially the same, but with additional clarifying language.

- ~~7. Wireless Communication Facilities: Includes publicly and privately owned towers and related transmitting equipment for television, FM/AM radio, cellular and two-way radio and microwave transmission and related ancillary equipment buildings. Does not include radio/television transmission facilities which are part of the public safety network; see Basic Services. Does not include amateur (ham) radio antennas or towers. (Ord. 06-13)~~

G. Wireless Communications Facilities

1. Characteristics: Wireless Communication Facilities includes all devices, equipment, machinery, structures, and supporting elements necessary to produce electromagnetic radiation to produce a discrete wireless signal or message. Towers may be self-supporting, guyed, or mounted on poles or buildings.
2. Accessory Uses: Accessory uses commonly includes related ancillary equipment buildings.
3. Examples: Examples include Television and AM/FM radio transmission towers, microwave relay stations, and cellular communications equipment.
4. Exceptions:
 - a. Does not include transmission facilities which are part of the public safety network, which are classified as Basic Utilities or Emergency Services.
 - b. Does not include amateur (ham) radio antennas or towers.
 - c. Does not include radio and television studios, which are classified as Office.

Commentary

This amendment fixes a consistency error found in all three zoning district chapters. The word limited is used incorrectly, as Subsection “A” above, as well as the Use Tables, utilize the word “restricted” rather than “limited”.

No change is proposed to this portion of Use Code Table 18.510.1.

Chapter 18.510
RESIDENTIAL ZONING DISTRICTS

18.510.030 Uses

A. Types of uses. For the purposes of this chapter, there are four kinds of use:

1. A permitted (P) use is a use which is permitted outright, but subject to all of the applicable provisions of this title. If a use is not listed as a permitted use, it may be held to be a similar unlisted used under the provisions of Chapter 18.230;
2. A restricted (R) use is permitted outright providing it is in compliance with special requirements, exceptions or restrictions;
3. A conditional use (C) is a use the approval of which is discretionary with the Hearings Officer. The approval process and criteria are set forth in Chapters 18.310 and 18.320. If a use is not listed as a conditional use, it may be held to be a similar unlisted used under the provisions of Chapter 18.230;
4. A prohibited (N) use is one which is not permitted in a zoning district under any circumstances.

B. Use table. A list of permitted, ~~limited~~ restricted, conditional and prohibited uses in residential zones is presented in Table 18.510.1.

TABLE 18.510.1
USE TABLE

USE CATEGORY	R-1	R-2	R-3.5	R-4.5	R-7	R-12	R-15	R-40
RESIDENTIAL								
Household Living	P	P	P	P	P	P	P	P
Group Living	R ¹ /C							
Transitional Housing	N	N	N	N	N	C	C	C
Home Occupation	R ²							
HOUSING TYPES								
Single Units, Attached	N	N	N	R ⁸	R ⁹ /C	P	P	P
Single Units, Detached	P	P	P	P	P	P	P	P
Accessory Units	R ³							
Duplexes	N	N	C	C	P	P	P	P
Multifamily Units	N	N	N	N	N	P	P	P
Manufactured Units	P	P	P	P	P	P	P	P
Mobile Home Parks/Subdivisions	N	N	C	C	P	P	P	P
CIVIC (INSTITUTIONAL)								
Basic Utilities	C ⁴							
Colleges	C	C	C	C	C	C	C	C
Community Recreation	C	C	C	C	C	C	C	C

Commentary

The addition of Custom Arts and Crafts does not establish a new use within the chapter. Rather, it is to ensure consistency across all three Use Tables contained in the Tigard Development Code (Residential, Commercial, and Industrial). This category was created through Council Ordinance 10-2, which established this new category of land use within the Tigard Central Business District. However, only the Commercial District Use Table was amended to include this new use. This new language will correct this omission and clarify where Custom Arts and Crafts are and are not allowed.

Minor reformatting to remove clusters of uses is also proposed. These clusters do not serve a functional purpose as one cluster has multiple use classifications.

Code Amendments

Cultural Institutions	N	N	C	C	C	C	N	N
Day Care	P/C ⁵							
Emergency Services	C	C	C	C	C	N	N	N
Medical Centers	N	N	C	C	C	C	C	C
Postal Service	N	N	N	N	N	N	N	N
Public Support Facilities	P	P	P	P	P	P	P	P
Religious Institutions	C	C	C	C	C	C	C	C
Schools	C ^{12,13}							
Social/Fraternal Clubs/Lodges	N	N	N	N	N	C	C	C

COMMERCIAL

Commercial Lodging	N	N	N	N	N	N	N	N
Custom Arts and Crafts	N	N						
Eating and Drinking Establishments	N	N	N	N	N	N	N	N
Entertainment-Oriented								
—Major Event Entertainment	N	N	N	N	N	N	N	N
—Outdoor Entertainment	N	N	N	N	N	N	N	N
—Indoor Entertainment	N	N	N	N	N	N	N	N
—Adult Entertainment	N	N	N	N	N	N	N	N
General Retail								
—Sales-Oriented	N	N	N	N	N	N	R ¹¹	R ¹¹
—Personal Services	N	N	N	N	N	N	R ¹¹	R ¹¹
—Repair-Oriented	N	N	N	N	N	N	R ¹¹	R ¹¹
—Bulk Sales	N	N	N	N	N	N	N	N
—Outdoor Sales	N	N	N	N	N	N	N	N
—Animal-Related	N	N	N	N	N	N	N	N

USE CATEGORY

Motor Vehicle Related								
—Motor Vehicle Sales/Rental	N	N	N	N	N	N	N	N
—Motor Vehicle Servicing/Repair	N	N	N	N	N	N	N	N
—Vehicle Fuel Sales	N	N	N	N	N	N	N	N
Office	N	N	N	N	N	N	N	N
Self-Service Storage	N	N	N	N	N	N	N	N
Non-Accessory Parking	N	N	N	N	N	C ¹⁰	C ¹⁰	C ¹⁰

INDUSTRIAL

Industrial Services	N	N	N	N	N	N	N	N
Manufacturing and Production								
—Light Industrial	N	N	N	N	N	N	N	N
—General Industrial	N	N	N	N	N	N	N	N
—Heavy Industrial	N	N	N	N	N	N	N	N
Railroad Yards	N	N	N	N	N	N	N	N
Research and Development	N	N	N	N	N	N	N	N
Warehouse/Freight Movement	N	N	N	N	N	N	N	N
Waste-Related	N	N	N	N	N	N	N	N
Wholesale Sales	N	N	N	N	N	N	N	N

Commentary

No changes are proposed for this portion of Table 18.510.1.

OTHER								
Agriculture/Horticulture	P ⁶	N	N	N				
Cemeteries	N	N	C	C	C	N	N	N
Detention Facilities	N	N	N	N	N	N	N	N
Heliports	N	N	N	N	N	N	N	N
Mining	N	N	N	N	N	N	N	N
Wireless Communication Facilities	P/R ⁷							
Rail Lines/Utility Corridors	C	C	C	C	C	C	C	C

P=Permitted R=Restricted C=Conditional Use N=Not Permitted

¹Group living with five or fewer residents permitted by right; group living with six or more residents permitted as conditional use.

²Permitted subject to requirements Chapter 18.742.

³Permitted subject to compliance with requirements in 18.710.

⁴Except water and storm and sanitary sewers, which are allowed by right.

⁵In-home day care which meets all state requirements permitted by right; freestanding day care centers which meet all state requirements permitted conditionally.

⁶When an agricultural use is adjacent to a residential use, no poultry or livestock, other than normal household pets, may be housed or provided use of a fenced run within 100 feet of any nearby residence except a dwelling on the same lot.

⁷See Chapter 18.798, Wireless Communication Facilities, for requirements for permitted and restricted facilities.

⁸Attached single-family units permitted only as part of an approved planned development.

⁹Permitted by right if no more than five units in a grouping; permitted conditionally if six or more units per grouping.

¹⁰Only park-and-ride and other transit-related facilities permitted conditionally.

¹¹Limited to ground-floor level of multi-family projects, not to exceed 10% of total gross square feet of the building.

¹²School bus parking is permitted on public high school sites as an accessory use if located a minimum of 200 feet from the nearest property line of any tax lot used for residential purposes. Maximum time limitation is three years. An extension to the time limit is possible through a major modification to the conditional use. (Ord. 07-05)

¹³Permitted as a conditional use on public school sites. (Ord. 07-12)

Commentary

This amendment fixes a consistency error found in all three zoning district chapters. The word limited is used incorrectly, as Subsection “A” above, as well as the Use Tables, utilize the word “restricted” rather than “limited”.

**Chapter 18.520
COMMERCIAL ZONING DISTRICTS**

18.520.030 Uses

- A. Types of uses. For the purposes of this chapter, there are four kinds of use:
1. A permitted (P) use is a use which is permitted outright, but subject to all of the applicable provisions of this title. If a use is not listed as a permitted use, it may be held to be a similar unlisted use under the provisions of Section 18.130.030;
 2. A restricted (R) use is permitted outright providing it is in compliance with special requirements, exceptions or restrictions;
 3. A conditional (C) use is a use the approval of which is at the discretion of the Hearings Officer. The approval process and criteria are set forth in Chapter 18.370. If a use is not listed as a conditional use, it may be held to be a similar unlisted use under the provisions of Section 18.130.030;
 4. A prohibited (N) use is one which is not permitted in a zoning district under any circumstances.
- B. Use table. A list of permitted, ~~limited~~ restricted, conditional and prohibited uses in commercial zones is presented in Table 18.520.1.

Commentary

Note 39 was added to ensure Custom Arts and Crafts remain scale appropriate to the downtown.

**TABLE 18.520.1
USE TABLE: COMMERCIAL ZONES**

USE CATEGORY	C-N ^[1]	C-C ^[5]	C-G	C-P	MU-CBD ^[38]	MUE ^[20]	<u>MUC-1</u>	<u>MUC^[28]</u>	MUE 1 and 2 ^[28]	MUR 1 and 2 ^[28]
RESIDENTIAL										
Household Living	N	R ^[6]	R ^[11]	R	P	R ^[21]	P ^[26]	P	P	P
Group Living	N	N	C	N	P	N	C	R ^[29] /C	R ^[29] /C	R ^[29] /C
Transitional Housing	N	N	C	N	C	N	C	C	C	C
Home Occupation	R ^[2]	R ^[2]	R ^[2]	R ^[2]	R ^[2]	R ^[2]	P	R ^[2]	R ^[2]	R ^[2]
HOUSING TYPES										
Single Units, Attached	N/A	N/A	N/A	N/A	P	N/A	N/A	R ^[30]	R ^[30]	P
Single Units, Detached	N/A	N/A	N/A	N/A	N/A	N/A	N/A	R ^[30]	R ^[30]	R ^[30]
Accessory Units	N/A	N/A	N/A	N/A	N/A	N/A	N/A	R ^[31]	R ^[31]	R ^[31]
Duplexes	N/A	N/A	N/A	N/A	N/A	N/A	N/A	R ^[30]	R ^[30]	P
Multifamily Units	N/A	N/A	N/A	N/A	P	N/A	N/A	P	P	P
Manufactured Units	N/A	N/A	N/A	N/A	P	N/A	N/A	N	N	N
Mobile Home Parks, Subdivisions	N/A	N/A	N/A	N/A	R ^[36]	N/A	N/A	N	N	N
CIVIC (INSTITUTIONAL)										
Basic Utilities	C	C ^[32]	C ^[32]	C	C	C	C	C ^[32]	C ^[32]	C ^[32]
Colleges	N	N	N	N	P	C	C	C	C	C
Community Recreation	N	P	N	N	P	C	N	P	C	C
Cultural Institutions	P	P	P	P	P	P	P	P	P	N
Day Care	P	P	P	P	P	P	P	P	P	P/C ^[33]
Emergency Services	P	P	P	P	P	P	P	P	P	N
Medical Centers	C	N	C	C	C	C	C	C	C	C
Postal Service	P	P	P	P	P	P	P	P	P	N
Public Support Facilities	P	P	P	P	P	P	P	P	P	P
Religious Institutions	C	C	P	P	P	P	P	P	P	C
Schools	N	N	N	N	P	C	C	C	C	C
Social/Fraternal Clubs/Lodges	C	C	P	P	P	P	P	P	P	C
COMMERCIAL										
Commercial Lodging	N	N	P	R ^[14]	P	P	P	P	P	N
Custom Arts and Crafts	N	N	N	N	P ^[39]	N	N	N	N	N
Eating and Drinking Establishments	C	P	P	R ^[15]	P	P	P	P	P	R ^[34/35]

Commentary

Changes to Table 18.520.1 are limited to reformatting amendments that separate clusters of units into discrete uses. These clusters do not serve a functional purpose as one cluster has multiple use classifications.

Code Amendments

USE CATEGORY	C-N ^[1]	C-C ^[5]	C-G	C-P	MU-CBD ^[38]	MUE ^[20]	MUC-1	MUC ^[28]	MUE 1 and 2 ^[28]	MUR 1 and 2 ^[28]
Entertainment Oriented										
—Major Event Entertainment	N	N	C	N	C	N	C	C	N	N
—Outdoor Entertainment	N	N	P	R ^[15]	C	N	N	C	N	N
—Indoor Entertainment	P	P	P	P	P	P	P	P	P	N
—Adult Entertainment	N	N	C	N	N	N	N	C	N	N
General Retail										
—Sales-Oriented	P	P ^[7]	P	R ^[16]	P/R ^[37]	R ^[22]	R ^[25]	P	R ^[22]	R ^[34/35]
—Personal Services	P	P	P	P	P	R ^[22]	R ^[25]	P	R ^[22]	R ^[34/35]
—Repair-Oriented	P	P	P	N	P	R ^[22]	R ^[25]	R ^[22]	R ^[22]	N
—Bulk Sales	N	N	P	N	R ^[36]	R ^[22]	R ^[25]	R ^[22]	R ^[22]	N
—Outdoor Sales	N	N	P	N	N	N	N	N	N	N
—Animal-Related	N	N	N	N	N	P	P	N	N	N
Motor Vehicle Related										
—Motor Vehicle Sales/Rental	N	N	P/C ^[12]	N	R ^[36]	N	N	R ^[24]	R ^[24]	N
—Motor Vehicle Servicing/Repair	N	C ^[8]	P/C ^[12]	N	C	R ^[22]	R ^[25]	N	N	N
—Vehicle Fuel Sales	C	C	C	N	R ^[36]	N	C	C	C	N
Office	P	R ^[9]	P	P	P	P	P	P	P	R ^[34/35]
Self-Service Storage	N	N	C	N	R ^[36]	N	N	N	N	N
Non-Accessory Parking	C	C	P	P	P	P	P	P	P	N
INDUSTRIAL										
Industrial Services	N	N	N	N	N	N	N	N	N	N
Manufacturing and Production										
—Light Industrial	N	N	N	N	N	R ^[23]	N	N	R ^[23]	N
—General Industrial	N	N	N	N	N	N	N	N	N	N
—Heavy Industrial	N	N	N	N	N	N	N	N	N	N
Railroad Yards	N	N	N	N	N	N	N	N	N	N
Research and Development	N	N	N	N	C	R ^[24]	R ^[24]	N	R ^[23]	N
Warehouse/Freight Movement	N	N	N	N	N	R ^[24]	N	N	R ^[23/24]	N
Waste-Related	N	N	N	N	N	N	N	N	N	N
Wholesale Sales	N	N	N	N	N	N	N	N	R ^[23/24]	N
OTHER										
Agriculture/Horticulture	N	N	N	N	N	N	N			
Cemeteries	N	N	N	N	N	N	N			

Commentary

No further changes to Table 18.520.1 are proposed.

USE CATEGORY	C-N ^[1]	C-C ^[5]	C-G	C-P	MU-CBD ^[38]	MUE ^[20]	<u>MUC-1</u>	<u>MUC^[28]</u>	MUE 1 and 2 ^[28]	MUR 1 and 2 ^[28]
Detention Facilities	N	N	C	N	C	N	N			
Heliports	N	N	C	C	N	N	N			
Mining	N	N	N	N	N	N	N			
Wireless Communication Facilities	P/R ^[3]	P/R ^[3]	P/R ^[27]							
Rail Lines/Utility Corridors	P	P	P	P	P	P	P			
Other	C ^[4]	C ^[10]	NA	NA	R ^[19]	NA	NA			

[1] All permitted and conditional uses subject to special development standards contained in Section 18.520.050.A.

[2] Permitted subject to requirements Chapter 18.742.

[3] See Chapter 18.798 Wireless Communication Facilities, requirements for permitted and restricted facilities.

[4] Uses operating before 7:00 AM and/or after 10:00 PM are conditional uses.

[5] All permitted, limited and conditional uses must meet special development standards in Section 18.520.050.B.

[6] Residential units permitted by right, as a mixed use in conjunction with a commercial development, on or above the second floor of the structure, at densities not to exceed 12 units/net acre.

[7] Limited to 10,000 gross square feet in size, except retail food and beverage outlets, which are limited to 40,000 gross square feet or less.

[8] Limited to motor vehicle cleaning only.

[9] When combined in single structure, each separate establishment shall not exceed 5,000 gross square feet.

[10] Uses operating before 6:00 AM and/or after 11:00 PM; or drive-up windows are conditional uses.

[11] A single-family unit providing that it is located on the same site with a permitted or conditional use in and is occupied exclusively by a caretaker or superintendent of the permitted or conditional use. Multifamily housing is permitted as part of a PD, subject to Chapter 18.350.

[12] Cleaning, sales and repair of motor vehicles and light equipment is permitted outright; sales and rental of heavy vehicles and farm equipment and/or storage of recreational vehicles and boats permitted conditionally.

[13] (Deleted by Ord. 09-13)

[14] Restaurant permitted with restriction in size in conjunction with and on the same parcel as a commercial lodging use.

[15] As accessory to offices or other permitted uses, the total space devoted to a combination of retail sales and eating/drinking establishments may not exceed more than 20% of the entire square footage within the development complex.

[16] May not exceed 10% of the total square footage within an office complex.

[17] Single-family attached and multi-family residential units, developed at R-40 standards, except the area bounded by Fanno Creek, Hall Boulevard, O'Mara, Ash Avenue and Hill Street, within which property zoned for CBD development which shall be designated R-12 PD and shall be developed as planned developments in conformance with the R-12 District standards.

[18] Motor vehicle cleaning only.

[19] Drive-up windows are permitted to continue if the property had one lawfully in existence prior to the adoption of the MU-CBD designation. Otherwise, not permitted.

[20] All permitted and conditional uses subject to special development standards contained in Section 18.520.050.C.

[21] Multifamily residential, at 25 units/gross acre, allowed outright. Pre-existing detached and attached single-family dwellings are permitted outright.

[22] New retail and sales uses may not exceed 60,000 gross leasable area per building within the Washington Square Regional Center or Tigard Triangle except for those areas zoned C-G at the time the MUE zoning district was adopted in the Tigard Triangle.

[23] All activities associated with this use, except employee and customer parking, shall be contained within buildings.

[24] Permitted as accessory to a permitted use as long as this use is contained within the same building as the permitted use, and does not exceed the floor area of the permitted use.

[25] Permitted provided the use is no larger than 60,000 square feet of gross floor area per building or business.

[26] Household living limited to single units, attached, and multi-family including but not limited to apartments, attached condominiums, townhouses and rowhouses at a minimum density of 25 dwelling units per acre and a maximum density of 50 dwelling units per acre.

[27] Wireless only as attached to structure within height limit, see Chapter 18.798.

[28] All Permitted and Conditional Uses subject to special development standards contained in 18.630

[29] Group living with five or fewer residents permitted by right; group living with six or more residents permitted as conditional use.

[30] Pre-existing housing units permitted. Conversion of pre-existing housing units to other uses is subject to the requirements of Chapter 18.630.

[31] Permitted for pre-existing housing units, subject to requirements Chapter 18.710.

[32] Except water, storm and sanitary sewers, which are allowed by right.

Commentary

Note 39 was added to ensure that custom arts and crafts uses are appropriate in scale to the downtown area.

- [33] In-home day care which meets all state requirements permitted by right; freestanding day care centers which meet all state requirements permitted conditionally.
- [34] This use is allowed only in mixed-use developments in the Washington Square Regional Center. Commercial uses shall occupy no more than 50% of the total floor area within the mixed-use development, and shall be permitted only when minimum residential densities are met. An exception to the requirement that commercial uses may be permitted only if residential minimum densities are met is provided for properties zoned commercial prior to implementation of the Washington Square Regional Center Plan (3/28/2002). The exempted properties are identified as assessor map number: 1S135AA-00400, 1S135AA-01400, 1S135AA-01900, 1S1AA-01901, 1S135DA-02000, 1S135AA-02500, 1S135AA-02600, 1S135AA-02700, 1S135DA-01900, and 1S1DA-02000. These parcels, or parcels created from these parcels, after the effective date of this ordinance, may be developed as a solely commercial use with a use permitted in the MUR-1 or MUR-2 zones.
- [35] The maximum building footprint size permitted for any building occupied entirely by a commercial use or uses shall be 7,500 square feet. An exception to the limit on the size of a building occupied by commercial uses is provided for properties zoned commercial prior to implementation of the Washington Square Regional Center Plan (3/28/2002). The exempted properties are identified as assessor map number: 1S135AA-00400, 1S135AA-01400, 1S135AA-01900, 1S1AA-01901, 1S135DA-02000, 1S135AA-02500, 1S135AA-02600, 1S135AA-02700, 1S135DA-01900, and 1S1DA-02000. On these parcels, or parcels created from these parcels, after the effective date of this ordinance, a commercial development is not limited to a specific square footage, however, all other dimensional standards of the MUR-1 and MUR-2 zoning district apply which may limit the ultimate size of commercial development.
- [36] Only for properties that were lawfully in existence (as permitted, conditional, or planned development) prior to the adoption of the MU-CBD designation.
- [37] New retail and sales uses may not exceed 60,000 square feet of gross leasable area per building in all subareas except 99W/Hall Corridor subarea. (See Map 18.610.A)
- [38] All developments subject to Chapter 18.610, Downtown Urban Renewal Standards, and Map 18.610.A.
- [39] Custom Arts and Crafts uses may not exceed 500 square feet of production area.

Commentary

This amendment fixes a consistency error found in all three zoning district chapters. The word limited is used incorrectly, as Subsection “A” above, as well as the Use Tables, utilize the word “restricted” rather than “limited”.

Chapter 18.530
INDUSTRIAL ZONING DISTRICTS

18.530.030 Uses

- A. Types of uses. For the purposes of this chapter, there are four kinds of use:
1. A permitted (P) use is a use which is permitted outright, but subject to all of the applicable provisions of this title. If a use is not listed as a permitted use, it may be held to be a similar unlisted use under the provisions of Chapter 18.230;
 2. A restricted (R) use is permitted outright providing it is in compliance with special requirements, exceptions or restrictions;
 3. A conditional use (C) is a use the approval of which is at the discretion of the Hearings Officer. The approval process and criteria are set forth in Chapters 18.310 and 18.320. If a use is not listed as a conditional use, it may be held to be a similar unlisted use under the provisions of Chapter 18.230;
 4. A prohibited (N) use is one which is not permitted in a zoning district under any circumstances.
- B. Use table. A list of permitted, ~~limited~~ restricted, conditional and prohibited uses in industrial zones is presented in Table 18.530.1.

Commentary

The addition of Custom Arts and Crafts does not establish a new use within this chapter. Rather, it is to ensure consistency across all three Use Tables contained in the Tigard Development Code (Residential, Commercial, and Industrial). This category was created through Council Ordinance 10-2, which established this new category of land use within the Tigard Central Business District. However, only the Commercial District Use Table was amended to include this new use. This new language will correct this omission and clarify where Custom Arts and Crafts are and are not allowed.

Minor reformatting to remove clusters of uses is also proposed. These clusters do not serve a functional purpose as one cluster has multiple use classifications.

TABLE 18.530.1
USE TABLE: INDUSTRIAL ZONES

USE CATEGORY	I-P	I-L	I-H
RESIDENTIAL			
Household Living	R ¹	R ¹	R ¹
Group Living	N	N	N
Transitional Housing	N	N	N
Home Occupation	N	N	N
CIVIC (INSTITUTIONAL)			
Basic Utilities	C ¹⁴	C ¹⁴	P
Colleges	N	N	N
Community Recreation	C ¹⁰	C ¹⁰	C ¹⁰
Cultural Institutions	N	N	N
Day Care	R ^{3,9}	R ^{3,9}	R ^{3,9}
Emergency Services	P	P	P
Medical Centers	N	N	N
Postal Service	P	P	P
Public Support Facilities	P	P	P
Religious Institutions	N	N	N
Schools	N	N	N
Social/Fraternal Clubs/Lodges	N	N	N
COMMERCIAL			
Commercial Lodging	P	N	N
Custom Arts and Crafts	N	N	N
Eating and Drinking Establishments	R ²	N	N
Entertainment Oriented			
—Major Event Entertainment	N	N	N
—Outdoor Entertainment	P	N	N
—Indoor Entertainment	P	N	N
—Adult Entertainment	N	N	N
General Retail			
—Sales-Oriented	R ²	N	N
—Personal Services	R ²	N	N
—Repair-Oriented	P	N	N
—Bulk Sales	R ^{4,11}	N	N
—Outdoor Sales	N	P	P
—Animal-Related	P	P	P
Motor Vehicle Related			
—Motor Vehicle Sales/Rental	R ^{4,12,13}	P	P
—Motor Vehicle Servicing/Repair	C	P	P
—Vehicle Fuel Sales	P	P/C ⁷	P
Office	P	N	N
Self-Service Storage	P	P	P
Non-Accessory Parking	P	P	P

Commentary

Minor reformatting to remove clusters of uses is also proposed. These clusters do not serve a functional purpose as one cluster has multiple use classifications.

TABLE 18.530.1 (CON'T)

USE CATEGORY	I-P	I-L	I-H
INDUSTRIAL			
Industrial Services	N	P	P
Manufacturing and Production			
—Light Industrial	P	P	P
—General Industrial	N	P	P
—Heavy Industrial	N	N	P
Railroad Yards	N	N	P
Research and Development	P	P	P
Warehouse/Freight Movement	N	P	P
Waste-Related	N	N	P
Wholesale Sales	R ⁴	P	P
OTHER			
Agriculture/Horticulture	P ⁵	P ⁵	P ⁵
Cemeteries	N	C	N
Detention Facilities	C	N	C
Heliports	C	C	C
Mining	N	N	P
Wireless Communication Facilities	P/R ⁶	P	P
Rail Lines/Utility Corridors	P	P	P
Other	NA	NA	P ⁸
P=Permitted	R=Restricted	C=Conditional Use	N=Not Permitted

Commentary

No changes to the Table notes are proposed.

- ¹ A single-family detached dwelling or single-family mobile or manufactured home allowed for caretaker or kennel owner/operator when located on the same lot as the permitted use and is exclusively occupied by the caretaker or kennel owner/operator and family.
- ² These limited uses, separately or in combination, may not exceed 20% of the entire square footage within a development complex. No retail uses shall exceed 60,000 square feet of gross leasable area per building or business.
- ³ In-home day care which meets all state requirements permitted by right.
- ⁴ Permitted if all activities, except employee and customer parking, are wholly contained within a building(s).
- ⁵ When an agricultural use is adjacent to a residential use, no poultry or livestock, other than normal household pets, may be housed or provided use of a fenced run within 100 feet of any nearby residence except a dwelling on the same lot.
- ⁶ See Chapter 18.798, Wireless Communication Facilities, for definition of permitted and restricted facilities in the I-P zone.
- ⁷ Vehicle fuel sales permitted outright unless in combination with convenience sales, in which case it is permitted conditionally.
- ⁸ Explosive storage permitted outright subject to regulations of Uniform Fire Code.
- ⁹ Day care uses with over five children are permitted subject to an Environmental Impact Assessment in accordance with Section 18.530.050.C.1. The design of the day care must fully comply with State of Oregon requirements for outdoor openspace setbacks.
- ¹⁰ Limited to outdoor recreation on (1) land classified as floodplain on City flood maps, when the recreational use does not otherwise preclude future cut and fill as needed in order to develop adjoining industrially zoned upland; and (2) land located outside the floodplain as shown on City flood maps, when the recreation use is temporary and does not otherwise preclude allowed uses or conditional uses other than recreation within the district.
- ¹¹ These limited uses, shall only be allowed in IP zoned property east of SW 72nd Avenue. These uses, separately or in combination shall not exceed 60,000 square feet of gross leasable area in a single building, or commercial retail uses with a total of more than 60,000 square feet of retail sales area on a single lot or parcel, or on contiguous lots or parcels, including those separated only by transportation right-of-way.
- ¹² These limited uses, separately or in combination, may not exceed 10,000 square feet/lot.
- ¹³ This use limited to boat sales/rental only.
- ¹⁴ Except water and storm and sanitary sewers, which are allowed by right.

Commentary

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Outside Back Cover

**STAFF REPORT TO THE
 PLANNING COMMISSION
 FOR THE CITY OF TIGARD, OREGON**



SECTION I. APPLICATION SUMMARY

CASE NAME: USE CLASSIFICATIONS DEVELOPMENT CODE AMENDMENT
CASE NO.: Development Code Amendment (DCA) **DCA2010-00004**

PROPOSAL: The City of Tigard proposes to amend the Use Classifications Chapter (TDC 18.130) of the Tigard Development Code (TDC) in an amendment package designed to improve code administration by clarifying and simplifying the land use categories that are a major base component of the TDC. The purpose of the amendments is not to expand or restrict existing uses allowed within the Tigard Zoning Code. Rather, the amendment seeks to improve the existing code by making it consistent, clear, and as simple as possible. Minor associated amendments to the Definitions Chapter (TDC 18.120) and the Zoning Districts Chapters (TDC 18.510, 520, and 530) are also proposed. The proposed code text amendments for the Planning Commission’s review are appended in **Attachment 1** and summarized below in Section IV of this report:

APPLICANT: City of Tigard
 13125 SW Hall Blvd.
 Tigard, OR 97223

ZONES: Citywide

LOCATION: Citywide

**APPLICABLE
 REVIEW**

CRITERIA: Community Development Code Chapters 18.120, 18.130, 18.380, and 18.39 0; 18.510, 18.520, 18.530; Comprehensive Plan Goal 1, Public Involvement; Goal 2, Land Use Planning; Goals 9, Economic Development; Goal 10, Housing; and Statewide Planning Goals 1, 2, 9 and 10.

SECTION II. STAFF RECOMMENDATION

Staff recommends that the Planning Commission find in favor of the proposed code text amendments (**Attachment 1**) to improve the existing code by clarifying and simplifying the Use Classifications Chapter and associated amendments to the Definitions and Zoning Districts Chapters, with any alterations as determined through the public hearing process, and make a final recommendation to the Tigard City Council.

SECTION III. BACKGROUND INFORMATION

The existing Use Classifications chapter (TDC 18.130) was last amended in 2006, but remains insufficiently detailed to enable some land uses to be clearly identified and assigned to a land use category. Similarly, the existing language does not provide sufficient clarity regarding how the city is to regulate land uses which are incidental and accessory to the primary use of a property. The resulting ambiguities result in administrative burdens for both the City and the public. As a central element of the Tigard Development Code, this chapter is the first major Development Code Amendment being forwarded as part of the Regulatory Improvement Initiative.

SECTION IV. APPLICABLE CRITERIA, FINDINGS AND CONCLUSIONS

APPLICABLE PROVISIONS OF THE TIGARD DEVELOPMENT CODE

Tigard Development Code Section 18.380.020, Legislative Amendments to this Title and Map, states that legislative zoning map and text amendments shall be undertaken by means of a Type IV procedure, as governed by Section 18.390.060G.

FINDING:

The proposed text amendment would apply City-wide. Therefore, the amendment will be reviewed under the Type IV legislative procedure as set forth in the chapter. This procedure requires public hearings by both the Planning Commission and City Council.

Section 18.390.060.G establishes standard decision-making procedures for reviewing Type IV applications. The recommendation by the Commission and the decision by the Council shall be based on consideration of the following factors: 1) The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197; 2) Any federal or state statutes or regulations found applicable; 3) Any applicable METRO regulations; 4) Any applicable comprehensive plan policies; and 5) Any applicable provisions of the City's implementing ordinances.

FINDING:

Findings and conclusions are provided in this section for the applicable listed factors on which the recommendation by the Commission and the decision by the Council shall be based.

CONCLUSION: Based on the findings above, staff concludes that the proposed code text amendment is consistent with applicable provisions of the Tigard Development Code.

STATEWIDE PLANNING GOALS AND GUIDELINES

State planning regulations require cities to adopt and amend Comprehensive Plans and land use regulations in compliance with the state land use goals. Because the Use Classifications Development Code Amendment has a limited scope and the text amendments address only some of the topics in the Statewide Planning Goals, only the goals addressed below apply.

Statewide Planning Goal 1 – Citizen Involvement:

This goal outlines the citizen involvement requirement for adoption of Comprehensive Plans and changes to the Comprehensive Plan and implementing documents.

FINDING:

This goal has been met by complying with the Tigard Development Code notice requirements set forth in Section 18.390. A notice was published in the Tigard Times newspaper prior to the hearing. After the Planning Commission public hearing, additional notice will be published prior to the City Council hearing. Two public hearings are held (one before the Planning Commission and the second before the City Council) at which an opportunity for public input is provided.

**Statewide Planning Goal 2 – Land Use Planning:
This goal outlines the land use planning process and policy framework.**

FINDING:

The Department of Land Conservation and Development (DLCD) has acknowledged the City’s Comprehensive Plan as being consistent with the statewide planning goals. The Development Code implements the Comprehensive Plan. The Development Code establishes a process and standards to review changes to the Comprehensive Plan. As discussed within this report, the applicable Development Code process and standards have been applied to the proposed amendment.

**Statewide Planning Goal 9 – Economic Development:
This goal seeks 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 Department of Land Conservation and Development has acknowledged the City’s Comprehensive Plan as being consistent with the statewide planning goals. Consistency with the City’s Comprehensive Plan Economic Development goal and policies is discussed later in this report.

**Statewide Planning Goal 10 –Housing
This goal seeks to provide for the housing needs of citizens of the state.**

FINDING:

The Department of Land Conservation and Development has acknowledged the City’s Comprehensive Plan as being consistent with the statewide planning goals. Consistency with the City’s Comprehensive Plan Housing goal and policies is discussed later in this report.

CONCLUSION: Based on the findings above and the related findings below, staff finds that the proposed code text amendment is consistent with applicable Statewide Planning Goals.

TIGARD COMPREHENSIVE PLAN

State planning regulations require cities to adopt and amend Comprehensive Plans and land use regulations in compliance with the state land use goals and consistent with Comprehensive Plan Goals and Policies. Because the Use Classifications Development Code Amendment has a limited scope and the text amendments address only some of the topics in the Tigard Comprehensive Plan, only the goals addressed below apply.

Comprehensive Plan Goal 1: Citizen Involvement

Goal 1.1 Provide citizens, affected agencies and other jurisdictions the opportunity to participate in all phases of the planning process.

FINDING:

The City mailed notice of the Planning Commission hearing to interested citizens and agencies. On July 1, 2010 the City published notice of the Planning Commission hearing in *The Times*. After the Planning Commission public hearing, additional notice will be published prior to the City Council hearing. These two public hearings before the Planning Commission and the City Council provide opportunity for public input.

With these public involvement provisions, the proposed Development Code Amendment is consistent with applicable Citizen Involvement policies.

Comprehensive Plan Goal 2: Land Use Planning

Goal 2.1: Maintain an up-to-date Comprehensive Plan, implementing regulations and action plans as the legislative foundation of Tigard’s land use planning program.

FINDING:

The proposed development code amendment would reformat the existing Use Classifications Chapter to provide greater clarity for improved administration of the development code. The subject code amendment is a

foundational amendment to the code as one of a succession of planned amendments in the Regulatory Improvement Initiative designed to maintain an up-to-date development code, consistent with the applicable provisions of the Land Use Planning Goal.

Comprehensive Plan Goal 9: Economic Development

Goal 9.1: Develop and maintain a strong, diversified, and sustainable local economy.

FINDING:

The proposed development code amendment would reformat the existing Use Classifications Chapter to provided greater clarity for improved administration of the development code. The subject code amendment would clarify the commercial and industrial use categories to facilitate existing and emerging economic development activities, consistent with the applicable provisions of the Economic Development Goal.

Comprehensive Plan Goal 10: Housing

Goal 10.1 Provide opportunities for a variety of housing types to meet the diverse housing needs of current and future City residents.

Goal 10.2 Maintain a high level of residential livability.

FINDING:

The proposed development code amendment would reformat the existing Use Classifications Chapter to provided greater clarity for improved administration of the development code. The subject code amendment would reformat the residential use categories for clarity and include the addition of more detail regarding accessory uses to facilitate application of appropriate development regulation, consistent with the applicable provisions of the Housing Goal.

CONCLUSION:

As shown in the findings above, staff concludes that the proposed code text amendment is consistent with the applicable Statewide Planning Goals (Citizen Participation, Land Use, Economic Development and Housing), the applicable Comprehensive Plan goals and policies and the applicable provision of the City’s Implementing Ordinances. No federal or state statutes or regulations were found to be applicable. No METRO regulations were found to be applicable.

PROPOSED TEXT AMENDMENTS TO THE TIGARD DEVELOPMENT CODE

Please refer to **Attachment 1, *Proposed Use Categories Development Code Amendment (July 12, 2010)*** for the complete proposed code text amendment for Chapter 18.130. The following summarizes the proposed changes:

- Changing the name of the Chapter from Use Classifications to Use Categories.
- Revising and expanding the purpose statement. (TDC 18.130.010).
- Including a new section that will guide administration of the chapter (TDC 18.130.015), including the distinction between primary and accessory uses.
- Clarification of existing use categories by reformatting the existing use descriptions into four general subcategories applicable to each use category: Characteristics, Accessory Uses, Examples, and Exceptions (TDC 18.130.020). Existing language is being retained as much as practicable, but expanded and clarified where necessary.
- Minor text corrections and formatting changes within the Zoning District Chapters (TDC 18.510-18.530) to coincide with changes being made to the Use Classification Chapter.
- Creates the “Custom Arts and Crafts” land use category, recently established as part of the Tigard

Downtown District Development and Design Standards (Ordinance 10-2). Under Ordinance 10-2, this land use category was inserted into the Commercial Zones Use Table (TDC Table 18.520.1) and the Definitions chapter (TDC 18.120.030.A.61), but not the Use Classifications chapter. The proposed language copies and expands upon that used in the Definitions chapter (Section 18.120).

- Specific exceptions for incidental and temporary outdoor activities, such as Christmas tree sales lots, which have been regulated the same as permanent “Outdoor Sales” land uses (TDC 18.130.020.C.12.d.3).
- New language clarifying the intent of two use categories which will result in a change of allowable uses within the “Personal Services” and “Repair-Oriented Retail” use categories. Dry-cleaners and drop-off laundry facilities would be considered “Repair-Oriented Retail” rather than “Personal Services.” As a result of this reclassification, these uses will no longer be allowed within the following Zoning Districts: C-P (Professional/Administrative Commercial District), and MUR-1 & MUR-2 (Mixed Use Residential Districts). As required under ORS 227.186, Measure 56 notices were sent to all property owners within these zoning districts.
- Assignment of uses not addressed in past versions of the code, including, “doggy-daycares” as Repair-Oriented Retail and “beverage container redemption centers” as Personal Services.

SECTION V. STAFF ANALYSIS

Staff comment explaining each of the proposed amendments can be found within **Attachment 1, *Proposed Use Categories Development Code Amendment (July 12, 2010)***.

The proposed code amendment is organized by Development Code chapter number.

Even-numbered pages contain commentary on the amendments, which are contained on the opposite (following) odd-numbered page. The commentary establishes, in part, the legislative intent in adopting these amendments.

SECTION VI. OTHER ALTERNATIVES

No Action – The code would remain unchanged. The existing ambiguities result in substantial administrative burdens for both the City and the general public.

Expanded Action – The subject code amendment is substantially a reformatting exercise. Many substantive code improvement elements have been identified in the process. Staff has made a determined effort to avoid scope creep by limiting this foundational code amendment to simplification and clarification of existing code and to leave substantive improvements to future code amendment packages. However, there may be some more or less discrete additions to the proposed scope that the Commission may want to consider, for example, adding new use categories such as parks and open space, or combining existing use categories such as outdoor and retail sales or community recreation and outdoor entertainment. Because these issues may trigger additional Measure 56 notice and require further analysis, staff does not recommend their inclusion at this time.

Alternate Actions – Convert the existing use classifications to a list of explicit uses, or determine some other approach.

SECTION VII. ADDITIONAL CITY STAFF & OUTSIDE AGENCY COMMENTS

City of Tigard Development Services, Building Division and Public Works were notified of the proposed code text amendment and did not provide comment.

Local and State Jurisdictions including The Cities of Beaverton, Durham, King City, Lake Oswego, Portland and Tualatin, Washington County, and METRO, ODOT, DLCD, DEQ were notified of the proposed code text amendment but provided no comment.

Utility Providers and Special Agencies including Portland Western and Southern Pacific Railroads, PGE, Tigard Tualatin and Beaverton School Districts, Tri-Met, NW Natural, Comcast Cable, Verizon, and Qwest were notified of the proposed code text amendment but provided no comment.

ATTACHMENTS:

Attachment 1: *Proposed Use Categories Development Code Amendment (July 12, 2010)*

PREPARED BY: Gary Pagenstecher
Associate Planner

July 12, 2010
DATE

APPROVED BY: Ron Bunch
Community Development Director

July 12, 2010
DATE

**CITY OF TIGARD
PLANNING COMMISSION
Meeting Minutes
July 19, 2010**

1. CALL TO ORDER

Vice President Vermilyea called the meeting to order at 7:02 pm. The meeting was held in the Tigard Civic Center, Town Hall, at 13125 SW Hall Blvd.

2. ROLL CALL

Present: Commissioner Anderson;
Commissioner Doherty;
Commissioner Gaschke;
Commissioner Hasman;
Commissioner Muldoon;
Commissioner Schmidt; and
Vice President Vermilyea

Absent: Commissioner Ryan; Commissioner Shavey; President Walsh

Staff Present: John Floyd, Associate Planner;
Susan Hartnett, Assistant CD Director;
Doreen Laughlin, Sr. Administrative Specialist;
Gary Pagenstecher, Associate Planner; and
Darren Wyss, Sr. Planner

3. COMMUNICATIONS - None

4. CONSIDER MEETING MINUTES

June 21st Meeting Minutes: Vice President Vermilyea asked if there were any additions, deletions, or corrections to the June 21st minutes; there being none, Vermilyea declared the minutes approved as submitted.

**5. PUBLIC HEARING
DEVELOPMENT CODE AMENDMENT (DCA) 2010-00004
- USE CLASSIFICATIONS**

STAFF REPORT

Associate Planner, John Floyd gave the staff report on behalf of the City. [The staff report is available to the public one week in advance of the meeting].

Floyd told the commissioners that his plan for this evening was to give a simple clarification and an update. He said there are two big “firsts”:

1. The first major code amendment under the Regulatory Improvement Initiative. More will be coming in the near future; and
2. The first use of a new format for Text Amendments (Attachment 1). The aim of this new format is to provide a cleaner, clearer presentation, with comments and proposed changes on facing pages.

Despite the 128 pages contained in the staff report and attached amendment package, the purpose of this text amendment is not to expand or restrict existing uses allowed within the Tigard Zoning Code. Rather, the amendment seeks to improve the existing code by making it consistent, clear, and up to date.

On pages 1 and 2 of Attachment 1, is background information and a project summary.

The amendment package is intended to address a number of underlying problems with this chapter:

- Insufficiently detailed to enable some land uses to be clearly identified and assigned to a land use category.
- It is inconsistent in the level of detail provided for each land use category, some are just a list of examples, while others provide lengthy descriptions and accessory uses.
- New kinds of businesses have emerged in recent years, which were not anticipated or included when the chapter was written.

To address these issues, staff looked to the Portland Development Code for precedents of language and formatting. This was done because the Tigard Code was based upon an early draft of the Portland Code. Given this shared parentage, and the many refinements made to the Portland Code over the years, we were able to find some elegant solutions that fit the structure and intent of our own code.

That said, staff has made a strong effort to retain existing language to the extent practicable. We are not adopting the Portland code wholesale, just looking to it for a strong precedent in how to clarify and simplify our own code.

- A new section to guide administration of the chapter. This is found on pages 7-9, and includes a list of items to be taken into consideration. These include things like hours of operation, number of vehicle trips, how the business advertises itself, and the relative amount of floor space and sales activity of different types of uses on site.
- Clarification of existing use categories by reformatting them into four general subcategories: Characteristics, Accessory Uses, Examples, and Exceptions. Existing language is being retained as much as practicable, but expanded and clarified where necessary.

- The proposal includes minor text corrections and formatting changes within the Definitions Chapter, and Zoning District Chapters, to coincide with changes being made to the Use Classification Chapter.
- The amendment creates one new Land Use Category: “Custom Arts and Crafts,” (page 41) recently established as part of the Tigard Downtown District Development and Design Standards. During that update, this land use category was inserted into the Commercial Zones Use Table, and the Definitions chapter, but not the Use Classifications chapter. The amendment corrects this omission.
- Includes specific exceptions for incidental and temporary outdoor activities, such as Christmas Tree Lots, which historically have been regulated the same as permanent land uses conducting “Outdoor Sales.”
- The proposal includes new uses not addressed in past versions of the code, including, “doggy-daycares” and “beverage container redemption centers.”
- In order to achieve consistency and clarity regarding their intent, two land use categories are seeing a change in their allowed uses:
 1. Personal Services and Repair-Oriented Retail (Pages 56-57)
 2. Basically, dry-cleaners and other uses requiring more than one visit per transaction are being moved from Personal Services to Repair-Oriented Retail.
 3. This change required the City to send out Measure 56 notices to approximately 150 property owners in the C-P, MUR-1, and MUR-2 zoning districts, predominantly located in the Metzger Area and along Scholls Ferry Road.
- Finally, staff has alphabetized the land uses categories and “raised” them up in the hierarchy. This change is most readily seen at the top of Page 7, where Subchapter headings are listed in red. The idea is to reduce the length and complexity of citations.

No public comments have been received by staff, either orally or in writing, though some general inquiries were made by recipients of the Measure 56 notices. These were generally asking for clarification of what changes were being made, and how specific projects may or may not be affected.

Recommendation:

Staff recommends that the Planning Commission find in favor of the proposed code text amendments (Attachment 1 to the staff report), with any alterations as determined through the public hearing process, and make a final recommendation to City Council.

QUESTIONS OF STAFF

John, can you explain what the practical effect of the change, for example, the modification for dry cleaners... practically...what does it mean for those businesses? “In the MUR1 zone district - basically in the urban district personal services are allowed. Repair oriented retail is not. Should you wish to develop this property and include dry cleaners as part of that, he will not be able to do so. That would be a practical effect of that change.”

Are there any other changes like that, besides the dry cleaners? “Basically the pet groomers are affected if you drop off your animal and come back to pick it up – that would be moved; however, if it was more of a self dog-wash type of place – that would make it personal services.”

Susan Hartnett, Assistant Community Development Director, stepped in to clarify a point: “As we’ve been working on this, we’ve really asked ourselves ‘why’ repair-oriented is not allowed in those zones - and we cannot find a solid basis for that. It may be something we want to revisit, but what we were really clear about in this project was we were not going to start changing what use categories were allowed in the zones. We didn’t want to suddenly say that all repair-oriented was allowed in those three zones. That may be a question you may want to ask and have us answer, but not as part of this project because it has a much broader implication. When I look at the two use categories though, I look at the impact... and I don’t see a significant difference, which is why I say – ‘why is one allowed and one not allowed?’ But that is an historic issue and not one we’re trying to correct today.”

Do we know if there are any existing businesses that are affected by these changes, as opposed to undeveloped properties that prospectively may be affected by them?

Hartnett answered, “We’re not aware of any and, as John Floyd mentioned, all the properties affected by this were sent notification that clarified what these changes would mean to them. If there were any out there, they would be considered legal non-conforming uses – they would not lose their status – they would be allowed to continue under that grandfathering.”

TESTIMONY IN FAVOR OF THE APPLICATION

Larry Knudsen, 8660 SW 82nd Portland, OR 97223 [owner of “Larry’s Custom Christmas Tree Lot”] spoke neither for, nor against, but wanted to clarify his businesses’ status. He said he was the ‘one in question’ last year that had to leave rather abruptly [on the corner of Oak and Hall Blvd.] One of the commissioners said he thinks the City is *still* apologizing about that and that no one was happy about being the Christmas “Grinch.” Mr. Knudsen said he understood that, and that he’d tried to make things work but they just didn’t seem to work out, however; by the grace of God he said they were able to move and finish the season out – so that was a good thing. His main question was “What does it look like for the future – for somebody in the MUR-2 zone [in his line of business]?” John Floyd answered, “This is the amendment that will help this situation. As I understand it, in the past, the Christmas tree lots were regulated in the same way as permanent outdoor sales. Under this amendment

package, there is a very specific exception for Christmas tree lots. They are not considered outdoor sales. They will be considered 'temporary activities' and regulated as such."

At this point, Susan Hartnett spoke about the difference between 'temporary activities' and 'outdoor sales.' She said, "The 'Temporary Uses' chapter was recently revised for the Farmer's Market amendments. That chapter still needs some work. We have created a clarification in this new chapter under outdoor sales - to clarify that anything that is a temporary use is not considered an outdoor sales use. One of the things we are going to be doing in the next package is revising that entire chapter, in part, to step away from the use of the word "use" – because these are not temporary 'uses', but are temporary 'activities' – and that's what a Christmas tree lot is. It's there for a month, 6 weeks at the most, and then it's gone. It's not like a 'use'- which is a permanent on-site, having ongoing impacts. The temporary activities chapter, as it's going to be renamed, will clarify how long this kind of impact should be allowed based on the zones. And in the mixed-use zones, the anticipation is that it's a more likely active zone and, therefore, temporary activities of this nature for sure should be allowed. Right now we have a little bit of a glitch – a kind of 'circular argument' - but staff all knows that we're going to ignore that little circular link until we get that fixed. The intention is - temporary activities are not outdoor sales and therefore not subject to the zoning requirement that outdoor sales be allowed in the zone in which a Christmas tree lot is going to be proposed."

Commissioner Vermilyea said, "That was perfectly stated and I'm glad you said it just that way because now it's on the record so if we make this recommendation to Council, and City Council passes it, the intent will be to enforce it as Susan has just stated it. So you [Mr. Knudsen] should be 'good to go' for this season." Knudsen thanked them and said that's what he needed to clarify.

TESTIMONY IN OPPOSITION OF THE APPLICATION

There was no one present in opposition.

PUBLIC HEARING - CLOSED

DELIBERATIONS

Some of the commissioner comments follow:

"The way this is written makes it very, very clear as to what's covered and what's not covered." "I like the way this is laid out – it makes it much clearer for the user. I did get an email from Commissioner Walsh and his email indicated he didn't have any issues with it – he thought it worked well." "All in all – I think this is a good package and very non-controversial, which is nice."

MOTION

The following motion was made by Commissioner Doherty, seconded by Commissioner Muldoon:

“I move that the Planning Commission forward a recommendation of approval to the City Council of application number DCA2010-00004 and adoption of the findings and conditions of approval contained in the staff report as amended on page 31.

The motion **CARRIED** on a recorded vote, the Commission voted as follows:

AYES: Commissioner Anderson, Commissioner Doherty,
Commissioner Gaschke, Commissioner Hasman,
Commissioner Muldoon, and Commissioner Vermilyea (6)
NAYS: None (0)
ABSTAINERS: None (0)
ABSENT: Commissioner Ryan and President Walsh (2)

Vice President Vermilyea noted this will go before Council for a vote on September 14th.

6. WORK SESSION – Economic Opportunities Analysis Meeting

Senior Planner Darren Wyss introduced Steve Faust as a Senior Planner with Cogan, Owens, Cogan (COC). He said they are the consultants who are working on the Economic Opportunities Analysis (EOA) with the City. He said they are here to give an update on the progress and future activities in the EOA.

There are three items to cover:

1. The schedule;
2. The Community Economic Development Objectives; and
3. The interviews that have taken place and will continue to take place in the next few weeks.

1. The schedule:

- Project was funded by a grant from the state. The grant will be completed by May 31st of next year.
- Included in the packets are: 1) Scope of work with general timelines, 2) Grant agreement schedule for submitting reports.
- We are finalizing Task 1, which includes drafting the Community Economic Development Objectives; defining the planning area; gathering data; and coordinating with state/regional partners by conducting interviews.
- We will continue working on these things the next couple of months
- We’ve begun Task 2 (the transit houses). We’ve collected data from the state and Steve’s team has started to analyze that data and that will continue through the rest of the summer. In September, you’ll have data to look at.

- Task 3 – Site Suitability Analysis will start after task 2 is complete.
- Task 4 – We’ve started GIS analysis – we need to meet again and refine that analysis. In September, when we come back on this, we’ll have some good information for you to look at and give feedback on.
- Task 5 – the assessment and potential will be late autumn
- Task 6 – the implementation policies, based on the previous steps, will be early winter (PC in the form of advisory committee feedback will be important & meetings will probably be monthly in the fall)
- Completed draft EOA is planned for about the end of March (workshops with PC in Feb/March for review)

2. Community Economic Development Objectives

- This will define our approach to economic development
- Goal 9 used as guide
- Condensed into a set of broad brushed objectives

COMMENTS / QUESTIONS

“I have a question on ‘Development and redevelopment of vacant and underutilized industrial and commercial land-use.’ Do we have a method by which we’re going to identify those before we begin promoting them? And, what’s our process for that?”

Wyss answered: Task 4 will be the inventory of suitable sites and will define what we consider to be redevelop-able. And we already have our vacant billable lands inventory that we update every year.

“Do we have any develop-able land left?” Yes, we have some vacant commercial and industrial sites in the City. It’s pretty limited. We’ll have all those numbers for you and a map that you can look at when we come back in September.

3. Interviews

At this point, Steve Faust gave a brief update on the five interviews to-date. The following are key points from those interviews:

- Consensus that the City’s location is its primary asset, particularly with regard to transportation corridors and the Portland metro area.
- Quality of life and skilled workforce are also cited as strengths.
- Many regard the Tigard Triangle as a successful/competitive area.
- There is general agreement with the City’s priority areas, especially downtown and the Triangle. There is concern that future development/redevelopment will compound existing traffic problems.

- To attract business and population, it is recommended that the City lower business taxes, develop transportation alternatives, and improve infrastructure (particularly related to transportation).
- There is some support for diversifying housing stock and types of businesses, including mixed-use districts that bring people downtown and are active outside of business hours (i.e. evenings).
- There is a need for workforce/low-income housing, particularly near grocery stores and other neighborhood services.
- No one identified any business clusters or specific opportunities to expand the traded sector.

NEXT STEPS MEETING - SEPTEMBER 20

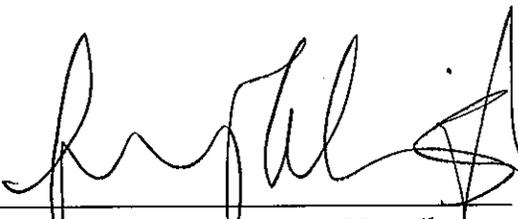
- Finalize Task 1 and continue working on 2, 3, & 4
- Bring more info to review in September
- Begin having monthly agenda items related to EOA

7. **OTHER BUSINESS** – None.

8. **ADJOURNMENT**

Vice President Vermilyea adjourned the meeting at 7:58 pm.


 Doreen Laughlin, Planning Commission Secretary


 ATTEST: Vice President Jeremy Vermilyea