

City of Tigard
 Tigard City Council Meeting Minutes
 March 10, 2015

 STUDY SESSION 6:30 pm

- A. COUNCIL LIAISON REPORTS: Councilor Henderson said Jennie Proctor, Program Manager for the Washington County Office of Community Development and Tigard Associate Planner Marissa Grass were present to discuss the proposed CDBG 2015/16 grant awards. Ms. Proctor discussed some of the prior CDBG funded projects in Tigard which include sidewalks on North Dakota Street (to be completed by mid-2016), Garrett Street sidewalks, Good Neighbor Center, Bonita Park, Knoll Apartments, and the Senior Center Remodel. Materials distributed by Ms. Proctor have been added to the packet for this meeting.

- B. REVIEW OF 2015 COMMUNITY GRANT FUNDING REQUESTS: Financial and Information Services Executive Assistant Lutz led a discussion on the applications for community organizations for grants for next fiscal year. She displayed a spreadsheet of requested amounts and entered council’s funding decisions for 18 organizations. There is \$112,186 in requests but only \$83,000 in available funds. Council selected amounts that were captured on the spreadsheet and will be discussed at the Budget Committee meetings and included in the FY 15/16 budget. The variance of information provided on the different requests was discussed and council recommended asking each applicant how they used their previous grant. Council President Snider noted differences in financial statements and asked for uniformity. Ms. Lutz said the process could include stricter submission guidelines and may have to begin sooner next year. Mayor Cook recommended that in August or September staff will initiate a discussion with council on getting better and more comparable information from the applicants.

1. BUSINESS MEETING – March 10, 2015 

2.

- A. Mayor Cool called to order the City Council and Local Contract Review Board meeting.

- B. City Recorder Krager called the roll.

	Present	Absent
Council President Snider	✓	
Councilor Woodard		✓
Mayor Cook	✓	
Councilor Goodhouse		✓
Councilor Henderson	✓	

TIGARD CITY COUNCIL MINUTES – MARCH 10, 2015

- C. Mayor Cook asked everyone to stand and join him in the Pledge of Allegiance.
- D. Call to Council and Staff for Non-Agenda Items – There were none.

2. CITIZEN COMMUNICATION

- A. Follow-up to Previous Citizen Communication – None.
- B. The Tigard High School envoy was in Washington, DC so there was not a Tigard High School report this evening.
- C. Tigard Area Chamber of Commerce – Chamber CEO Mollahan gave a report on current and upcoming Chamber activities. Bowlorama went well and she thanked Tigard Bowl for their longtime support. She announced that the college scholarship application acceptance period has closed and the applications received are being reviewed. The Tigard Shining Stars event is scheduled for April 25, 2015, and the chamber is accepting donations for the silent auction. A Farmers Market opens a mid-week on Wednesdays at the Tigard Grange and the Sunday Farmers Market opens on Mothers’ Day at the Public Works Building. The Tigard Downtown Alliance is working on sourcing bike racks and baskets for the downtown.
- D. Citizen Communication – Sign-up Sheet

Robert Van Vlack, 15585 SW 109th Avenue, Tigard, OR 97224 represented the Summerfield Civic Association and said he previously brought concerns to the city council regarding pedestrian and golf-cart safety at the four-way stop at the intersection of SW 98th and Summerfield Drive. He said Public Works Director Rager and staff developed a solution of installing a larger stop sign and red flags. He read a letter from the Summerfield Civic Association Board thanking the city for the upgrades made to this intersection and said they are hopeful that this solution will be effective.

3. CONSENT AGENDA: (Tigard City Council)

Motion to:

- A. RECEIVE AND FILE:
 - Three-month council calendar
 - Tentative Agenda

TIGARD CITY COUNCIL MINUTES – MARCH 10, 2015

Council President Snider moved for approval of the Consent Agenda and Councilor Henderson seconded the motion. The motion passed unanimously.

	Yes	No
Council President Snider	✓	
Councilor Woodard	Absent	
Mayor Cook	✓	
Councilor Goodhouse	Absent	
Councilor Henderson	✓	

4. PROCLAIM NATIONAL COMMUNITY DEVELOPMENT WEEK APRIL 6-11, 2015

Mayor Cook proclaimed April 6-11, 2015, as National Community Development Week. He mentioned many projects in Tigard that Community Development Block Grants have helped build such as the Senior Center, the homeless shelter and sidewalks. He said there is always more need than money. He said the grant money is divided up by county population and a formula based on need. Councilor Henderson noted that the amount is \$3 million per year.

5. LEGISLATIVE PUBLIC HEARING – CONSIDER MARIJUANA FACILITIES DEVELOPMENT COE AMENDMENTS

- a.  Open Public Hearing - Mayor Cook opened the hearing and gave the rules for public testimony. Three of five council members are in attendance so there is a quorum but he explained that the council may not vote on the code amendments tonight. One councilor is at a park and recreation grant proposal seminar and another is attending the National League of Cities Conference in Washington, DC. He said the absent councilors can watch the meeting video so every member hears the testimony but the vote will likely be continued to another meeting.
- b. Hearing Procedures - Mayor Cook said this is a legislative public hearing in which any person shall be given the opportunity to comment.
- c.  Staff Report – Associate Planner Floyd

Associate Planner Floyd said the code amendments are land use controls that would become effective May 1, 2015, when the city’s temporary moratorium on medical marijuana dispensaries ends. The code amendments were initiated at council direction and satisfy three criteria identified by council:

- Regulation of full chain of production and sale
- Must be adaptable to evolving state rules
- Establish a consistency between medical and recreation markets and production systems

TIGARD CITY COUNCIL MINUTES – MARCH 10, 2015

He presented a slide show of recommendations from the Planning Commission for text changes to Tigard's Development Code. Future action dates include:

- May 1, 2015 End of medical marijuana dispensary moratorium
- July 1, 2015 Possession/use of recreational marijuana is legal
- January 1, 2016 OLCC must have rules in place to accept applications for four types of commercial marijuana licenses

He said Oregon already regulates the location of medical marijuana dispensaries by keeping them 1,000 feet from schools with 1,000 feet between dispensaries, as measured from property line to property line, not building to building. Staff used these as a foundational basis and built upon these minimums. The recreational marijuana rules are unknown and are still under development by the OLCC. Clarifying legislation is likely. There are different regulatory requirements for medical and recreational product and the legislature may combine them for consistency but this has not happened yet.

In Measure 91, Section 59 states that cities and counties may adopt reasonable time, place and manner regulations regarding the nuisance aspects of establishments that sell marijuana. SB 1531 states that the governing body of a city or county may impose reasonable regulations on the operation of medical marijuana facilities registered or applying for registration. He said regulations must be "reasonable," but this is not defined. Staff considered what other cities were doing as well as existing Tigard regulations.

Regulations must be tied to a nuisance impact (exposure to minors, unpleasant odors, noise, increased crime due to cash and controlled substances, noncompliance with codes, explosions from processing agents, or increased fire, police or code enforcement calls). Mr. Floyd said Tigard has experienced recent explosions due to the illegal manufacture of butane honey oil.

Associate Planner Floyd listed community outreach and notifications to obtain public input including the website, online citizen forum, Cityscape articles, business owner surveys, interested parties list, newspaper ads, two public hearings and contact with local reporters.

Mr. Floyd summarized proposed text changes as recommended by the Planning Commission.

Chapter 18.210 – General Administrative Provisions

Removes federal consistency requirement and reduces risk of litigation. It increases certainty for investors and property owners and removes the incentive to avoid permits.

Chapter 18.735 – Marijuana Facilities

TIGARD CITY COUNCIL MINUTES – MARCH 10, 2015

This is a new chapter that applies to commercial or public facilities where a state issued permit or registration is required. It establishes local uniformity for medical and recreational project. It does not apply to personal marijuana grows or use, which would be regulated by existing state law and local nuisance regulations. It is additive to underlying use and zone regulations. Future urban farming code amendments to address chickens and bees, etc., may have a chapter on marijuana growing within the city.

Zoning would be retail for retail facilities and general industrial or office for laboratories. The review process is Type 1, a staff-level review with no public notice.

Associate Planner Floyd said cities are allowed to create time, place and manner regulations. Included in Chapter 18.735 are regulations covering hours of operation, design and operation of facilities and location. He summarized:

- Hours of operation would be 10 a.m. to 8 p.m. This was strongly recommended by the Police Department. General industrial uses such as growing and processing are exempted.
- Odor limits. It must not be detectable beyond the property line.
- Visible entry; the primary entrance must face the street on 99W or Main Street to allow for natural surveillance from citizens and police.
- Exterior lighting is required.
- No temporary structures, trailers or drive-through allowed.

Location was more contentious, with the Planning Commission amending the staff recommendation. They decided to split out non-retail from retail.

Retail is restricted to 99W and Main Street and non-retail can occur in a broader area of the city, based on the buffer restrictions. It allows mixing of types if this is authorized by the state and all local criteria are met. All are subject to the 500 foot buffer from parks and 1,000 foot buffer from schools. Non-retail restrictions include being 500 feet from a residential or park zone and 1,000 feet from schools, measured from the property line.

The Planning Commission felt that the staff proposal did not adequately protect the residences of the city, especially those in single-family homes, and did not adequately protect those living in mixed use zones. There was concern about children living in some zones. There were issues of equity. They found it more expedient to say where it would be allowed rather than list all the area they would not be allowed. The Planning Commission arrived at a unanimous recommendation that the businesses had to front 99W. To avoid concentration they suggested 1,000 feet minimum between retail facilities, the buffer already established by state law for medical facilities.

TIGARD CITY COUNCIL MINUTES – MARCH 10, 2015

Associate Planner Floyd showed a map indicating where the facilities could be located if the Planning Commission recommendations are followed and estimated five to nine retail facilities could operate in the 99W corridor, assuming landlord cooperation and availability. For a 50,000 population, nine stores would adequately serve the city.

 Mr. Floyd said staff communicated with nearby jurisdictions as 99W connects with other municipalities, and Beaverton responded that they have no concerns with this placement of facilities. In response to a question from Mayor Cook, Mr. Floyd said King City did not respond. He said these two streets are areas where potential operators desire to operate. There has been a lot of interest in these areas.

Associate Planner Floyd showed slides of several maps and explained how earlier map versions showed no opportunity for retail businesses in the downtown because of St. Anthony's School to the south of Main Street and a home schooling location on Commercial Street near the north end of Main Street. Updated maps did not show a school and upon further investigation staff found that the school on Commercial had gone out of business. Councilor Henderson asked if this restricts schools from moving into the downtown. Associate Planner Floyd said it would not restrict the school but the marijuana facility would become non-conforming. Mayor Cook said if they remodel, move or get new owners, the business would not be allowed to continue. The Planning Commission looked for zones where residential occupancy is not allowed: industrial lands, neighborhood commercial zones, general commercial. The Planning Commission thought that businesses would not do well in industrial areas because they are more difficult to get to and another reason is their potential to compromise economic development in the industrial zone.

Mayor Cook asked about the visibility from the street and gave an example of a business in a strip mall that may be facing Pacific Highway and have a Pacific Highway address, but cannot be seen from the street. He asked if that property would be eligible. Associate Planner Floyd said under a strict reading, no. There needs to be natural surveillance from the street. Council President Snider said many strip mall businesses have Pacific Highway addresses yet do not face the street. Mr. Floyd said if this is a council concern, staff can clarify this.

The downtown area would be north of Jeffery Allen to the Joy Theater on 99W. One to two facilities could locate downtown and there has been much interest in this area.

Two to three could locate in the Gaarde/McDonald/99W area, depending upon land availability. There is also an area near Bull Mountain Road.

The south end of Tigard near Safeway and Albertsons across from King City could have one to two businesses, because of the large parcel size. Council President Snider asked about residential zoning within 1,000 feet behind the Safeway store. Associate Planner Floyd said staff did not factor in distance to residential areas in the retail location placement.

TIGARD CITY COUNCIL MINUTES – MARCH 10, 2015

d. Mayor Cook called on people who had signed up to give testimony.

Proponents:

Lee Engvall 15461 SW 82nd Place, Tigard, 97224 asked a question about the PowerPoint slide regarding retail facilities and whether the city was extending retail rules to wholesalers. Associate Planner Floyd said they would apply to retail and wholesale facilities selling directly to the public. Mr. Engvall said keeping marijuana out of the hands of children is important. The safety of patients is important and Tigard patients need good access to a local medical marijuana facility. Owners of most of the medical dispensaries are good neighbors that do not want riff-raff hanging around their businesses. He said having a retail shop in town would reduce the carbon footprint because buyers would not have to drive to Portland.

Shanna Bernard, 11640 SW Pacific Highway, Tigard, OR 97223 said she is a community member, mother, business owner and hopefully, a medical marijuana dispensary owner. She said she, “had a lot in the game here.” She said she understands the safety issues and issues about keeping the product away from children. Her husband owns a building on 99W that was discussed previously. She said she realizes the city is considering language modifications regarding the visibility and she wanted to bring something to council’s attention. Her husband’s building sits on a lot on 99W but is not perfectly facing the street. However, their side-facing business location is perfectly visible from the street and she suggested allowing council to use good judgment and change the language to say the entry point should be visible from the road and/or state road frontage.

Ms. Bernard mentioned a second issue. They applied for a minor modification permit from the city that cannot be issued until May 1, but their state provisional marijuana facility license, costing \$4,000, expires on April 21. Council may not have voted on regulations by then. She asked if they could be allowed to get the building permit so they can start building out for their required security measures. She noted that her husband is a business owner who invested a lot of money into the building in an area where others have not. They want to revitalize the community and care about Tigard and want to see it grow. This would be a positive step forward. She said there is a lot of regulation so there will not be many facilities.

Dimitri Yovko said his questions were answered by the information in the PowerPoint slides.

 Brian Bergmann, 11180 SW Hall Boulevard, Tigard, OR 97223, said he has lived in Tigard most of his life. He broke his neck when he was 16 and has used medical marijuana for many years to help manage pain and muscle spasms. Dispensaries provide a valuable service for cardholders to get medicine and restricting the allowed locations to 99W and downtown Tigard will significantly reduce the number of facilities available. He said most landlords for the spaces currently for rent do not want to rent to dispensaries. Adding this to the buffer zone requirements further restricts the potential for dispensaries in Tigard. He said he would like to see dispensaries allowed on 99W, downtown, and other commercial zones within the Tigard city limits. He said he does not want an overabundance of facilities but believes in free enterprise and if multiple dispensaries can open and operate without

TIGARD CITY COUNCIL MINUTES – MARCH 10, 2015

going out of business they should be allowed to operate within any commercial or retail zone.

Mr. Bergmann said the state set up the buffer zones and he didn't know if the city council can change them but it is unfair to interpret the buffer from an aerial view of property lines. He suggested using a buffer of 1,000 feet in a walkable line, as it is more than 1,000 feet to walk from one facility to another. He referred to the previous conversation regarding the school in downtown Tigard that closed. He said he currently has a medical grow that was in place before Westside Christian School moved to the area. He asked if he could be grandfathered in within this instance.

Opponents:

Connie Ramaekers, 9655 SW Murdoch Street, Tigard, OR 97224, said she has been a resident since 1979, raised seven children that have graduated from Tigard High School and she currently has 15 grandchildren. She has worked for the Tigard-Tualatin School District as a prevention specialist since 1987 and is now the program director for Tigard Turns the Tide, a community coalition. She was present as a representative for Tigard Turns the Tide and for several members of the community.

Ms. Ramaekers said the mission of Tigard Turns the Tide is to promote a safe and healthy community by reducing alcohol, tobacco and other drug-related problems within the community. She listed several proposed recommendations based on issues that Colorado and Washington are faced with since legalization. She provided some written material that have been added to the packet for this meeting.

Additional regulations suggested:

- Facilities should not be located within 1,000 feet of residential areas, parks, schools, public and private daycare facilities, and libraries.
- Marijuana facilities should be restricted to operations only within the confines of Tigard's industrial areas.
- No butane extraction or hash oil production should be allowed, nor storage of such product within the city limits.
- No sales of marijuana edibles attractive to youth such as suckers, gummy bears, cereals, etc., should be allowed.
- Retail sales and dispensary hours should be 11 a.m. to 6 p.m.
- Storefront windows should be frosted or use non see-through glass so there is no glamorization of displays. Signage should have no pictures representing marijuana leaves and words-only signs should be considered.

She strongly encouraged the city council to put the children's' safety and well-being first and foremost and consider the ramifications of these regulations.

Morgan Chamberlain 9350 SW Martha Street, Tigard, OR 97224, is a junior at Tigard High School and represents STUD (Stop Teenage Underage Drinking and Drug Use), a school club promoting awareness of the danger of underage drinking and drug use. She spoke

TIGARD CITY COUNCIL MINUTES – MARCH 10, 2015

before the Planning Commission and wanted to give the same message to council, supporting strict marijuana regulations with an emphasis on banning edibles. Small children have been hospitalized for eating marijuana-infused products. She noted there was no mention of edibles in the regulation discussion tonight. She said it should become more difficult for young people to obtain marijuana and items such as vapor pens and e-cigarettes. She saw three boys on the THS campus with a vapor pen this morning. She said her generation has a twisted perception and a lack of education on the risks of using marijuana. A girl at school told her she believes she drives better while high so has become a designated driver. This ignorance is very dangerous and accidents and hospitalization rates will only grow if regulations are not enacted. She said she does not want to be on the road with high drivers or walk into school through a cloud of smoke.

Nick Albano signed up but did not speak.

Mike Stevenson, owner of a commercial printing business at 9040 SW Burnham, Tigard OR, 97223, spoke as a property owner and as Tigard Downtown Alliance Vice President. He had two comments. As a business owner in an area identified as one in which marijuana facilities will be allowed, he is concerned that this discussion is being held without much public input. He said the Tigard Downtown Alliance wants to be involved in discussions and has received very limited information.

His second comment was to question why Main Street and 99W were lumped together. 99W is a busy thoroughfare with heavy traffic. He thought Main Street was to be revitalized as a much slower, walking, family-friendly area. One goal of the downtown is to add park space. If a marijuana business is located on Main Street will it prevent the city from having park space, a fountain or the development of the Tigard Street Trail? He asked why Scholls Ferry Road, Tigard Triangle, Washington Square and the new area off of Roy Rogers Road were not considered.

Mr. Stevenson said he cannot speak for all TDA members because they have not had time to discuss this. He understands that decisions need to be made but decisions should not be made in a vacuum. The TDA Board wants to speak with their group over the next two months and report any concerns or approvals to council.

Linda Zumwalt signed up to speak but did not.

Sherry Baton, 11020 SW Wilsonville Road #111, Wilsonville, OR said her building is “L-shaped” so the storefront is facing one side but is clearly visible from the street. Mayor Cook agreed that there needs to be clarification about whether visibility is achieved by standing on 99W and looking towards the entrance or if the actual business door needs to face 99W. Associate Planner Floyd clarified that the language states the primary entrance shall be located on street-facing facades and be clearly visible from a public or private street. He said there are instances where because of historical development patterns and the nature of 99W, some buildings may be askew and may have more than one visible façade. There may have to be a case by case analysis.

TIGARD CITY COUNCIL MINUTES – MARCH 10, 2015

She asked if the statement that five to nine facilities could be allowed meant five to nine in a mall area or was it within the entire city. Mayor Cook clarified that by saying staff estimates five to nine facilities on 99W based on a 1,000 foot buffer between them. Associate Planner Floyd said the code does not distinguish between medical and recreational. The two systems may converge at some point. Council President Snider said this was council's direction to keep it simple and consistent in the case that facilities are allowed to have both medical and recreational.

Councilor Henderson asked how many medical marijuana dispensaries are presently in Tigard and Associate Planner Floyd said there were none.

 Mayor Cook said he assumed retail meant recreational marijuana and non-retail meant medical. He asked if a building owner opens a medical dispensary and then decides to change to recreation sales later and the OLCC allows it, would the city determine that they cannot have the two together. Would each type count as one facility and they would have to buy another building 1,000 feet away? He said he would have no trouble with it if a business owner puts a wall down the middle and divides the space into two sales areas. Associate Planner Floyd said co-location could be clarified in the code if council desires.

Council President Snider said to the audience that regulation of edibles has been mentioned but will not be addressed because it is not related to land use, which is what is being discussed tonight. He said he had the same question about road visibility and wanted that code section made clearer so less is left to interpretation. He asked for staff comment about why, when looking for large retail space in Tigard, Washington Square is not being considered. He also asked about the commercial zone in River Terrace and why it is not identified as potential space.

Associate Planner Floyd said River Terrace was adopted after this process began but the same rules would apply. Under staff recommendation they could locate there but the dimensional calculations have not been made. He showed a slide of the Washington Square area. Council President Snider asked about a gap in the Washington Square area map and Mr. Floyd pointed out that there is a 500-foot buffer around residential. The cemetery is zoned residential.

Councilor Henderson referred to Mike Stevenson's question about what comes first. If a school or park is located within an area, a dispensary would have to remain outside the buffer. But if the dispensary goes in first, a school could still locate there and the dispensary would be in non-compliance. He asked Mr. Stevenson if that explanation answered his question. Mr. Stevenson said as we try to redevelop the downtown area, we are trying to bring in more apartments, condos, parks and more places for families. He said he did not see why the downtown is the focus and Washington Square is not being considered. He added that the residential (cemetery) zoned area would not generate complaints. He referred to an earlier comment that a location may be 1,000 feet away on a map but it could still take someone 5,000 feet to get there. He asked why that area would be excluded and suggested that the city may be applying rules that are too rigid in one sense but not in others.

TIGARD CITY COUNCIL MINUTES – MARCH 10, 2015

Council President Snider said there needs to be a better solution for non-conformance issues and staff needs to figure what happens in that scenario. As long as the footprint stays the same does the business get to remain in operation? Otherwise, there could be a group of people opening schools just to shut down marijuana businesses.

Mayor Cook asked Associate Planner Floyd if the Planning Commission discussed Washington County's rule that facilities could not be located within 1500 feet of a MAX station. Mr. Floyd said he did not recall that being discussed but said Main Street was identified as easily accessible for a large group of people by transit, walking and driving. He clarified that under the Planning Commission regulations only one facility could be located on Main Street. He said the park buffer distance is for a park zone, not a park boundary. There is no official boundary line for some parks, so it will be measured from a property line. The regulation is only for parks in a park zone. Theoretically there could be a park located in the underlying MU-CBD zone in downtown so the Tigard Street Trail could be implemented through the current zoning. Generally, most parks in the city are in a park zone but it is not always synonymous. Council President Snider asked if there were locations in residential zones that have something on it that would prevent a house from ever being built there, other than the cemetery near Washington Square. Mr. Floyd said there were and mentioned churches, schools, public utility infrastructure and cell towers. Council President Snider said those could be repurposed but a cemetery could not. Mayor Cook said cemeteries do get moved at times.

In response to a process question from City Manager Wine, Mayor Cook said the public hearing could be closed but questions could still be asked of staff. He said he would rather deliberate when all of the council is present. Councilor Henderson said the other two councilors will be able to speak at the continuance but the TDA requested time to discuss with their members and bring input to council. Mayor Cook suggested that written testimony remain open. Council President Snider requested that staff do more outreach as suggested by the TDA representative. Associate Planner Floyd said the Planning Commission president has requested to speak at the next public hearing but accepting future oral testimony is up to the council. Councilor Henderson said he wanted it to remain open so council "gets it right." Council President Snider said he preferred only accepting written testimony. He said the TDA and Planning Commission President can provide additional written testimony. He said if oral testimony is kept open, council's ability to make decisions and take action is problematic. Mayor Cook agreed because there could be two hours of public testimony and then council would need to make a decision because this must be done by May 1. If the city's regulations are not adopted by then, Tigard will be under state rules.

Councilor Snider asked if staff had a suggestion for the citizen with the issue of the provisional license running out before the city can issue a building permit. Associate Planner Floyd said the space may not be approved for retail so a change of use may need to be done. He recommended that the person come in and talk to staff at the Permit Counter. He proposed that the moratorium be lifted early. Mayor Cook asked if the ordinance is approved on April 14, when is it effective. Associate Planner Floyd said it has an emergency clause and will be effective immediately upon adoption. Assistant Community Development Director McGuire recommended that the prospective applicant who had the permit issue come in and meet with staff to discuss potential solutions. They may be able to

TIGARD CITY COUNCIL MINUTES – MARCH 10, 2015

get their security system in place and change the use later. Council President Snider remarked that his response was the kind of creativity he was looking for. Councilor Henderson asked what the current use is and Associate Planner Floyd said it has been vacant.

 City Manager Wine asked council to raise any questions prior to deliberation on the April 14 continuance date so staff can respond in time for council review of those responses.

Mayor Cook said he would offer some hints about the direction he is considering. He agreed with the TDA and said if Main Street is in the “mix” for marijuana facilities, he wonders why Scholls Ferry Road is not included. A facility would be just as visible from Scholls Ferry Road as on Main Street. Council Henderson asked if he was willing to put that in writing for the rest of the council. Mayor Cook said he is just saying that if the majority of council do not want it on Main Street, Scholls Ferry Road or the Washington Square/Hall Boulevard are alternatives. He asked for clarification on the visibility from the street. He also asked if the Les Schwab building would be considered part of the Washington Square area.

Council President Snider said he conceptually likes 99W on some level but it may be overly restrictive on retail. He said he did not know if a business will end up in Washington Square as their management is selective about tenants and there is also no road frontage which challenges the code recommendation about visibility from a street.

Mayor Cook said he met previously with Councilor Woodard and Councilor Goodhouse about this topic. Councilor Woodard said the 500 foot buffer was too restrictive and wanted a lesser number for a residential buffer.

City Manager Wine said there is also time available at the April 7 CCDA meeting if council would like additional separation between deliberations and the decision. Councilor Henderson said he would prefer that.

- f. Close Public Hearing – Mayor Cook closed the oral testimony and continued the public hearing until April 7, 2015. Written testimony may be submitted through April 1, 2015.
- g. Council Discussion and Consideration of Ordinance 15-04 – hearing was continued to April 7, 2015.

6. NON AGENDA ITEMS - None.

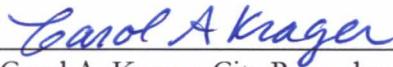
7. EXECUTIVE SESSION: At 9:29 p.m. Mayor Cook announced that the Tigard City Council will enter into an executive session. The executive session is called to discuss real property negotiations under ORS 192.660 (2) (e). He said the city council will adjourn from the Red Rock Creek Conference Room after the Executive Session.

TIGARD CITY COUNCIL MINUTES – MARCH 10, 2015

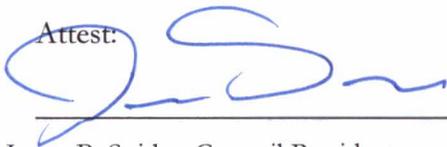
8. ADJOURNMENT

At 9:45 p.m. Council President Snider moved for adjournment. Councilor Henderson seconded the motion and all voted in favor

	Yes	No
Council President Snider	✓	
Councilor Woodard Absent		
Mayor Cook	✓	
Councilor Goodhouse Absent		
Councilor Henderson	✓	



Carol A. Krager, City Recorder

Attest: 

Jason B. Snider, Council President
April 28, 2015
Date

TIGARD CITY COUNCIL MINUTES – MARCH 10, 2015