



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

10/12/2010

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Tigard Plan Amendment
DLCD File Number 004-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, October 26, 2010

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: John Floyd, City of Tigard
Gloria Gardiner, DLCD Urban Planning Specialist
Anne Debbaut, DLCD Regional Representative

<paa> YA



FORM

2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

In person electronic mailed

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DEPT OF

OCT 6 2010

**LAND CONSERVATION
AND DEVELOPMENT**

For Office Use Only

**S
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P**

Jurisdiction: **City of Tigard**

Local file number: **DCA2010-00004**

Date of Adoption: **September 28, 2010**

Date Mailed: **October 5, 2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date:

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

The Use Classification (Chapter 18.130) 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. Existing use categories are being expanded and clarified through the addition of four general categories (Characteristics, Accessory Uses, Examples, and Exceptions) that will replace the existing single paragraph describing each use. In addition, the amendment will introduce accessory uses into the chapter and how they are to be administered through the code. 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.

Does the Adoption differ from proposal? Yes, Please explain below:

Transitional housing (TDC18.340.040.C) was 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.

Plan Map Changed from: **N/A**

to: **N/A**

Zone Map Changed from: **N/A**

to: **N/A**

Location: **N/A**

Acres Involved: **N/A**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
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Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 004-10 (18341) [16357]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

City of Tigard

Local Contact: **John Floyd, Associate Planner**

Phone: (503) 718-2429 Extension: 2429

Address: **13125 SW Hall Blvd.**

Fax Number: 503-718-2748

City: **Tigard**

Zip: 97223

E-mail Address: **johnfl@tigard-or.gov**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD of the Adopted Amendment to:**

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
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.

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.

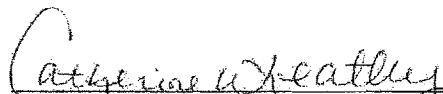
NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

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

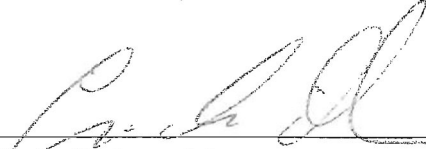
SECTION 2: The City recognizes the background information and commentary contained in "EXHIBIT A", and the findings and conclusions contained in "EXHIBIT B", to be the legislative basis for this ordinance; and

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 UNANIMOUS vote of all Council members present after being read by number and title only, this 28th day of September, 2010.

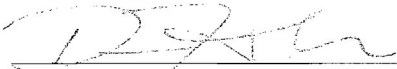

Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this 28th day of September, 2010.



Craig Dirksen, Mayor

Approved as to form:



City Attorney

9/28/10

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 ~~striktrough~~ 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 CategoriesA. 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.c, 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 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 craftsman 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 Serving/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.

5

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.

- ~~c. 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.e)~~

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	R ¹ /C	R ¹ /C	R ¹ /C	R ¹ /C	R ¹ /C	R ¹ /C	R ¹ /C
Transitional Housing	N	N	N	N	N	C	C	C
Home Occupation	R ²	R ²	R ²	R ²	R ²	R ²	R ²	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	R ³	R ³	R ³	R ³	R ³	R ³	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	C ⁴	C ⁴	C ⁴	C ⁴	C ⁴	C ⁴	C ⁴
Colleges	C	C	C	C	C	C	C	C
Community Recreation	C	C	C	C	C	C	C	C

Use Categories Development Code Amendment DCA2010-00004

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	P/C ⁵	P/C ⁵	P/C ⁵	P/C ⁵	P/C ⁵	P/C ⁵	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}	C ^{12,13}	C ^{12,13}	C ^{12,13}	C ^{12,13}	C ^{12,13}	C ^{12,13}	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	N	N	N	N	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.

Code Amendments

OTHER

Agriculture/Horticulture	P ⁶	P ⁶	P ⁶	P ⁶	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	P/R ⁷	P/R ⁷	P/R ⁷	P/R ⁷	P/R ⁷	P/R ⁷	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 ^[58]	MUE ^[20]	MUC-1	MUC ^[28]	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 ^[4]	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 ^[3]	P/R ^[3]	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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**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:

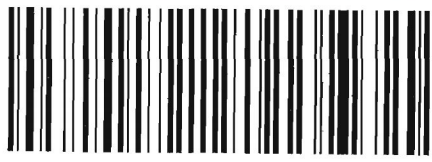
Attachment 1: *Proposed Use Categories Development Code Amendment (July 12, 2010)*

PREPARED BY: Gary Pagenstecher
Associate Planner

July 12, 2010
DATE

APPROVED BY: Ron Bunch
Community Development Director

July 12, 2010
DATE



7008 2810 0001 3831 7890



City of Tigard
Current Planning Division
13125 SW Hall Blvd.
Tigard, OR 97223

ATTN: PLAN AMENDMENT SPECIALIST
OR. Dept. of Land Conservation & Development
635 Capital Street NE, Suite 150
Salem, OR 97301-2540

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