



# Oregon

Theodore R. Kulongoski, 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

06/11/2013

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 001-13

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. 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: Monday, June 24, 2013

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  
Gordon Howard, DLCD Urban Planning Specialist  
Anne Debbaut, DLCD Regional Representative

<paa> YA



FORM **2**

**DLCD**

**Notice of Adoption**

In person  electronic  mailed

**DEPT OF**

**JUN 05 2013**

**LAND CONSERVATION AND DEVELOPMENT**

For Office Use Only

This Form 2 must be mailed to DLCD within **20-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

Jurisdiction: **City of Tigard**

Local file number: **DCA2012-00003**

Date of Adoption: **5/28/2013**

Date Mailed: **6/3/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: 2/11/13

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".

Text amendment to the Tigard Development Code to allow industrial services as a restricted use in the I-P: Industrial Park Zone.

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

The original proposal would have only allowed "contractors and others who perform services off-site" within the I-P zone. As adopted all businesses falling within the "Industrial Services" use classification would be allowed within the I-P: Industrial Park Zone.

Plan Map Changed from: **n/a**

to: **m/a**

Zone Map Changed from: **n/a**

to: **n/a**

Location: **citywide**

Acres Involved:

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**

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

35-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.** \_\_\_\_\_

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

Oregon Department of Transportation, Washington County, Clean Water Services, and Tualatin Valley Fire & Rescue.

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Local Contact: <b>John Floyd</b>	Phone: (503) 718-2429	Extension:
Address: <b>13125 SW Hall Blvd</b>	Fax Number: - -	
City: <b>Tigard</b>	Zip:	E-mail Address: <b>johnfl@tigard-or.gov</b>

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## ADOPTION SUBMITTAL REQUIREMENTS

**This Form 2 must be received by DLCD no later than 20 working 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 the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615 ).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845 ).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615 ).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
ORDINANCE NO. 13-10

AN ORDINANCE AMENDING TABLE 18.530.1 OF THE TIGARD COMMUNITY DEVELOPMENT CODE TO CHANGE INDUSTRIAL SERVICES FROM A PROHIBITED LAND USE TO A RESTRICTED LAND USE WITHIN THE I-P: INDUSTRIAL PARK ZONING DISTRICT (DCA2012-00003).

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WHEREAS, the city received application for the proposed code amendment to amend the text of the Industrial Zoning Districts Chapter (18.530) to change Industrial Services from a prohibited land use to a restricted land use within the I-P: Industrial Park Zoning District; and

WHEREAS, the purpose of Chapter 18.530 is to provide a range of industrial services for City residents and facilitate economic goals, while ensuring the location and design of industrial land uses minimizes potential adverse impacts on established residential areas; and

WHEREAS, notice was provided to the Department of Land Conservation and Development at least 35 days prior to the first evidentiary public hearing; and

WHEREAS, notice to the public was provided in conformance with the Tigard Community Development Code Chapter 18.390.060.D; and

WHEREAS, the Tigard Planning Commission held a public hearing on March 18, 2013 and recommended with a unanimous vote that Council approve the proposed code amendment, as amended by staff and Planning Commission; and

WHEREAS, the Tigard City Council held a public hearing on May 28, 2013, to consider the proposed amendment; and

WHEREAS, the Tigard City Council has considered the recommendation of the Planning Commission; and

WHEREAS, the Tigard City Council has considered applicable Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197; any federal or state statutes or regulations found applicable; any applicable Metro regulations; any applicable Comprehensive Plan Policies; and any applicable provisions of the City's implementing ordinances; and

WHEREAS, the Tigard City Council has determined that the proposed development code amendment is consistent with the applicable review criteria, and unanimously approves the request as being in the best interest of the City of Tigard.

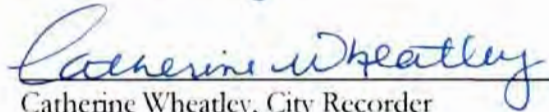
NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The specific text amendment attached as "EXHIBIT A" to this Ordinance is hereby approved and adopted by the City Council.

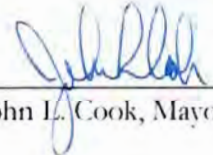
SECTION 2: The findings in the March 11, 2013 Staff Report to the Planning Commission and the Minutes of the March 18, 2013 Planning Commission hearing are hereby adopted in explanation of the Council's decision.

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 28<sup>th</sup> day of May, 2013.

  
Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this 28<sup>th</sup> day of May, 2013.

  
John L. Cook, Mayor

Approved as to form:

  
Justin V. Kerwin  
City Attorney

May 28, 2013  
Date

EXHIBIT A

DCA2012-00003: Masco Development Code Amendments  
 Proposed Text Changes  
 Planning Commission Recommendation of March 18, 2013

**Explanatory Note:** Proposed Text changes are identified in **red font**, with removed language identified through the use of **strikethrough—lines**, and added language identified by **double underlining**.

**TABLE 18.530.1**  
**USE TABLE: INDUSTRIAL ZONES**

<b>USE CATEGORY</b>	<b>I-P</b>	<b>I-L</b>	<b>I-H</b>
<b>RESIDENTIAL</b>			
Household Living	R <sup>1</sup>	R <sup>1</sup>	R <sup>1</sup>
Group Living	N	N	N
Transitional Housing	N	N	N
Home Occupation	N	N	N
<b>CIVIC (INSTITUTIONAL)</b>			
Basic Utilities	C <sup>14</sup>	C <sup>14</sup>	P
Colleges	N	N	N
Community Recreation	C <sup>10</sup>	C <sup>10</sup>	C <sup>10</sup>
Cultural Institutions	N	N	N
Day Care	R <sup>3, 9</sup>	R <sup>3, 9</sup>	R <sup>3, 9</sup>
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
<b>COMMERCIAL</b>			
Commercial Lodging	P	N	N
Custom Arts and Crafts	N	N	N
Eating and Drinking Establishments	R <sup>2</sup>	N	N
Major Event Entertainment	N	N	N
Outdoor Entertainment	P	N	N
Indoor Entertainment	P	N	N
Adult Entertainment	N	N	N
Sales-Oriented	R <sup>2</sup>	N	N
Personal Services	R <sup>2</sup>	N	N
Repair-Oriented	P	N	N
Bulk Sales	R <sup>4, 11</sup>	N	N
Outdoor Sales	N	P	P
Animal-Related	P	P	P
Motor Vehicle Sales/Rental	R <sup>4, 12, 13</sup>	P	P
Motor Vehicle Servicing/Repair	C	P	P
Vehicle Fuel Sales	P	P/C <sup>7</sup>	P
Office	P	N	N
Self-Service Storage	P	P	P
Non-Accessory Parking	P	P	P

TABLE 18.530.1 (CON'T)

USE CATEGORY	I-P	I-L	I-H
<b>INDUSTRIAL</b>			
Industrial Services	<del>N</del> R <sup>1</sup>	P	P
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 <sup>4</sup>	P	P
<b>OTHER</b>			
Agriculture/Horticulture	P <sup>5</sup>	P <sup>5</sup>	P <sup>5</sup>
Cemeteries	N	C	N
Detention Facilities	C	N	C
Heliports	C	C	C
Mining	N	N	P
Wireless Communication Facilities	P/R <sup>6</sup>	P	P
Rail Lines/Utility Corridors	P	P	P
Other	NA	NA	P <sup>8</sup>

P=Permitted

R=Restricted

C=Conditional Use

N=Not Permitted

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> In-home day care which meets all state requirements permitted by right.

<sup>4</sup> Permitted if all activities, except employee and customer parking, are wholly contained within a building(s).

<sup>5</sup> 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.

<sup>6</sup> See Chapter 18.798, Wireless Communication Facilities, for definition of permitted and restricted facilities in the I-P zone.

<sup>7</sup> Vehicle fuel sales permitted outright unless in combination with convenience sales, in which case it is permitted conditionally.

<sup>8</sup> Explosive storage permitted outright subject to regulations of Uniform Fire Code.

- <sup>9</sup> 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.
- <sup>10</sup> 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.
- <sup>11</sup> These limited uses, shall only be allowed in IP zoned property east of SW 72<sup>nd</sup> 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.
- <sup>12</sup> These limited uses, separately or in combination, may not exceed 10,000 square feet/lot.
- <sup>13</sup> This use limited to boat sales/rental only.
- <sup>14</sup> Except water and storm and sanitary sewers, which are allowed by right.





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



**SECTION I. APPLICATION SUMMARY**

**CASE NAME:** INDUSTRIAL SERVICES IN THE I-P ZONING DISTRICT  
**CASE NO.:** Development Code Amendment (DCA) DCA2012-00003

**PROPOSAL:** The applicant is requesting an amendment to alter Land Use Table 18.530.1 (Industrial Zones) to change Industrial Services from a prohibited land use to a restricted land use within the I-P: Industrial Park Zoning District.

**APPLICANT:** Masco Administrative Services  
260 Jimmy Ann Drive  
Daytona Beach, Florida 32114

**COMP. PLAN DESIGNATION:** Light Industrial. These areas are deemed appropriate for industrial activities which include manufacturing, processing, assembling, packaging, or treatment of products from previously prepared materials and which are devoid of nuisance factors that would adversely affect other properties. The designation includes the I-L and I-P Zones.

**ZONES:** I-P: Industrial Park District. The I-P zoning district provides appropriate locations for combining light manufacturing, office and small-scale commercial uses, e.g., restaurants, personal services and fitness centers, in a campus-like setting. Only those light industrial uses with no off-site impacts, e.g., noise, glare, odor, vibration, are permitted in the I-P zone. In addition to mandatory site development review, design and development standards in the I-P zone have been adopted to insure that developments will be well integrated, attractively landscaped, and pedestrian-friendly. Among other uses, indoor entertainment is allowed.

**LOCATION:** City-wide on land zoned I-P.

**APPLICABLE REVIEW CRITERIA:**

Statewide Planning Goals 1, 2, & 9; Metro Title 4; Comprehensive Plan Policies 2.1.3, 2.1.7, 9.1.2, 9.1.3, & 9.1.7; and Community Development Code Chapters 18.390, & 18.530.

## **SECTION II. STAFF RECOMMENDATION**

Staff recommends that the Planning Commission find in favor of the proposed text amendment, as amended by staff in Section V of the staff report, allowing industrial services as a restricted land use within the I-P Zoning District subject to certain limitations, and with any alterations as determined through the public hearing process, and make a final recommendation to the Tigard City Council.

## **SECTION III. PROPOSAL AND BACKGROUND INFORMATION**

### **Background:**

This is an application to amend the Tigard Development Code, Section 18.530, Table 18.530.1, to allow Industrial Services as a restricted use in the IP zone. The restrictions would limit these uses to "Contractors and others who provide services off-site", and would further require that all activities except for vehicle parking would be within a building. This amendment will apply to all property in the City of Tigard that is zoned I-P.

The application is presented to address a specific situation where a site that has been leased by the applicant for use by its subsidiary Builders Services Group, which is a contractor as well as wholesaler of construction supplies. The Code amendment is proposed to address this issue as well as several other similar situations within the city.

This proposal, with the included limitations, will allow contractors in the I-P zone that are compatible with the office character of such areas. Compatibility will be ensured through a prohibition on outside storage of materials and other activities which are more suited to other industrial areas. This approach will allow contractors as a business, which are similar to existing allowed businesses in the office and wholesale categories that are already allowed in the I-P zone.

### **Proposal:**

The applicant requests amendment of Table 18.530.1 by revising the Industrial Services line to replace "N" with "R- 4,15". Note 4 currently is in place and states "Permitted if all activities, except employee and customer parking, are wholly contained within a building(s)." Note 15 is a new note to read "Limited to contractors and others that perform services off-site". Text changes to the code would appear as set forth below:

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**DCA2012-00003**  
**INDUSTRIAL SERVICES IN THE I-P ZONING DISTRICT**  
**DEVELOPMENT CODE AMENDMENT**

### **Explanation of Formatting**

These text amendments employ the following formatting:

~~Strikethrough~~ - Text to be deleted

**[Bold, Underline and Italic]** - Text to be added

**TABLE 18.530.1  
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Basic Utilities	C <sup>14</sup>	C <sup>14</sup>	P
Colleges	N	N	N
Community Recreation	C <sup>10</sup>	C <sup>10</sup>	C <sup>10</sup>
Cultural Institutions	N	N	N
Day Care	R <sup>3,9</sup>	R <sup>3,9</sup>	R <sup>3,9</sup>
Emergency Services	P	P	P
Medical Centers	N	N	N
Postal Service	P	P	P
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General Industrial	N	P	P
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Research and Development	P	P	P
Warehouse/Freight Movement	N	P	P
Waste-Related	N	N	P
Wholesale Sales	R <sup>4</sup>	P	P

P=Permitted

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- <sup>3</sup> In-home day care which meets all state requirements permitted by right.
- <sup>4</sup> Permitted if all activities, except employee and customer parking, are wholly contained within a building(s).
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- <sup>6</sup> See Chapter 18.798, Wireless Communication Facilities, for definition of permitted and restricted facilities in the I-P zone.
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- <sup>8</sup> Explosive storage permitted outright subject to regulations of Uniform Fire Code.
- <sup>9</sup> 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 open space setbacks.
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- <sup>12</sup> These limited uses, separately or in combination, may not exceed 10,000 square feet/lot.
- <sup>13</sup> This use limited to boat sales/rental only.
- <sup>14</sup> Except water and storm and sanitary sewers, which are allowed by right.
- <sup>15</sup> Limited to contractors and others who perform services off-site.

## **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.**

The proposed text amendment would apply to all I-P zoned lands within the City. 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.**

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

#### **1) The Statewide Planning Goals and Guidelines adopted under ORS Chapter 197**

##### **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.**

This goal outlines general procedures for citizen involvement in the plan and ordinance adoption and amendment process. The Tigard Development Code includes provisions which have been acknowledged by the Land Conservation and Development Commission (LCDC) as being compliant with this goal, and their enforcement will ensure Goal compliance in the proceedings. Since this is a legislative process that affects all property zoned I-P, the City will publish notices in the newspaper and through normal agency and interested party notification methods, prior to each public hearing. The hearings will provide the opportunity for comments, and the participants will have the right to appeal the decision. These steps will result in compliance with Statewide Goal 1.

##### **Statewide Planning Goal 2 – Land Use Planning:**

**This goal outlines the land use planning process and policy framework.**

As noted above, LCDC has acknowledged that the City of Tigard Comprehensive Plan and implementing ordinances comply with the Statewide Planning Goals. Since Goal 2 establishes the planning processes and policies, which are not affected by this code amendment, the proposal will not affect their continued compliance.

##### **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.**

This goal and its policies ensure that local regulations provide opportunities for economic activities and the health of the economy. This proposal explicitly implements the goal through allowing business in the I-P zone that is compatible with other provisions of the Comprehensive Plan and Development Code. Without this code amendment a significant opportunity for business location in Tigard would not be possible.

**FINDING:** The Land Conservation and Development Commission has acknowledged the City's Comprehensive Plan as being consistent with the statewide planning goals. The proposed text amendment's consistency with the Comprehensive Plan's Citizen Involvement, Land Use Planning, and Economic Development goals and policies are discussed above. Based on the findings above, staff finds that the proposed code amendment is consistent with applicable Statewide Planning Goals. The remaining Statewide Planning goals do not apply to this

application since they relate to other specific areas to be considered in the comprehensive planning process rather than to the procedural and economic considerations which are the focus of this application.

## **2) Applicable Federal or State Statues**

Federal statutes are generally broad and not directed to this type of local action, and it is clear that none apply to the case at hand. State statutes that may have applicability to this application are those within the jurisdiction of the Department of Land Conservation and Development. Of those, the Statewide Planning goals are most applicable and are addressed above. The other applicable rules are contained in OAR 660-012, relating to transportation. Within this regulation, only the provisions related to amendments to other plans and codes as provided by section 660-012-0060 apply to this proposal. This section provides that if an amendment to an existing land use regulation would significantly affect a transportation facility, the local jurisdiction must put in place certain measures. "Significantly" is defined as a change in the functional classification of an existing or planned facility, a change in implementing standards, or increase traffic to the extent of creating access or capacity conflicts. In the case of this proposed change, the addition of contractors' offices as a restricted use will not introduce uses which are not anticipated by the transportation system. The IP zone already allows contractors offices as an office use provided that equipment and materials storage does not constitute over 50% of floor area occupancy. A contractor office that would be allowed as a result of this proposal would have less than 50% of floor area in office use and therefore would have a lower traffic demand than those already allowed.

Staff recommends modification of the request to not include Note 15, which would limit the Industrial Service type uses to contractors and others who perform work on site. The effect would be to allow all types of uses that repair and service machinery, equipment, products or by-products in a centralized manner for separate retail outlets. A comparison of PM Peak trip generation rates suggests that allowing the full range of land uses classified as Industrial Services within the I-P zone will not result in increased trip generation. At present both Office and Research and Development are allowed land use classifications within the I-P zone, generating 1.49 and 1.07 trips per 1,000 square feet respectively (Trip Generation: An ITE Information Report, 8<sup>th</sup> Edition). These are rates equal to or greater than the most similar ITE trip generation Category to Industrial Services (Code 110: General Light Industrial) which averages 1.08 trips per 1,000 square feet during the pm peak hour (Trip Generation: An ITE Information Report, 8<sup>th</sup> Edition). As such, allowing the full range of Industrial Service land uses within the I-P zone would result in similar or lower levels of traffic to two existing land uses in the I-P Zoning District.

**FINDING:** As stated above, federal statutes do not apply and the proposed amendment is consistent with applicable state statutes.

## **3) Metro Urban Growth Management Functional Plan.**

Metro's Urban Growth Management Functional Plan establishes the methods for local implementation of the Regional Urban Growth Goals and Objectives. The Functional Plan includes fourteen Titles which address various aspects of regional and local planning. Of these, only Title 4, relating to Industrial and Other Employment Areas applies to this application.

Title 4 establishes Regionally Significant Industrial Areas, Employment Areas and Industrial Areas. Within the City of Tigard none of the existing IP zoned area is within a Regionally Significant Industrial Area, but some IP zoned land is classified as Employment and Industrial. Sections 3.07.430 and 3.07.440 respectively address the protection of these areas for industrial uses. In each case the intent of the protection provisions are to avoid establishment of retail uses which would compromise the amount and/or quality of the industrial

opportunities. Since this application would allow only contractors offices in the IP zone, this change will not conflict with the Title 4 provisions and may actually better meet the intent of Title 4. Metro staff reviewed the application and confirmed that the proposed changes are in compliance with Metro Title IV requirements. This was confirmed in an email from Metro Staff member Gerry Uba to City of Tigard staff on February 21, 2013.

**FINDING:** As stated above, the proposed amendments are in compliance with the applicable portions of the Metro Urban Growth Management Functional Plan.

#### **4) Applicable Comprehensive Plan Policies**

##### **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.**

This goal has been met by complying with the Tigard Development Code notice requirements set forth in Section 18.390, as documented in the project file. This includes mailing notice of the required public hearings to the interested parties list and affected agencies, and publication of the notice in the Tigard Times newspaper at least 10 days prior to the hearing. Two public hearings will be held (one before the Planning Commission and the second before the City Council) at which opportunity for public input is provided. This goal is met.

##### **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.**

**Policy 2: The City's land use regulations, related plans, and implementing actions shall be consistent with and implement its Comprehensive Plan.**

The first section of this chapter of the Comprehensive Plan addresses the establishment of the planning process and maintenance of the implementing documents, as required by Statewide Goal 2. The majority of the policies and action steps relate to City initiated procedures rather than to individual applications. Several policies do address the review of applications to amend the Comprehensive Plan Map and Zoning Map, but these are not applicable to the proposed Development Code amendment. Therefore, the provisions of this section of the Comprehensive Plan apply only in a very general sense, and implementation of the process provided by the Development Code will ensure compliance. This policy is met.

##### **Comprehensive Plan Goal 9: Economic Development**

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

**Policy 2: The City shall actively encourage businesses that provide family-wage jobs to start up, expand, or locate in Tigard.**

**Policy 3: The City's land use and other regulatory practices shall be flexible and adaptive to promote economic development opportunities, provided that required infrastructure is made available.**

**Policy 7: The City shall limit the development of retail and service land uses in Metro-designated industrial areas to preserve the potential of these lands for industrial jobs.**

Goal 9.1; Policy 2 is a statement of intent to encourage family wage job creation and maintenance. The proposed IP zone amendment will implement this policy through providing additional opportunities for employment related to construction which otherwise would be restricted.



Goal 9.1; Policy 3 indicates an intent to maintain flexibility in regulations which promote economic development. Approval of this IP zone amendment would acknowledge and implement this policy by making a change which will increase employment opportunities.

Goal 9.1; Policy 7 states an intent to promote actions which result in better utilization of industrial areas. This policy is implemented by adding an additional restricted use in the IP zone, which clearly is needed and opportunistic in addressing currently available opportunities.

Modification of the proposal to remove Note 15, as discussed in Section V below, would strengthen compliance with Policies 2 and 3 above, by encouraging a greater range of businesses in the I-P zone and providing greater flexibility and adaptability in order to promote economic development opportunities within the I-P zone, and removing potential inefficiencies in the utilization of industrial lands within Tigard.

FINDING: As shown in the analysis above, staff finds that the proposed code amendment is consistent with the applicable goals and policies in Tigard's Comprehensive Plan.

## 5) Applicable Provisions of the City's Implementing Ordinances

### Chapter 18.530 – Industrial Zoning Districts

#### 18.130.070 Industrial Use Categories

##### 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.**

Subsection 18.130.070 (C) defines Industrial Services and indicates that contractors are included in this category. Subparagraph 4(a) indicates that contractors are classified as "office" if storage is less than 50% of the occupied floor area and there is not on-site fabrication. The proposed code amendment does not propose to change the definition of this Industrial Use Classification, just expand its use within the I-P zone by removing the limitation on equipment and materials storage.

#### 18.530.010 Purpose

- A. **Provide range of industrial services for City residents. One of the major purposes of the regulations governing development in industrial zoning districts is to ensure that a full range of job opportunities are available throughout the City so that residents can work close to home if they**

choose. The location of land within each industrial district must be carefully selected and design and development standards created to minimize the potential adverse impacts of industrial activity on established residential areas.

- B. **Facilitate economic goals.** Another purpose of these regulations is to ensure that there is a full range of economic activities and job opportunities within the City limits, in compliance with the economic goals of the City of Tigard Comprehensive Plan.

Subsection A states that one purpose is to "Provide a range of industrial services for city residents". Allowing contractors offices and similar industrial services type land uses will achieve this purpose through increasing opportunities for employment in these areas. Subsection B indicates that an additional purpose of the industrial zones is to facilitate economic goals, which as described above is also achieved by this proposed revision.

#### **18.530.020 List of Zoning Districts**

- A. **I-P: Industrial Park District.** The I-P zoning district provides appropriate locations for combining light manufacturing, office and small-scale commercial uses, e.g., restaurants, personal services and fitness centers, in a campus-like setting. Only those light industrial uses with no off-site impacts, e.g., noise, glare, odor, vibration, are permitted in the I-P zone. In addition to mandatory site development review, design and development standards in the I-P zone have been adopted to insure that developments will be well-integrated, attractively landscaped, and pedestrian-friendly.

The proposed code amendment would allow industrial land uses, as defined in TDC 18.130.070.C and discussed above, subject to a restriction that all activities be contained entirely within the building save for customer and employee parking. This restriction will result in consistency with the purpose statement for the I-P zoning district in that it will maintain the campus-like setting and will prevent off-site impacts.

FINDING: As shown in the analysis above, staff finds that the proposed text amendment is consistent with the applicable provisions of the City's implementing ordinances.

### **SECTION V. STAFF CONCLUSION & RECOMMENDED MODIFICATIONS**

As proposed, the application will narrowly expand the permitted uses in the IP zone in order to address a recurring issue in the ability for contractors offices to locate in such areas. The public facility impact of this change is insignificant because facilities in which office floor area is over 50% of the total occupied are already allowed. Similarly, the functional and aesthetic qualities of the IP zone are maintained since the use will be restricted to prevent outside storage of materials. By imposing restriction No. 4 which requires all activities, except employee and customer parking, to be wholly contained within a building(s), any potential for aesthetic or other off-site impacts will be prevented. The preceding narrative shows that all criteria for approval for this application have been met.

That said, staff recommends that the requested amendment be modified to eliminate the proposed Note 15 which limits Industrial Services to "contractors and others that perform services off-site." Staff finds this restriction unnecessary to ensure consistency with the intent of the I-P Zoning District, whose intent is to preserve a campus like feel and prevent off-site impacts. Moreover, as demonstrated in the findings above, Note 15 would prevent the efficient utilization of industrial lands.

**SECTION VI. ADDITIONAL CITY STAFF & OUTSIDE AGENCY COMMENTS**

**Metro** reviewed the application and in an email dated February 21, 2013, found it consistent with Title IV of the Metro Urban Growth Management Functional Plan.

**DLCD, Tualatin Valley Fire & Rescue, Clean Water Services, City of Beaverton, City of Durham, City of King City, City of Lake Oswego, City of Portland, City of Tualatin, Metro, and ODOT** were notified of the proposed code text amendment but provided no comment.

\_\_\_\_\_  
PREPARED BY: John Floyd  
Associate Planner

\_\_\_\_\_  
March 11, 2013  
DATE

\_\_\_\_\_  
APPROVED BY: Tom McGuire  
Assistant Community Development Director

\_\_\_\_\_  
March 11, 2013  
DATE

120 DAYS = N/A  
DATE MAILED: 6/3/2013



**CITY OF TIGARD**  
Washington County, Oregon  
**NOTICE OF FINAL ORDER BY THE CITY COUNCIL**

Case Number:	<u>DEVELOPMENT CODE AMENDMENT (DCA) 2012-00004</u>
Case Name:	<u>MASCO DEVELOPMENT CODE AMENDMENT – INDUSTRIAL SERVICES IN THE I-P: INDUSTRIAL PARK ZONING DISTRICT</u>
Applicant's Name/Address:	<u>Masco Administrative Services / 260 Jimmy Ann Drive / Daytona Beach, Florida 32114</u>
Owner's Names/Addresses:	<u>N/A</u>
Address of Property:	<u>Citywide, Industrial-Park Zone</u>
Tax Map/Lot Nos.:	<u>N/A</u>

A FINAL ORDER INCORPORATING THE FACTS, FINDINGS AND CONCLUSIONS **APPROVING** A REQUEST FOR A **DEVELOPMENT CODE AMENDMENT (ORDINANCE NO. 13-10)**.

THE CITY OF TIGARD PLANNING COMMISSION AND CITY COUNCIL HAVE REVIEWED THE APPLICANT'S PLANS, NARRATIVE, MATERIALS, COMMENTS OF REVIEWING AGENCIES, THE PLANNING DIVISION'S STAFF REPORT AND RECOMMENDATIONS FOR THE APPLICATION DESCRIBED IN FURTHER DETAIL IN THE STAFF REPORT. THE PLANNING COMMISSION HELD A PUBLIC HEARING TO RECEIVE TESTIMONY ON **MARCH 18, 2013** FOR THE PURPOSE OF MAKING A RECOMMENDATION TO THE CITY COUNCIL ON THE REQUEST. THE CITY COUNCIL ALSO HELD A PUBLIC HEARING TO RECEIVE TESTIMONY ON **MAY 28, 2013** PRIOR TO MAKING A DECISION ON THE REQUEST. THIS DECISION HAS BEEN BASED ON THE FACTS, FINDINGS AND CONCLUSIONS CONTAINED WITHIN THE FINAL ORDER, WHICH INCLUDES THE STAFF REPORT, PLANNING COMMISSION MEETING MINUTES, AND DRAFT CITY COUNCIL MEETING MINUTES.

**Subject:** ➤ The amendment would alter Land Use Table 18.530.1 (Industrial Zones) to change Industrial Services from a prohibited land use to a restricted land use within the I-P: Industrial Park Zone.

**ZONE:** I-P: Industrial Park.

**APPLICABLE REVIEW CRITERIA:** Statewide Planning Goals 1, 2, & 9; Metro Title 4; Comprehensive Plan Policies 2.1.3, 2.1.7, 9.1.2, 9.1.3, & 9.1.7; and Community Development Code Chapters 18.380, 18.390, & 18.530.

**Action:** ➤  Approval as Requested  Approval with Modifications  Denial

**Notice:** Notice was published in the newspaper, posted at City Hall and mailed to:  
 Affected Government Agencies  Interested Parties

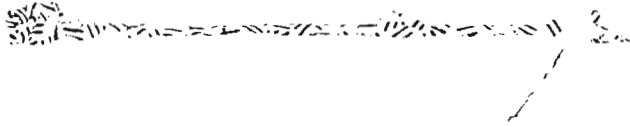
**Final Decision:**

**THIS IS THE FINAL DECISION BY THE CITY AND IS EFFECTIVE ON JUNE 27, 2013.**

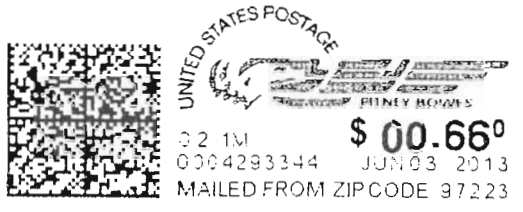
The adopted findings of fact, decision and statement of conditions can be obtained from the City of Tigard Planning Division, Tigard City Hall, 13125 SW Hall Boulevard, Tigard, Oregon.

**Appeal:** A review of this decision may be obtained by filing a notice of intent with the Oregon Land Use Board of Appeals (LUBA) within 21 days according to their procedures.

**Questions:** If you have any questions, please contact Associate Planner, John Floyd, at (503) 718-2429.



City of Tigard  
13125 SW Hall Blvd.  
Tigard, Oregon 97223



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

DEPT OF  
JUN 03 2013  
LAND CONSERVATION  
AND DEVELOPMENT

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