



## TUALATIN CITY PLANNING COMMISSION MEETING

WEDNESDAY, MARCH 20, 2024

TUALATIN SERVICE CENTER  
18880 SW HERMAN RD  
TUALATIN, OR 97062

Or

### Join Zoom Meeting

<https://us02web.zoom.us/j/87810906365?pwd=TXNiTkxITVFjQVA0eEN2bEZCZXdkQT09>

Meeting ID: 878 1090 6365

Passcode: 493069

Find your local number: <https://us02web.zoom.us/u/kWnYd5jSE>

Bill Beers, Chair Janelle Thompson, Vice Chair  
Daniel Bachhuber, Ursula Kuhn Randall Hledik,  
Brittany Valli Zach Wimer

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### CALL TO ORDER & ROLL CALL ANNOUNCEMENTS & PLANNING COMMISSION COMMUNICATION APPROVAL OF MINUTES

1. Review of minutes from the Planning Commission meeting on February 21, 2024.

### COMMUNICATION FROM THE PUBLIC (NOT ON THE AGENDA) Limited to 3 minutes ACTION ITEMS

1. The Planning Commission is asked to provide a recommendation to the City Council on a cityinitiated proposal to adopt amendments to the Tualatin Development Code known as the ShortTerm Priority Code Bundle (PTA 24-0001).

### COMMUNICATION FROM CITY STAFF FUTURE ACTION ITEMS ADJOURNMENT

## Tualatin Planning Commission

### MINUTES OF FEBRUARY 21, 2024 (NOT ADOPTED)

**TPC MEMBERS PRESENT:**

William Beers, Chair  
 Janelle Thompson, Vice Chair  
 Randall Hledik, Commissioner  
 Daniel Bachhuber, Commissioner  
 Zach Wimer, Commissioner  
 Brittany Valli, Commissioner  
 Ursula Kuhn, Commissioner

**STAFF PRESENT:**

Steve Koper, Asst. Community Development Director  
 Lindsey Hagerman, Office Coordinator

**TPC MEMBERS ABSENT:**
**CALL TO ORDER AND ROLL CALL**

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

**ANNOUNCEMENTS & PLANNING COMMISSION COMMUNICATION**

The Commissioners voted unanimously to approve Chair Beers and Vice Chair Thompson to remain in their roles.

**APPROVAL OF MINUTES**

Commissioners unanimously voted to approve the October 18, 2023 minutes.

**ACTION ITEMS**

1. **Presentation of the 2023 Tualatin Planning Commission Annual Report. The Annual Report will be presented to the Tualatin City Council on February 26, 2024.**

**COMMUNICATION FROM CITY STAFF**

1. **Informational presentation on the ongoing update to the Tualatin Transportation System Plan.**

Steve Koper, Assistant Community Development Director, started his informational presentation. He shared the draft goals created by the existing Tualatin Transportation System Plan (TSP), City Staff input, City Council feedback, and public outreach.

Mr. Koper noted the goals included: Advance our Land Use Vision, Provide a High Quality of Life, Expand Opportunities for Safe Multi-Modal Transportation, Advance Climate and Health Goals, and Invest Wisely.

Commissioner Bachhuber asked if these were new goals. Mr. Koper answered they are new goals but they are based on previous goals.

Mr. Koper discussed the project's public engagement, emphasizing key insights gained from outreach events that shaped the project's goals. He highlighted the survey responses from the participants in these events. He noted concerns included safety enhancement and the expansion of transit service coverage as significant outcomes of the engagement process.

Commissioner Valli asked where the data for participants came from. Mr. Koper explained they were from the survey and the number of events received from the participants.

Commissioner Kuhn asked about the expansion of WES service and the goal of expanding the bus system. Mr. Koper answered the TSP can advocate for polices but cannot necessarily build projects.

Commissioner Valli asked how many participated in survey. Mr. Koper answered 202 participants.

Mr. Koper transitioned to discuss the current road system. He highlighted that Tualatin has several roadways outside the City's ownership.

Chair Beers asked about the shuttle lines that run in Tualatin. Mr. Koper answered there are two lines, a red line, and a blue line. He noted the shuttles pass by Buffalo Wild Wings.

Commissioner Bachhuber inquired about the level of service and the funding required to keep the shuttle running. Mr. Koper answered he would let the Commissioners know after researching the specifics.

Chair Beers asked if there has been any discussion about serving the south end of town and Basalt Creek area.

Commissioner Bachhuber asked what the cost of operation would be for a shuttle to Costco. He would be interested in population density and how transit applies.

Commissioner Kuhn shared her opinion on the best way to use a transit line for Costco area.

Mr. Koper answered there has not yet been a discussion on the topic and it is unclear what will happen in the future. He noted he would provide more information with additional context.

Mr. Koper spoke about the pedestrian crossing system. He discussed how the Tualatin Moving Forward Bond helped residents improve sidewalks and would prioritize keeping them maintained.

Commissioner Bachhuber asked about the total maintenance cost for the sidewalks and where the funding came from for the new sidewalks. Mr. Koper answered that the maintenance is the property owner's responsibility. Mr. Koper noted the funds for the new sidewalks came from a combination of the Urban Renewal Fund, Metro, and ODOT.

Commissioner Hledik shared his opinion on how he thought there was a lot of activity this year.

Mr. Koper showed the pedestrian system crossing map and explained the map is based on how close together crossings are. He noted the Tualatin Moving Forward Bond improved this system in many pedestrian crossings. He spoke about the existing bicycle system network and highlighted the added buffer bike lanes. He stated that Tualatin has a fairly robust system.

Commissioner Hledik asked about how far the new bike path would go. Mr. Koper answered he believed the path would go through Teton Avenue.

Commissioner Kuhn asked if there could be more bike racks at key stores and roadways. Mr. Koper responded that more racks were a great idea and that he would return with additional information.

Mr. Koper moved on to discuss safety collision density. He noted the data was from 2015-2021 and hopefully we would see an improvement. He highlighted opportunities and challenges for our community connections.

Commissioner Hledik spoke about his experience being on the Tualatin Transportation Committee. He shared how he felt the committee is diverse with active members that are thoughtful of others in the community.

Commissioner Kuhn shared she feels information could be highlighted for shuttles through the use of social media.

Commissioner Valli shared her speed concerns and would like more information on how to request speed bumps.

Mr. Koper concluded the informational presentations by providing the next steps to give feedback by January 29, 2024. He noted the good conversations to share and consider from tonight's discussions.

#### **COMMUNICATION FROM STAFF**

Mr. Koper spoke about upcoming meetings which include a future code update project, which would be brought before the Planning Commission for a recommendation to City Council.

**ADJOURNMENT**

A motion to adjourn was made by Commissioner Wimer. The motion was seconded by Chair Beers. The Planning Commissioners unanimously voted to adjourn the meeting at 8:35 p.m.



## CITY OF TUALATIN Staff Report

**TO:** Tualatin Planning Commissioners

**THROUGH:** Steve Koper, AICP, Assistant Community Development Director

**FROM:** Erin Engman, AICP, Senior Planner

**DATE:** March 20, 2024

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**SUBJECT:**

The Planning Commission is asked to provide a recommendation to the City Council on a city-initiated proposal to adopt amendments to the Tualatin Development Code known as the Short-Term Priority Code Bundle (PTA 24-0001).

**EXECUTIVE SUMMARY:**

Throughout 2023, a handful of property and business owners have reached out to the City with various requests to amend the development code in an effort to support business retention, growth, and attraction (Comprehensive Plan Goal 4.2). Additionally, planning staff held discussions with City Council in 2023 seeking direction of the Planning Divisions' Work Plan. As part of these discussion, staff was directed to implement a "Short-Term Priority Code Bundle" project at the January 22, 2024 City Council hearing. The draft code was then previewed by City Council on February 26, 2024.

The short-term priority bundle project is a plan text amendment that would amend Chapters 39, 53, 54, 57, and 80 of the Tualatin Development Code to expand and modernize permitted land uses in various commercial zoning districts in support of economic enterprise. In particular, these amendments would:

- Add Durable Goods Sales – Retail Sales of Home Improvement Materials and Supplies as a limited use in the Central Commercial (CC) Zone;
- Add Commercial Recreation – Health and Fitness Facility as a limited use in the General Commercial (CG) Zone;
- Add Durable Goods Sales – Battery Electric Vehicle Showroom as a limited use in the Mixed Use Commercial (MUC) Zone; and
- Expand hours of operation for retail sales of cannabis facilities and medical dispensaries.

A draft of the code amendments have been included as Exhibit 1. The project Findings and Analysis are included as Attachment A and found the project will maintain the various characteristics of the city identified in the Comprehensive Plan and maintain consistency with the Oregon Planning Goals and applicable Oregon Administrative Rules.

As a next step, staff will return to Council on April 22 with the Planning Commission recommendation and ordinance consideration to adopt the proposed changes.

**OUTCOMES OF DECISION:**

A recommendation of adoption of Short-Term Priority Code Bundle Amendments (PTA 24-0001) to the City Council would amend Chapters 39, 53, 54, 57, and 80 of the Tualatin Development Code to expand and modernize permitted land uses in various commercial zoning districts in support of economic enterprise.

**ALTERNATIVES TO THE RECOMMENDATION:**

The Planning Commission may alternatively:

- Recommend approval of the proposed amendments (PTA 24-0001) to the City Council with further amendments.
- Recommend denial of the proposed amendments (PTA 24-0001) to the City Council.
- Make a neutral recommendation (neither approval nor denial) on the proposed amendments.

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**ATTACHMENTS:**

-Presentation

-Attachment A - Findings and Analysis PTA 24-0001

-Attachment B - Exhibit 1: Draft Code



# SHORT-TERM PRIORITY CODE BUNDLE

*Tualatin Planning Commission*  
*March 20, 2024*

**Presented by:** Erin Engman, Senior Planner  
Steve Koper, Assistant Community Development Director





# AGENDA

- Project Purpose
- Overview of Changes
- Approval Criteria
- Discussion / Recommendation



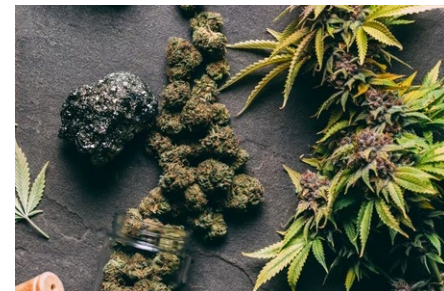
# PROJECT PURPOSE

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## Short-term code bundle

This project is a plan text amendment that would:

- Add Durable Goods Sales – Retail Sales of Home Improvement Materials as a limited use in the Central Commercial (CC) Zone;
- Add Commercial Recreation – Health and Fitness Facility as a limited use in the General Commercial (CG) Zone;
- Add Durable Goods Sales – Battery Electric Vehicle Showroom as a limited use in the Mixed Use Commercial (MUC) Zone; and
- Expand hours of operation for retail sales of cannabis facilities & medical dispensaries;

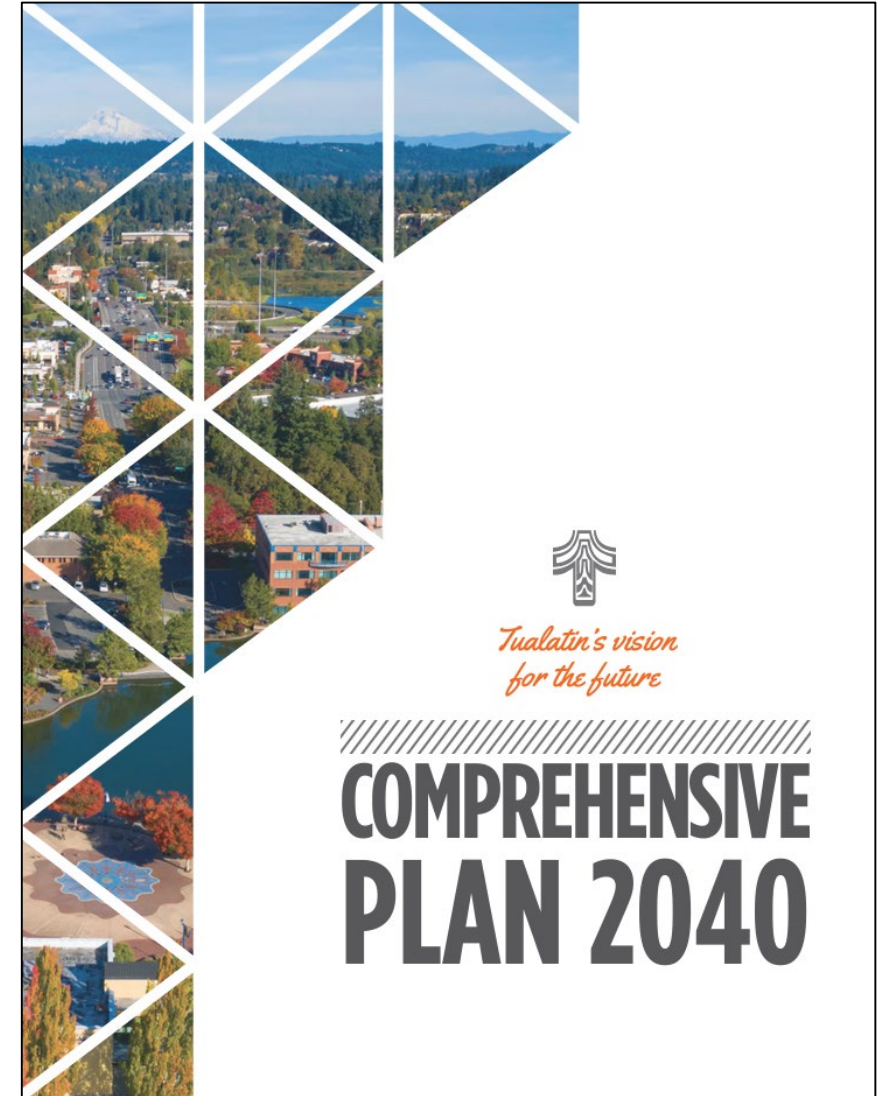


# PROJECT PURPOSE

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## Background

- 2023: Staff received various requests to amend the code by property and business owners;
- January 22: Council directed staff to implement the code bundle amendment;
- February 26: Council previewed draft code; and
- Project supports Comprehensive Plan Goal 4.2



# OVERVIEW OF CHANGES

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| Chapter | Title                     | Draft Amendment to Code   |
|---------|---------------------------|---|
| 39      | Use Categories            | <ul style="list-style-type: none"><li>• Use definition additions in support of amendments.</li><li>• Adds battery electric vehicle showroom as an example of Durable Good Sales; clarifies that outdoor storage of automobiles or sales of automobiles that are not battery electric vehicle showrooms or automobile leasing offices is not permitted in any zone.</li></ul>  |
| 53      | Central Commercial Zone   | <ul style="list-style-type: none"><li>• Adds retail sales of home improvement materials and supplies as a limited Durable Goods Sales use. This use is subject to a square footage limitation of 65,000 square feet.</li><li>• Corrects dated code citation for temporary use permit.</li><li>• Clarifies approval criteria for an outdoor storage conditional use.</li></ul> |
| 54      | General Commercial Zone   | <ul style="list-style-type: none"><li>• Adds Health and Fitness Facility as a Commercial Recreation use.</li><li>• Outdoor fitness facility uses are subject to additional standards and limitations.</li></ul>   |
| 57      | Mixed Use Commercial Zone | <ul style="list-style-type: none"><li>• Adds Battery Electric Vehicle Showroom as a Durable Goods Sales use.</li><li>• Battery electric vehicle showroom uses are subject to additional standards and limitations.</li></ul>  |
| 80      | Cannabis Facilities       | <ul style="list-style-type: none"><li>• Expands hours of operation for retail sales of cannabis facilities &amp; medical dispensaries.</li></ul>  |

# OVERVIEW OF CHANGES

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## CHAPTER 39 - USE CATEGORIES

### TDC 39.115 - Use Definitions.

Battery Electric Vehicle Showroom. Means an establishment engaged in the sale or lease of new vehicles designed to operate exclusively on electricity stored in a rechargeable battery, multiple batteries, or battery pack. Showrooms do not include exterior vehicle storage or activities related to vehicle repair and servicing.

### TDC 39.320. - Durable Goods Sales.

(2) *Examples of Uses.*

- Battery electric vehicle showroom (as defined in TDC 39.115) and automobile leasing office.

(3) *Exceptions.*

- Outdoor storage of automobiles or sale of automobiles that are not battery electric vehicle showrooms or automobile leasing offices, is not permitted in any zone.

## CHAPTER 54 - GENERAL COMMERCIAL ZONE (CG)

### Use Categories in the CG District

| USE CATEGORY                     | STATUS  | LIMITATIONS AND CODE REFERENCES   |
|----------------------------------|---------|---|
| <b>COMMERCIAL USE CATEGORIES</b> |         |   |
| Commercial Recreation            | P/C (L) | Permitted uses limited to: <ul style="list-style-type: none"><li>• Health <del>studio</del> or fitness facility, outdoor uses limited subject to TDC 54.220(2).</li></ul> |

### TDC 54.220. Outdoor Uses.

- (2) Limited Uses. Health and Fitness Facility uses that include outdoor activities are limited and subject to additional standards.
- (a) The subject lot is not within 500 feet of a residential planning district.
- (b) The outdoor area must:
- (i) Be completely enclosed with a minimum 8-foot-tall sight-obscuring fence. Slatted chain link fencing is not an appropriate screening measure; and
- (ii) Outdoor activities must not occur between the hours of 10:00 pm and 7:00 am.



## CHAPTER 57 MIXED USE COMMERCIAL ZONE (MUC)

Table 57-1  
Use Categories in the MUC

| USE CATEGORY                     | STATUS  | LIMITATIONS AND CODE REFERENCES   |
|----------------------------------|---------|---|
| <b>COMMERCIAL USE CATEGORIES</b> |         |   |
| Durable Goods Sales              | P/C (L) | Permitted uses limited to: <ul style="list-style-type: none"><li>• <u>Battery electric vehicle showroom, subject to TDC 57.210.</u></li></ul> |

### TDC 57.210. Additional Limitations on Uses.

- (1) *Durable Goods Sales.* Uses are limited to the retail sale of furniture and large appliances and battery electric vehicle showroom subject to the following standards:
    - (a) Retail sale of furniture and large appliances. ~~The building footprint is less than 60,000 square feet of gross floor area.~~
      - (i) The building footprint is less than 60,000 square feet of gross floor area.
      - (ii) Incidental repair of appliances is permitted as an accessory use.
    - (b) Battery Electric Vehicle Showroom. ~~Incidental repair of appliances is permitted as an accessory use.~~
      - (i) The gross floor area must not exceed 10,000 square feet and the showroom must not exceed 7,500 square feet;
      - (ii) Must contain all sales inventory, materials, and equipment areas inside a building.
- [...]

## CHAPTER 80 – CANNABIS FACILITIES

[...]

### **TDC 80.070. Cannabis Facility Operating Restrictions.**

- (1) Retail sales and medical dispensary Cannabis facilities are restricted to the following operating hours:
  - (a) The hours of operation that a retail sales Cannabis facility may be open to the public is between 7~~10~~:00 a.m. and 10~~8~~:00 p.m. of the same day.
  - (b) The hours of operation that a medical dispensary Cannabis facility may be open to registry identification cardholders is between 7~~10~~:00 a.m. and 10~~8~~:00 p.m. of the same day.



# APPROVAL CRITERIA

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- Statewide Planning Goals
- Oregon Administrative Rules
- Metro Code
- Tualatin Development Code:
  - Chapter 33.250 Type IV-B
  - Chapter 33.070 Plan Amendments



# RECOMMENDATION

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The Tualatin Planning Commission is being asked to forward a recommendation of approval of the proposed amendments PTA 24-0001 to the City Council.





## ANALYSIS AND FINDINGS

### SHORT-TERM PRIORITY CODE BUNDLE

March 2024

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|            |                                 |
|------------|---------------------------------|
| Case #:    | PTA 24-0001                     |
| Project:   | Short-Term Priority Code Bundle |
| Procedure: | Type IV-B, Legislative          |

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## I. INTRODUCTION

### A. Applicable Criteria

Applicable Statewide Planning Goals; Oregon Administrative Rules Chapter 660 Divisions 12 and 18; Tualatin Comprehensive Plan Chapter 4 and Tualatin Development Code Chapters 32 and 33.

### B. Project Description

At the beginning of 2024, City Council directed staff to work on a bundle of legislative plan text amendments that benefit business retention, growth, and attraction, as summarized in the table below.

**Table 1—Summary of proposed code amendments**

| CHAPTER | TITLE                     | PROPOSED AMENDMENT  |
|---------|---------------------------|---|
| 39      | Use Categories            | <ul style="list-style-type: none"><li>• Use definition additions in support of amendments.</li><li>• Adds battery electric vehicle showroom as an example of Durable Good Sales; clarifies that outdoor storage of automobiles or sales of automobiles that are not battery electric vehicle showrooms or automobile leasing offices is not permitted in any zone.</li></ul>  |
| 53      | Central Commercial Zone   | <ul style="list-style-type: none"><li>• Adds retail sales of home improvement materials and supplies as a limited Durable Goods Sales use. This use is subject to a square footage limitation of 65,000 square feet.</li><li>• Corrects dated code citation for temporary use permit.</li><li>• Clarifies approval criteria for an outdoor storage conditional use.</li></ul> |
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| 57      | Mixed Use Commercial Zone | <ul style="list-style-type: none"><li>• Adds Battery Electric Vehicle Showroom as a Durable Goods Sales use.</li><li>• Battery electric vehicle showroom uses are subject to additional standards and limitations.</li></ul>  |
| 80      | Cannabis Facilities       | <ul style="list-style-type: none"><li>• Expands hours of operation for retail sales of cannabis facilities &amp; medical dispensaries.</li></ul>  |

### C. Exhibits

#### 1. Proposed Development Code Amendments

## **II. PLANNING FINDINGS**

### **A. Oregon Statewide Planning Goals**

#### **Goal 1 – Citizen Involvement**

**To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.**

##### **Finding:**

*Legislative amendments are subject to the public notification requirements specified in TDC 32.250, which include newspaper notice of the City Council hearing. On March 20, 2024, the City of Tualatin will hold a public Planning Commission meeting, to discuss the proposed amendments and to gather input. Additionally, interested parties will be informed that public testimony may be received during the City Council hearing tentatively scheduled for April 22, 2024. Any comments submitted by the community will be included in the City Council hearing packet. Each form of engagement is described in detail below.*

##### **Planning Commission Public Meetings:**

*A “hybrid” in-person and virtual Planning Commission public meetings is scheduled on March 20, 2024. The Tualatin Planning Commission serves as the committee for citizen involvement in the Land Conservation and Development Commission planning process. They review, advise, and make recommendations to City Council on matters affecting land use planning.*

##### **Public Notice:**

*The Oregon Department of Land Conservation and Development (DLCD) will be notified of subject amendments in accordance with the minimum number of days required by ORS Chapter 197. The City Council hearing will be noticed in accordance with TDC 32.250.*

*The proposed amendments conform to Goal 1.*

#### **Goal 2 – Land Use Planning**

**To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.**

##### **Finding:**

*The City of Tualatin’s Comprehensive Plan and Development Code provide an acknowledged and established land use planning process and policy framework which service as the basis for all decisions and actions related to land use, and include approval criteria to assure than an adequate factual base is provided for those decisions and actions. The proposed text amendments to the Tualatin Development Code have been processed in accordance with these procedures.*

*The proposed amendments conform to Goal 2.*

#### **Goal 5 – Open Spaces, Scenic and Historic Area, and Natural Resource**

**To protect natural resources and conserve scenic and historic areas and open spaces.**

**Finding:**

*The subject text amendments do not modify the City's existing open space and natural resources requirements as regulated by TDC Chapter 71 (Wetlands Protection District) and TDC Chapter 72 (Natural Resource Protection Overlay District).*

*The proposed amendments conform to Goal 5.*

**Goal 6 – Air, Water and Land Resources Quality**

**To maintain and improve the quality of the air, water and land resources of the state.**

**Finding:**

*The subject text amendments do not modify the City's existing environmental regulations as regulated by TDC Chapter 63 (Industrial Uses and Utilities and Manufacturing Zones - Environmental Regulations).*

*The proposed amendments conform to Goal 6.*

**Goal 7 – Areas Subject to Natural Disasters and Hazards**

**To protect people and property from natural hazards.**

**Finding:**

*This proposed amendments do not modify the City's existing natural hazards requirements as regulated by TDC Chapters 70 (Floodplain District) and 72 (Natural Resource Protection Overlay District).*

*The proposed amendments conform to Goal 7.*

**Goal 8 – Recreation Needs**

**To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.**

**Finding:**

*Tualatin's recreation needs, as well as those of the citizens of the state and visitors thereto, are addressed in the 2019 Tualatin Parks and Recreation Master Plan, the Comprehensive Plan, and also in Ordinance 1427-19. The proposed amendments do not affect policies associated with recreational needs.*

*The proposed amendments conform to Goal 8.*

**Goal 9 – Economy of the State**

**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 proposed amendments support economic goals in the Comprehensive Plan; specifically Goal 4.2 to support business retention, growth, and attraction in ways that strengthen the local tax base [...].*

*The proposed amendments conform to Goal 9.*

**Goal 10 – Housing**

**To provide for the housing needs of citizens of the state.**

**Finding:**

*The proposed amendments do not affect policies related to housing.*

*The proposed amendments conform to Goal 10.*

**Goal 11 – Public Facilities and Services**

**To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.**

**Finding:**

*The proposed amendments do not affect policies related to public facilities and services including water, sewer, and emergency services.*

*The proposed amendments conform to Goal 11.*

**Goal 12 – Transportation**

**To provide and encourage a safe, convenient and economic transportation system.**

**Finding:**

*The proposed amendments do not affect policies related to the public transportation system. Findings for the Transportation Planning Rule under, OAR 660-012-0060 are included in Section B. of this document, but ultimately the proposed amendments do not trigger a significant impact as determined by the TPR Analysis.*

*The proposed amendments conform to Goal 12 and satisfy the applicable OAR requirements.*

**Goal 13 – Energy**

**To conserve energy.**

**Findings:**

*The proposed amendments do not impact Tualatin's land use regulations pertaining to energy consumption.*

*The proposed amendments conform to Goal 13.*

## **B. Oregon Administrative Rules**

### **660-012-0060**

#### **Plan and Land Use Regulation Amendments**

**(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:**

**(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);**

**(b) Change standards implementing a functional classification system; or**

**(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.**

**(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;**

**(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or**

**(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.**

**[...]**

#### **Finding:**

*The intent of the TPR (OAR 660-12-0060) is to ensure that future land use and traffic growth is consistent with transportation system planning and does not create a significant effect on the surrounding transportation system beyond currently allowed uses. The definition of a significant effect varies by jurisdiction; however the Tualatin Development Code does not provide a definition for the term.*

*Additionally the code regulates permitted land uses under use categories based on common functional, product or physical characteristics, including the type and intensity of activity typical of impact, types of customers, typical off-site impacts, and building type. While the proposed amendments do not include the addition of new use categories to zoning districts, they do include minimal expansion of permitted uses within existing use categories. Specifically:*

- General Commercial (CG) Zone: Adding Health and Fitness Facility to the existing permitted Commercial Recreation Use Category*
- Central Commercial (CC) Zone: Adding Retail Sales of Home Improvement Materials and Supplies to the existing permitted Durable Goods Sales Category*
- Mixed Use Commercial (MUC) Zone: Adding Battery Electric Vehicle Showroom to the existing permitted Durable Goods Sales Category*



**General Commercial Zone:**

*The General Commercial Zone presently permits the following uses under the Commercial Recreation category: Amusement enterprise, including pool hall, bowling alley, dance hall or skating rink; and Health studio.*

*As shown in the table below, adding health and fitness facilities will have a similar traffic impact as uses already permitted in the use category of the zone.*

| Description/ ITE Code              | Weekday Rates | PM Peak Rates |
|------------------------------------|---------------|---------------|
| Bowling Alley (437)                | 33.33         | 1.71          |
| Recreation Commercial Center (495) | 33.82         | 2.74          |
| Health/Fitness Club (492)          | 32.93         | 3.53          |

**Central Commercial Zone:**

*The Central Commercial Zone presently permits the following uses under the Durable Goods Sales category: Furniture store; and appliance store.*

*As shown in the table below, adding retail sales of home improvement materials will have a similar traffic impact as uses already permitted in the use category of the zone.*

| Description/ ITE Code    | Weekday Rates | PM Peak Rates |
|--------------------------|---------------|---------------|
| Specialty Retail (826)   | 44.32         | 2.71          |
| Electronics Store (863)  | 45.04         | 4.5           |
| Building Materials (812) | 45.16         | 4.49          |

**Mixed Use Commercial Zone:**

*The Mixed Use Commercial Zone presently permits the following uses under the Durable Goods Sales category: Furniture store; and large appliance store.*

*As shown in the table below, adding battery electric vehicle showroom will have a similar traffic impact as uses already permitted in the use category of the zone- as it would fall under the specialty retail category (826).*

| Description/ ITE Code   | Weekday Rates | PM Peak Rates |
|-------------------------|---------------|---------------|
| Specialty Retail (826)  | 44.32         | 2.71          |
| Electronics Store (863) | 45.04         | 4.5           |

*Lastly, there is no change to functional classification or standards of the existing transportation facilities under this amendment.*

*The proposed amendments are consistent with these requirements.*

#### **660-018-0020**

##### **Notice of a Proposed Change to a Comprehensive Plan or Land Use Regulation**

**(1) Before a local government adopts a change to an acknowledged comprehensive plan or a land use regulation, unless circumstances described in OAR 660-018-0022 (Exemptions to Notice Requirements Under OAR 660-018-0020) apply, the local government shall submit the proposed change to the department, including the information described in section (2) of this rule. The local government must submit the proposed change to the director at the department's Salem office at least 35 days before holding the first evidentiary hearing on adoption of the proposed change.**

##### **Finding:**

*The amendments propose a change to Tualatin's land use regulation and will be noticed accordingly as shown. The proposed amendments are consistent with OAR 660-18-0020.*

#### **C. Metro Code**

##### **Chapter 3.07, Urban Growth Management Functional Plan**

##### **Title 4 – Industrial and Other Employment Areas**

##### **3.07.440 Protection of Employment Areas**

**(a) Except as provided in subsections (c), (d), and (e), in Employment Areas map pursuant to Metro Code section 3.07.450, cities and counties shall limit new and expanded commercial retail uses to those appropriate in type and size to serve the needs of businesses, employees, and residents of the Employment Areas.**

**(b) Except as provided in subsections (c), (d), and (e), a city or county shall not approve a commercial retail use in an Employment Area with more than 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.**

##### **Finding:**

*The proposed amendments comply with Metro's charge to protect employment lands. As shown in the Plan Text Amendments, included in Exhibit 1, a Health and Fitness Facility use will be added to the existing permitted Commercial Recreation Use Category within the General Commercial zone. Portions of General Commercial zoning lie within designated Employment Areas. The proposed amendments do not affect existing commercial retail use limitations on Employment Area land found in TDC 54.210(1). The proposed amendments are consistent with Title 4.*

#### **Title 6: Centers, Corridors, Station Communities and Main Streets**

##### **Finding:**

*While the project includes amendments to permitted uses with the Central Commercial zone and, in turn, to land designated town center; there are no policies in Title 6 to address in the project findings.*

#### **E. Tualatin Development Code**

##### **Chapter 32: Procedures**

**TDC 32.010. - Purpose and Applicability.**

**(2) Applicability of Review Procedures.** All land use and development permit applications and decisions, will be made by using the procedures contained in this Chapter. The procedure "type" assigned to each application governs the decision-making process for that permit or application. There are five types of permit/application procedures as described in subsections (a) through (e) below. Table 32-1 lists the City's land use and development applications and corresponding review procedure(s).

**(e) Type IV-B Procedure (Legislative Review).** The Type IV-B procedure is used to review proposals to amend the Tualatin Comprehensive Plan, the City's land use regulations, and large-scale changes to the Comprehensive Plan or Plan Maps, and involve the creation, revision, or implementation of broad public policy. Type IV-B reviews are first considered by the Planning Commission, which makes a recommendation to City Council. City Council makes the final decision on a legislative proposal through the enactment of an ordinance. Appeals of Type IV-B decisions are heard by the Land Use Board of Appeals (LUBA).

**(3) Determination of Review Type.** Unless specified in Table 32-1, the City Manager will determine whether a permit or application is processed as Type I, II, III, IV-A or IV-B based on the descriptions above. Questions regarding the appropriate procedure will be resolved in favor of the review type providing the widest notice and opportunity to participate. An applicant may choose to elevate a Type I or II application to a higher numbered review type, provided the applicant pays the appropriate fee for the selected review type.

**Table 32-1—Applications Types and Review Procedures**

| Application/Action                   | Procedure Type | Decision Body* | Appeal Body* | Pre-Application Conference Required | Neighborhood/Developer Mtg Required | Applicable Code Chapter    |
|--------------------------------------|----------------|----------------|--------------|-------------------------------------|-------------------------------------|----------------------------|
| <b>Plan Amendments</b>               |                |                |              |                                     |                                     |                            |
| • Legislative Map or Text Amendments | IV-B           | CC             | LUBA         | No                                  | No                                  | TDC <a href="#">33.070</a> |

\* City Council (CC); Planning Commission (PC); Architectural Review Board (ARB); City Manager or designee (CM); Land Use Board of Appeals (LUBA).

**Finding:**

*The proposed application is a text amendment to the Tualatin Development Code. The proposed amendments are legislative in nature as they apply to broad areas of the City, as opposed to specific properties. The proposed application is being processed in accordance with the Type IV-B procedures. These criteria are met.*

**TDC 32.250. - Type IV-B (Legislative Decisions).**

**Type IV-B decisions** are legislative land use decisions made by the City Council. Legislative land use proceedings include proposals to amend the Tualatin Comprehensive Plan and zoning maps, and involve the creation, revision, or implementation of broad public policy generally impacting more than one property owner or a large number of individual properties. The City Council may initiate its own legislative proposals at any time. Legislative requests are not subject to the 120-day review period under ORS 227.178. In most cases a public hearing is required. However, no public hearing is required in a legislative land use proceeding if the purpose of the amendment is to conform to new requirements in state land use statutes, Statewide Land Use Planning Goals, or administrative rules of the Oregon Land Conservation and Development Commission implementing state land use statutes or Statewide Land Use Planning Goals, if the Oregon Department of Land Conservation and Development confirms in writing that the only effect of the proposed change is to conform the City's Comprehensive Plan or land use regulations to the new state requirements. The Council may, in its discretion, hold a public hearing although one is not required.

**(1) Submittal Requirements—Type IV-B.** Legislative land use proceedings may be initiated by the City Council or City staff.

**(2) Notice of Public Hearing—Type IV-B.** Hearings on Legislative Land Use requests must conform to state land use laws (ORS 227.175), as follows:

**(a) DLCD Pre-Adoption Notice.** The City Manager will notify in writing the Oregon Department of Land Conservation and Development (DLCD) of legislative amendments (zone change, rezoning with annexation, or comprehensive plan amendment) in accordance with the minimum number of days required by ORS Chapter 197.

[...]

**(c) Other Public Notice.** In addition to any other notice required, at least 14 calendar days before the scheduled City Council public hearing date, the City must mail by regular first class mail Notice of a Public Hearing to the following individuals and agencies.

**(i)** Any affected governmental agency;

**(ii)** Any person who requests notice in writing;

**(iii)** For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175;

**(iv)** Designated representatives of recognized Citizen Involvement Organizations;

**(v)** For an amendment which affects the transportation system, ODOT and Metro; and

**(vi)** For a plan amendment or land use regulation amendment that significantly impacts school capacity, the Tigard-Tualatin School District.

**(d)** At least 14 calendar days before the scheduled City Council public hearing date, public notice must be provided by publication in a newspaper of general circulation in the city.

**(e)** At least 14 calendar days before the scheduled City Council public hearing date, public notice must be posted in two public and conspicuous places within the City.

[...]

**Finding:**

*As discussed in response to the previous criterion, the proposed amendments are legislative in nature and have been processed consistent with the Type IV-B requirements. The City Council has initiated the proposed amendments, and City staff will follow the appropriate notification procedures including DLCD notice, agency notice, newspaper notice, and posted notice. These criterion are met.*

**(4) Conduct of the Hearing—Type IV-B.** A Type IV-B land use hearing will follow the City's legislative hearing procedures. There can be pre-hearing contact between citizens and the decision makers on legislative matters. "Ex parte contact" is not a concern.

**(5) Notice of Adoption and Effective Date of a Type IV-B Decision.**

**(a)** Notice of Adoption must be mailed to the applicant, all participants of record, and the Department of Land Conservation and Development within 20 business days after the City Council decision is filed with the City Manager. The City must also provide notice to all persons as required by other applicable laws.

**(b)** A Legislative Land Use decision, if approved, takes effect and becomes final as specified in the enacting ordinance or, if not approved, upon mailing of the Notice of Adoption to the applicant.

**Finding:**

*The City Council public hearing to consider the Planning Commission's recommendation on the proposed amendments is tentatively scheduled for April, consistent with the above requirements. If adopted, a notice of adoption will be mailed and effective consistent with the above provisions. These criteria can be met.*

**Chapter 33: Applications and Approval Criteria**

**Section 33.070 Plan Amendments**

**[...]**

**(2) Applicability.** [...] Legislative amendments may only be initiated by the City Council.

**(3) Procedure Type.**

**(b)** Map or text amendment applications which are legislative in nature are subject to Type IV-B Review in accordance with TDC Chapter 32.

**Finding:**

*The proposed amendments are legislative in nature, in that they apply broadly across the City. The application will be processed consistent with the Type IV-B Review requirements in accordance with Chapter 32, which include publishing a newspaper notice at least 14 days prior to the City Council hearing, sending notice to the state DLCD. These criteria will be satisfied.*

**(5) Approval Criteria.**

**(a) Granting the amendment is in the public interest.**

**Finding:**

*Throughout 2023, a handful of property and business owners have reached out to the City with various requests to amend the development code in an effort to support business retention, growth, and attraction (Comprehensive Plan Goal 4.2). Then staff was directed to implement the code bundle project at the January 22, 2024 City Council hearing. The draft code was then previewed by the City Council on February 26. On March 20, the Planning Commission will be asked to review the amendments and make a recommendation to Council. Public engagement noticing and comments will be included. Therefore, granting the proposed amendments is in the public interest as represented by Tualatin's City Council. This criterion will be met.*

**(b) The public interest is best protected by granting the amendment at this time.**

**Finding:**

*The public interest is best protected by granting the amendment at this time. As discussed at the previous criterion, the amendment is in the public interest. The amendments also serve to satisfy Comprehensive Plan Goal 4.2 to support business retention, growth, and attraction in ways that strengthen the local tax base. This criterion is met.*

**(c) The proposed amendment is in conformity with the applicable objectives of the Tualatin Community Plan.**

**Finding:**

*The proposed amendments are in conformity with the following applicable objectives of the Tualatin Comprehensive Plan:*

- *GOAL 4.2 Support business retention, growth, and attraction in ways that strengthen the local tax base [...].*

*The proposed amendments are in response to business owners' requests to amend the development code in an effort to support business retention, growth, and attraction. This effort is further supported by Strategy 2 in the 2014 Economic Development Strategic Plan, which calls for identifying Development Code related issues which create barriers to development. By making measured and period updates to the development code, we can respond to trends and developments in the economic market. Therefore, the proposed amendments are in conformity with the Tualatin Comprehensive Plan and this criterion is met.*

**(d) The following factors were consciously considered:**

- (i) The various characteristics of the areas in the City;**
- (ii) The suitability of the areas for particular land uses and improvements in the areas;**

**Finding:**

*The proposed amendments are legislative in nature but will generally affect commercially zoned land, as described below.*

**Central Commercial (CC) Zone:**

*The amendments will add Retail Sales of Home Improvement Materials and Supplies as a permitted use in the Durable Goods Sale use category, subject to a size limitation of 65,000 square feet to ensure the footprint and impact of this use is appropriate for the Tualatin town center.*

*The zone also permits outdoor storage as a conditional use; however the code does not provide any approval criteria for the conditional outdoor storage. The amendments include a correction to this administrative omission.*

**General Commercial (CG) Zone:**

*The amendments will add Health and Fitness Facility as a permitted use in the Commercial Recreation use category. Those facilities that include outdoor activities are limited and are subject to additional standards, including buffering from residential planning districts; screening; and the observance of quiet hours to ensure suitability for the neighboring areas.*

*The zone also permits outdoor storage as a conditional use; however the code does not provide any approval criteria for the conditional outdoor storage. The amendments include a correction to this administrative omission.*

**Mixed Use Commercial (MUC) Zone:**

*The amendments will add Battery Electric Vehicle Showroom as a permitted use in the Durable Goods Sale use category, subject to a size limitation of 10,000 square feet. All inventory for this use must be housed inside of a building to make efficient use of the district land.*

*These criterion are met.*

**(iii) Trends in land improvement and development;**

**Finding:**

*The majority of Tualatin's commercial land has been developed. Expanding and modernizing permitted uses, will encourage more efficient use of developed and vacant building space. The proposed amendments have consciously considered trends in land improvement and development and this criterion is met.*

**(iv) Property values;**

**Finding:**

*Expanding and modernizing permitted uses, will encourage more efficient use of developed and vacant building space; and therefore, the proposed amendments support property values. This criterion is met*

**(v) The needs of economic enterprises and the future development of the area; needed right- of-way and access for and to particular sites in the area;**

**Finding:**

*The proposed amendments support economic enterprise by expanding and modernizing permitted uses in certain commercial zones. The proposed amendments do not modify existing right-of-way and access standards. This criterion is met.*

- (vi) Natural resources of the City and the protection and conservation of said resources;**
- (vii) Prospective requirements for the development of natural resources in the City;**

**Finding:**

*The proposed amendments do not impact natural resource protection nor application of requirements to future development, which would fully apply to any new development. Therefore, this criterion is met.*

- (viii) The public need for healthful, safe, esthetic surroundings and conditions;**

**Finding:**

*The amendments do include standards and limitations for permitted uses that include outdoor activities. These factors were consciously considered and the criterion is met.*

- (e) If the amendment involves residential uses, then the appropriate school district or districts must be able to reasonably accommodate additional residential capacity by means determined by any affected school district.**

**Finding:**

*The amendments do not involve residential uses; therefore this criterion is not applicable.*

- (f) Granting the amendment is consistent with the applicable State of Oregon Planning Goals and applicable Oregon Administrative Rules, including compliance with the Transportation Planning Rule TPR (OAR 660-012-0060).**

**Finding:**

*Discussion of State of Oregon Planning Goals and applicable Oregon Administrative Rules is found in Sections II-A and B of these findings and find consistency. This criterion is met.*

- (g) Granting the amendment is consistent with the Metropolitan Service District's Urban Growth Management Functional Plan.**

**Finding:**

*The proposed amendments will remain consistent with the Metro Urban Growth Management Functional Plan, specifically Title 4 as discussed in Section II-C of these findings. Therefore, these requirements were consciously considered. This criterion is met.*

- (h) Granting the amendment is consistent with Level of Service F for the p.m. peak hour and E for the one-half hour before and after the p.m. peak hour for the Town Center 2040 Design Type (TDC Map 10-4), and E/E for the rest of the 2040 Design Types in the City's planning area.**

**Finding:**

*The areas of the city that will be affected by the subject amendments are identified as Employment Area (EA) and Town Center (TC) on Map 10-4. As described in Section II-B, the additional uses included in the proposed amendments are anticipated to share similar ITE rates as uses already allowed in the corresponding use category. Therefore, the proposal will have a de minimis impact on the level of service for transportation facilities and the criterion is addressed.*



**(i) Granting the amendment is consistent with the objectives and policies regarding potable water, sanitary sewer, and surface water management pursuant to TDC 12.020, water management issues are adequately addressed during development or redevelopment anticipated to follow the granting of a plan amendment.**  
**[...]**

**Finding:**

*The proposed changes do not impact objectives and policies regarding the above referenced utilities. These factors were consciously considered but this criterion is not applicable.*

## CHAPTER 39 - USE CATEGORIES

### TDC 39.115 - Use Definitions.

[...]

*Battery Electric Vehicle Showroom.* Means an establishment engaged in the sale or lease of new vehicles designed to operate exclusively on electricity stored in a rechargeable battery, multiple batteries, or battery pack. Showrooms do not include exterior vehicle storage or activities related to vehicle repair and servicing.

*Health or Fitness Facility.* A facility designed to accommodate indoor or outdoor activities such as racquetball courts, pickleball courts, tennis courts, gymnasiums, weight lifting rooms and other exercise areas, swimming pools and similar uses.

[...]

### TDC 39.320. - Durable Goods Sales.

- (1) *Characteristics.* Durable Goods Sales are the sale, rental, or lease of new and used goods having extended utility. Durable Goods Sales may require extensive indoor and/or outdoor display areas.
- (2) *Examples of Uses.*
  - Retail sale of home improvement materials and supplies, including but not limited to: interior/exterior building and construction materials, electrical supplies, plumbing supplies and fixtures, lawn and landscaping equipment, floor coverings, home décor, indoor/outdoor household appliances, paint and painting supplies, and tools and hardware.
  - Retail sale of furniture and large appliances.
  - New and used sales of motorcycles, boats, recreational vehicles, or trailers.
  - Retail nurseries or greenhouses.
  - Battery electric vehicle showroom (as defined in TDC 39.115) and automobile leasing office.
- (3) *Exceptions.*
  - Sales of building and landscaping materials primarily sold to contractors is classified as Wholesale Sales.
  - Sales, leasing, or rental of industrial, farm, or construction equipment is classified as Wholesale Sales.
  - Sales of bicycles are classified as Retail Sales and Service.
  - Outdoor storage of automobiles or sale of automobiles that are not battery electric vehicle showrooms or automobile leasing offices, is not permitted in any zone.

[...]

### TDC 39.350. - Quick Vehicle Servicing.

- (1) *Characteristics.* Quick Vehicle Servicing provides direct services for motor vehicles at a drive-through facility, which may include a mini-mart in certain zones, where the service is performed and where the driver generally waits for the service to be performed.
- (2) *Examples of Uses.*
  - Automobile Service Station (as defined in TDC 39.115).
  - Non-Retail Cardlock Fueling Station (as defined in TDC 39.115).
  - Car washes.

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- Quick lubrication services.
- Department of Environmental Quality vehicle emission test sites.

(3) *Exceptions.*

- Refueling facilities for the vehicles that belong to a specific use (fleet vehicles) which are on the site where the vehicles are kept are accessory to the primary use.
- Outdoor storage of automobiles or sale of automobiles that are not battery electric vehicle showrooms or automobile leasing offices, is not permitted in any zone.

[...]

**TDC 39.365 - Vehicle Repair.**

- (1) *Characteristics.* Vehicle Repair provides vehicle repair and servicing to passenger vehicles, light and medium trucks, motorcycles, boats, recreational vehicles, and other consumer motor vehicles. Generally, the customer does not wait at the site while the service or repair is being performed.

(2) *Examples of Uses.*

- Alignment shop.
- Auto body and/or paint shop.
- Auto detailing.
- Auto upholstery shop.
- Tire sales and mounting.
- Transmission or muffler shop.
- Vehicle repair.

(3) *Exceptions.*

- Repair and service of industrial vehicles and equipment, and of heavy trucks; towing and vehicle storage are classified as Light Manufacturing.
- Outdoor storage of automobiles or sale of automobiles that are not battery electric vehicle showrooms or automobile leasing offices, is not permitted in any zone.

[...]

**TDC 39.430. - Vehicle Storage.**

- (1) *Characteristics.* Vehicle Storage are storage facilities for vehicles including automobiles, boats, buses, recreational vehicles, and trailers.

(2) *Examples of Uses.*

- Vehicle impoundment yards.
- Vehicle fleet storage and maintenance facilities.
- Towing and vehicle storage operations.
- School bus yards.
- Recreational vehicle storage.
- Transit vehicle storage and maintenance yards.

(3) *Exceptions.*

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- Auto wrecking yards are not permitted in any zones.
- Outdoor storage of automobiles or sale of automobiles that are not battery electric vehicle showrooms or automobile leasing offices, ~~are~~ is not permitted in any zones.

## CHAPTER 53 CENTRAL COMMERCIAL ZONE (CC)

### TDC 53.100. Purpose.

The purpose of this district is to provide areas of the City that are suitable for a full range of retail, professional and service uses of the kind usually found in downtown areas patronized by pedestrians. The district also provides areas suitable for civic, social, and cultural functions serving the general community.

### TDC 53.200. Use Categories.

- (1) *Use Categories.* Table 53-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the CC zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 53-1 and restrictions identified in TDC 53.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.
- (2) *Overlay Zones.* Additional uses may be allowed in a particular overlay zone. See the overlay zone Chapters for additional uses.

**Table 53-1**  
**Use Categories in the CC Zone**

| USE CATEGORY                       | STATUS | LIMITATIONS AND CODE REFERENCES   |
|------------------------------------|--------|---|
| <b>RESIDENTIAL USE CATEGORIES</b>  |        |   |
| Residential Accessory Uses         | P (L)  | Permitted uses limited to Family Child Care Home subject to ORS 329A.440.   |
| <b>COMMERCIAL USE CATEGORIES</b>   |        |   |
| Commercial Lodging                 | P      | —   |
| Commercial Recreation              | P (L)  | Permitted uses limited to: <ul style="list-style-type: none"><li>• Amusement enterprise, including pool hall, bowling alley, dance hall or skating rink;</li><li>• Private meeting hall, club or lodge hall, or fraternal organizations; and</li><li>• Health studio.</li></ul>   |
| Commercial Parking                 | P      | —   |
| Durable Goods Sales                | P (L)  | Permitted uses limited to: <ul style="list-style-type: none"><li>• Furniture store, including antiques and second-hand furniture; <del>and</del></li><li>• Appliance store, subject to TDC 53.210(12); <u>and</u></li><li>• <u>Retail sales of home improvement materials and supplies, subject to TDC 53.210(3).</u></li></ul> |
| Eating and Drinking Establishments | P      | Some restrictions in the Central Tualatin Overlay Zone see TDC Chapter 58.  |
| Medical Office                     | P      | —   |
| Office                             | P      | —   |
| Retail Sales and Services          | P/C    | Conditional use permit required for veterinary clinic.<br>Memorial Planning and Products Center (as defined in TDC 39.115) not permitted.   |

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|  |         |   |
|--|---------|---|
|  |         | All other uses permitted outright.<br>All uses subject to TDC 53.210(4).  |
| <b>INSTITUTIONAL USE CATEGORIES</b>                |         |   |
| Assembly Facilities                                | C       | —   |
| Colleges, Universities and Private Career Schools  | P/C (L) | Permitted uses limited to business college.<br>All other use are conditional uses.  |
| Community Services                                 | P       | —   |
| Schools  | C       | —   |
| <b>INFRASTRUCTURE AND UTILITIES USE CATEGORIES</b> |         |   |
| Basic Utilities                                    | P/C (L) | Permitted uses limited to sewer and water pump stations and pressure reading stations.<br><br>Conditional uses limited to utility substations.                        |
| Greenways and Natural Areas                        | P       | —   |
| Parks and Open Space                               | P       | —   |
| Public Safety Facilities                           | P/C (L) | Conditional uses limited to publicly- and privately-operated ambulance facilities.<br><br>All other uses permitted outright.  |
| Transportation Facilities                          | P       | —   |
| Wireless Communication Facilities                  | P(L)    | Permitted uses limited to:<br>• Wireless Communication Facility Attached; and<br>• Wireless Communication Facility, located within 300 feet of the centerline of I-5. |

**TDC 53.210. Additional Limitations on Uses.**

[...]

- (3) Retail Sales of Home Improvement Materials and Supplies. The retail sales of home improvement materials and supplies use is limited to a maximum allowed gross floor area of 65,000 square feet per building or tenant. ~~Outdoor Uses. All uses must be conducted wholly within a completely enclosed building, except off-street parking and loading, Basic Utilities, Wireless Communication Facilities, outdoor play areas of child day care centers, as required by state day care certification standards, and as provided in (a) — (c), below.~~
- (a) ~~Outside storage or sales requires a conditional use permit.~~
- (b) ~~Outdoor sales, as defined in TDC 31.060 and as provided for in TDC 34.011, are permitted as a temporary use.~~
- (c) ~~Portable collection facilities as an accessory use require a conditional use permit, and are subject to the following standards:~~
- (i) ~~The facility must be sited such that it is either adjacent to existing vegetation or in a location where vegetation can be installed to enhance the appearance of the facility;~~
- (ii) ~~If vegetation is not already in place, landscaping, as approved through the Architectural Review process, must be installed adjacent to the location of the portable collection facility;~~
- (iii) ~~Items must not be stored outside the facility, except for temporary storage of oversized goods;~~
- (iv) ~~Oversized goods stored outside must be collected daily and removed from the premises or stored inside the portable collection facility; and~~

- ~~(v) Adequate receptacle must be provided for items dropped off during times the facility is not attended.~~
- (4) Outdoor Uses. All uses must be conducted wholly within a completely enclosed building, except off-street parking and loading, Basic Utilities, Wireless Communication Facilities, outdoor play areas of child day care centers, as required by state day care certification standards, and as provided in (a)—(b), below.
- (a) Temporary Uses. Temporary outdoor sales, as defined in TDC 31.060, are permitted as a temporary use subject to TDC 33.090.
- (b) Conditional Uses.
- (i) Any outdoor storage, display, and sales use requires a conditional use permit and is subject to the following standards:
- (A) The outdoor area must not exceed ten percent of the store's gross floor area or 15,000 square feet, whichever is less.
  - (B) Not less than 50 percent of the outdoor area must be covered by a permanent roof.
  - (C) The outdoor area must abut a wall of the store.
  - (D) All sides of the outdoor area not abutting a wall of the store must be screened with a sight obscuring fence, wall, berm, or dense evergreen landscaping not less than six feet in height.
  - (E) Stored materials must not exceed the height of the sight obscuring barrier when viewed from street level.
- (ii) Portable collection facilities, as an accessory use, require a conditional use permit and are subject to the following standards:
- (A) The facility must be sited such that it is either adjacent to existing vegetation or in a location where vegetation can be installed to enhance the appearance of the facility;
  - (B) If vegetation is not already in place, landscaping, as approved through the Architectural Review process, must be installed adjacent to the location of the portable collection facility;
  - (C) Items must not be stored outside the facility, except for temporary storage of oversized goods;
  - (D) Oversized goods stored outside must be collected daily and removed from the premises or stored inside the portable collection facility; and
  - (E) Adequate receptacle must be provided for items dropped off during times the facility is not attended.
- [...]

## CHAPTER 54 - GENERAL COMMERCIAL ZONE (CG)

### TDC 54.100. Purpose.

The purpose of this district is to provide areas in the City that are suitable for the widest range of commercial uses and retail businesses. This district is particularly suitable for automobile-related businesses and businesses needing direct freeway access.

### TDC 54.200. Use Categories.

- (1) *Use Categories.* Table 54-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the CG zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 54-1 and restrictions identified in TDC 54.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.
- (2) *Overlay Zones.* Additional uses may be allowed in a particular overlay zone. See the overlay zone Chapters for additional uses.

**Table 54-1**  
**Use Categories in the CG District**

| USE CATEGORY                      | STATUS  | LIMITATIONS AND CODE REFERENCES  |
|-----------------------------------|---------|--|
| <b>RESIDENTIAL USE CATEGORIES</b> |         |  |
| Residential Accessory Uses        | P (L)   | Permitted uses limited to Family Child Care Home, subject to ORS 329A.440.   |
| <b>COMMERCIAL USE CATEGORIES</b>  |         |  |
| Commercial Lodging                | P       | —  |
| Commercial Recreation             | P/C (L) | <p>Permitted uses limited to:</p> <ul style="list-style-type: none"><li>• Amusement enterprise, including pool hall, bowling alley, dance hall or skating rink; and</li><li>• Health <del>studio</del> or fitness facility, <u>outdoor uses limited subject to TDC 54.220(2).</u></li></ul> <p>Conditional uses limited to:</p> <ul style="list-style-type: none"><li>• Family recreation center, as defined in TDC 31.060; and</li><li>• Private meeting hall, club or lodge hall, or fraternal organizations.</li></ul>                                    |
| Commercial Parking                | P       | —  |
| Durable Goods Sales               | P (L)   | <p>Permitted uses limited to:</p> <ul style="list-style-type: none"><li>• Furniture store, including antiques and second-hand furniture;</li><li>• Appliance store, subject to TDC 54.210(2);</li><li>• Home improvement store, subject to TDC <del>534.210(3)</del> and TDC 54.220(<del>34</del>);</li><li>• Auto leasing office, subject to TDC 54.210(4) and TDC 54.220(<del>34</del>); and</li><li>• Boat, boat motor and boat trailer sales subject to TDC 54.210(5) and TDC 54.220(<del>34</del>).</li></ul> <p>All uses subject to TDC 54.210(1).</p> |



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|  |         |   |
|--|---------|---|
| Eating and Drinking Establishments                 | P       | —   |
| Medical Office                                     | P       | —   |
| Office   | P       | —   |
| Other Educational and Vocational Services          | P       | —   |
| Quick Vehicle Servicing                            | P (L)   | Permitted uses limited to Automobile Service Stations subject to TDC 54.210(6).   |
| Retail Sales and Services                          | P/C (L) | Conditional use permit required for outdoor pet activity area associated with Pet Day Care, subject to subject to TDC 54.220( <del>34</del> ).<br>Pet Day Care without outdoor activity area is permitted outright.<br>Mortuary not permitted.<br>All other retail sales and service uses permitted outright.<br>All uses subject to TDC 54.210(1). |
| Vehicle Repair                                     | P       | —   |
| <b>INDUSTRIAL USE CATEGORIES</b>                   |         |   |
| Light Manufacturing                                | P (L)   | Permitted uses limited to:<br>Optical lens grinder; and<br><br>Testing laboratory.  |
| Vehicle Storage                                    | P (L)   | Permitted uses limited to automobile towing company office and dispatch office, subject to TDC 54.220( <del>34</del> ).   |
| Warehouse and Freight Movement                     | P (L)   | Permitted uses limited to frozen food locker.   |
| <b>INSTITUTIONAL USE CATEGORIES</b>                |         |   |
| Assembly Facilities                                | C (L)   | Conditional uses limited to:<br>• Auditoriums, exhibition halls, or rooms for public assembly;<br>• Churches, synagogues, mosques, temples or other places of worship; and<br>• Theaters.   |
| Colleges, Universities, and Private Career Schools | P/C     | Permitted uses limited to a private career school. All other uses require conditional use permit.   |
| Community Services                                 | P       | —   |
| Schools  | C       | —   |
| <b>INFRASTRUCTURE AND UTILITIES USE CATEGORIES</b> |         |   |
| Basic Utilities                                    | P/C (L) | Permitted uses limited to sewer and water pump stations, pressure reading stations.<br>Conditional uses limited to utility substations.   |
| Greenways and Natural Areas                        | P       | —   |
| Parks and Open Space                               | P (L)   | Golf courses and country clubs prohibited. All other uses permitted outright.   |
| Public Safety Facilities                           | P/C (L) | Conditional uses limited to:<br>• Fire stations; and<br>• Publicly- and privately-operated ambulance  |

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|                                 |         |  |
|---------------------------------|---------|--|
|                                 |         | facilities.<br>All other uses permitted outright.  |
| Transportation Facilities       | P       | —  |
| Wireless Communication Facility | P/C (L) | Permitted uses limited to: <ul style="list-style-type: none"> <li>• Wireless Communication Facility, if located within 300 feet of the centerline of Interstate 5; and</li> <li>• Wireless Communication Facility Attached.</li> </ul> Conditional uses limited to Wireless Communication Facility.<br>Subject to maximum height and minimum setback standards defined by TDC Chapter 73F. |

[...]

### TDC 54.220. Outdoor Uses.

All uses must be conducted wholly within a completely enclosed building, except as provided by this section.

- (1) *Permitted Uses.* Off-street parking and loading, outdoor play areas of child day care centers as required by state day care certification standards, Basic Utilities, Wireless Communication Facilities, and nursery or greenhouse uses are permitted outright as outdoor uses.

- (2) *Limited Uses.* Health and Fitness Facility uses that include outdoor activities are limited and subject to additional standards.

(a) The subject lot is not within 500 feet of a residential planning district.

(b) The outdoor area must:

(i) Be completely enclosed with a minimum 8-foot-tall sight-obscuring fence. Slatted chain link fencing is not an appropriate screening measure; and

(ii) Outdoor activities must not occur between the hours of 10:00 pm and 7:00 am.

- (23) *Temporary Uses.* Temporary outdoor sales, as defined in TDC 31.060, are permitted as a temporary use subject to TDC 33.090.

- (34) *Conditional Uses.* ~~Any outdoor storage, display, and sales use requires a conditional use permit.~~ The following specific outdoor uses require a conditional use permit and are subject to additional standards.

(a) Outdoor Storage, Display, and Sales.

(i) The outdoor area must not exceed ten percent of the store's gross floor area or 15,000 square feet, whichever is less.

(ii) Not less than 50 percent of the outdoor area must be covered by a permanent roof.

(iii) The outdoor area must abut a wall of the store.

(iv) All sides of the outdoor area not abutting a wall of the store must be screened with a sight obscuring fence, wall, berm, or dense evergreen landscaping not less than six feet in height.

(v) Stored materials must not exceed the height of the sight obscuring barrier when viewed from street level.

[...]

## CHAPTER 57 MIXED USE COMMERCIAL ZONE (MUC)

### TDC 57.010. Purpose.

The purpose of this district is to provide areas of the City that are suitable for a mix of office, retail commercial, and high-density housing. Retail uses should be located on the ground floor to encourage an interesting and active streetscape. Buildings should be oriented toward the street with clearly marked entrances. The use of alternative modes of transportation such as transit, pedestrian, and bicycle activity are to be promoted within the district.

### TDC 57.200. Use Categories.

- (1) *Use Categories.* Table 57-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the MUC. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 57-1 and restrictions identified in TDC 57.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.

**Table 57-1**  
**Use Categories in the MUC**

| USE CATEGORY                               | STATUS  | LIMITATIONS AND CODE REFERENCES  |
|--|---------|--|
| <b>RESIDENTIAL USE CATEGORIES</b>          |         |  |
| Household Living                           | P/C     | Permitted housing types subject to TDC 57.220  |
| <b>COMMERCIAL USE CATEGORIES</b>           |         |  |
| Commercial Lodging                         | P       | —  |
| Commercial Recreation                      | P       | —  |
| Commercial Parking                         | P       | —  |
| Durable Goods Sales                        | P/C (L) | Permitted uses limited to: <ul style="list-style-type: none"><li>• Retail sale of furniture and large appliances, pursuant to TDC 57.210; and</li><li>• <u>Battery electric vehicle showroom, subject to TDC 57.210.</u></li></ul> Conditional uses limited to: <ul style="list-style-type: none"><li>• Outdoor sales subject to TDC 57.210.</li></ul> |
| Eating and Drinking Establishments         | P       | P  |
| Medical Office                             | P (L)   | Accessory research and development square footage must be less than the primary office use square footage.   |
| Office                                     | P (L)   | Accessory research and development square footage must be less than the primary office use square footage.   |
| Other Educational and Vocational Servicing | P       | —  |
| Quick Vehicle Servicing                    | C (L)   | Conditional uses limited to: <ul style="list-style-type: none"><li>• Automobile service station subject to TDC 57.210.</li></ul>   |
|  |         |  |

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| Retail Sales and Services                          | P/C (L) | <p>Pet day care without outdoor activity area is permitted outright.</p> <p>Mortuary not permitted.</p> <p>Conditional uses limited to:</p> <ul style="list-style-type: none"> <li>• Outdoor sales subject to TDC 57.210.</li> </ul> <p>All other retail sales and service uses permitted outright.</p> |
| <b>INSTITUTIONAL USE CATEGORIES</b>                |         |   |
| Assembly Facilities                                | C (L)   | <p>Conditional uses limited to:</p> <ul style="list-style-type: none"> <li>• Religious institutions or major event entertainment.</li> </ul>  |
| Colleges, Universities, and Private Career Schools | C       | —   |
| Community Services                                 | P       | —   |
| Medical Centers                                    | C       | —   |
| Schools  | C       | —   |
| <b>INFRASTRUCTURE AND UTILITIES CATEGORIES</b>     |         |   |
| Basic Utilities                                    | P (L)   | <p>Permitted uses limited to:</p> <ul style="list-style-type: none"> <li>• Sewer and water pump stations;</li> <li>• Pressure reading stations.</li> </ul>  |
| Greenways and Natural Areas                        | P       | P   |
| Parks and Open Space                               | P (L)   | <p>Golf courses and country clubs prohibited.</p> <p>All other uses permitted outright.</p>   |
| Public Safety Facilities                           | P/C (L) | <p>Conditional uses limited to:</p> <ul style="list-style-type: none"> <li>• Fire stations; and publicly- and privately-operated ambulance facilities.</li> </ul> <p>All other uses permitted outright.</p>   |
| Transportation Facilities                          | P       | —   |
| Wireless Communication Facility                    | P (L)   | <p>Permitted uses limited to:</p> <ul style="list-style-type: none"> <li>• Wireless communication facility attached.</li> </ul>   |

**TDC 57.210. Additional Limitations on Uses.**

- (1) *Durable Goods Sales.* Uses are limited to the retail sale of furniture and large appliances and battery electric vehicle showroom subject to the following standards:
    - (a) Retail sale of furniture and large appliances. ~~The building footprint is less than 60,000 square feet of gross floor area.~~
      - (i) The building footprint is less than 60,000 square feet of gross floor area.
      - (ii) Incidental repair of appliances is permitted as an accessory use.
    - (b) Battery Electric Vehicle Showroom. ~~Incidental repair of appliances is permitted as an accessory use.~~
      - (i) The gross floor area must not exceed 10,000 square feet and the showroom must not exceed 7,500 square feet;
      - (ii) Must contain all sales inventory, materials, and equipment areas inside a building.
- [...]

## CHAPTER 80 – CANNABIS FACILITIES

[...]

### **TDC 80.070. Cannabis Facility Operating Restrictions.**

- (1) Retail sales and medical dispensary Cannabis facilities are restricted to the following operating hours:
  - (a) The hours of operation that a retail sales Cannabis facility may be open to the public is between 7~~10~~:00 a.m. and 10~~8~~:00 p.m. of the same day.
  - (b) The hours of operation that a medical dispensary Cannabis facility may be open to registry identification cardholders is between 7~~10~~:00 a.m. and 10~~8~~:00 p.m. of the same day.
- (2) All Cannabis facilities must comply with the following operating restrictions:
  - (a) Comply with the restrictions on edible Cannabis as provided in TDC 80.100;
  - (b) All Cannabis odors and other objectionable odors must be confined to levels undetectable at the property line;
  - (c) Primary entrances must be located on street-facing facades and clearly visible from a public or private street; and
  - (d) Outdoor storage of merchandise, plants, or other materials is prohibited.

[...]