



TUALATIN CITY COUNCIL MEETING

Monday, September 22, 2025

TUALATIN CITY SERVICES
10699 SW HERMAN ROAD
TUALATIN, OR 97062

Mayor Frank Bubenik
Council President Valerie Pratt
Councilor Maria Reyes Councilor Bridget Brooks
Councilor Christen Sacco Councilor Cyndy Hillier
Councilor Octavio Gonzalez

To the extent possible, the public is encouraged to watch the meeting live on local cable channel 28, or on the City's website.

For those wishing to provide comment during the meeting, there is one opportunity on the agenda: Public Comment. Written statements may be sent in advance of the meeting to Deputy City Recorder Nicole Morris up until 4:30 pm on Monday, September 22. These statements will be included in the official meeting record, but not read during the meeting.

For those who would prefer to make verbal comment, there are two ways to do so: either by speaking in person or entering the meeting using the zoom link and writing your name in chat. As always, public comment is limited to three minutes per person.

Phone: +1 669 900 6833

Meeting ID: 861 2129 3664

Password: 18880

Link: <https://us02web.zoom.us/j/86121293664?pwd=SS9XZUZyT3FnMk5rbDVKN2pWbnZ6UT09>

Work Session

- 1. 5:00 p.m. (30 min) – Conversation with County Commissioner Snider.** Washington County Commissioner Snider will be present for an interactive dialogue with the Council focusing on Tualatin's relationship with the county and the services provided by the county in and around Tualatin. He will also be available for any questions or feedback to pass along to him or the county/board as a whole.
- 2. 5:30 p.m. (30 min) – Sidewalk Maintenance Program Backlog Review.** Staff will review the Sidewalk Maintenance Program history, review the results of the recent citywide sidewalk assessment, discuss the backlog of sidewalk maintenance that exists, and present a proposal for tackling the backlog.
- 3. 6:00 p.m. (30 min) – City Council 2025 Priorities: Third Quarter Update.** The City Council met for the annual Advance on February 28, and March 1, 2025. On April 28, 2025, the City Council reviewed and approved the work, which included seven priority areas and a total of

49 actions. Tonight, staff will provide the third quarter update, which includes highlights from each of the seven priority areas.

4. **6:30 p.m. (30 min) – Council Meeting Agenda Review, Communications & Roundtable.** Council will review the agenda for the September 22 City Council meeting, hear a report from the City Manager, and brief the Council on issues of mutual interest.

7:00 P.M. CITY COUNCIL MEETING

Call to Order

Pledge of Allegiance

Announcements

1. Proclamation Declaring October as Domestic Violence Awareness Month

Public Comment

This section of the agenda allows anyone to address the Council regarding any issue not on the agenda, or to request to have an item removed from the consent agenda. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

Consent Agenda

The Consent Agenda will be enacted with one vote. The Mayor will ask Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. If you wish to request an item to be removed from the consent agenda you should do so during the Citizen Comment section of the agenda.

1. Consideration of Approval of the Work Session and Regular Meeting Minutes of September 8, 2025
2. Consideration of **Resolution No. 5912-25** Authorizing the City Manager to Execute a Grant Agreement for a State Homeland Security Program Grant and Appropriate Special Purpose Revenues in the City's General Fund During the FY 2025-2026 Budget
3. Consideration of **Resolution No. 5914-25** Authorizing a Contract Renewal with Axon for Body Worn Cameras, Tasers, Digital Evidence Storage, Maintenance, and Support
4. Consideration of **Resolution No. 5916-25** Awarding Fiscal Year 2025-26 Outside Agency Grant Funds to Provide Services to the Tualatin Community

Public Hearings - Quasi-Judicial

1. Consideration of **Resolution No. 5915-25** a Request for Review of INT25-0001, Honey Bucket Interpretation Decision, Located at 18805 SW 108th Avenue (Tax Lots: 2S122AD 600, 700, and 800)

General Business

If you wish to speak on a general business item please fill out a Speaker Request Form and you will be called forward during the appropriate item. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

- [1.](#) Continued conversation on Tualatin's draft code amendments to comply with state-mandated Climate Friendly and Equitable Communities (CFEC) rulemaking for walkable communities.
- [2.](#) Washington County Cooperative Library Services (WCCLS) Funding & Governance Update
- [3.](#) Consideration of **Resolution No. 5917-25** Adopting the City of Tualatin's 2026 State Legislative Agenda and **Resolution No. 5918-25** Adopting the City of Tualatin's 2026 Federal Legislative Agenda
- [4.](#) Consideration of **Resolution No. 5913-25** Authorizing the Pennies for Climate Action Program and **Ordinance No. 1452-25** Imposing a 0.3% Privilege Tax on Portland General Electric Company

Items Removed from Consent Agenda

Items removed from the Consent Agenda will be discussed individually at this time. The Mayor may impose a time limit on speakers addressing these issues.

Council Communications

Adjournment

Meeting materials, including agendas, packets, public hearing and public comment guidelines, and Mayor and Councilor bios are available at www.tualatinoregon.gov/citycouncil.

Tualatin City Council meets are broadcast live, and recorded, by Tualatin Valley Community Television (TVCTV) Government Access Programming. For more information, contact TVCTV at 503.629.8534 or visit www.tvctv.org/tualatin.

In compliance with the Americans with Disabilities Act, this meeting location is accessible to persons with disabilities. To request accommodations, please contact the City Manager's Office at 503.691.3011 36 hours in advance of the meeting.



CITY OF TUALATIN

Staff Report

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Lindsay Marshall, Management Analyst, Public Works
Jackson Porterfield, Management Analyst, Public Works

DATE: September 22, 2025

SUBJECT:
Sidewalk Maintenance Backlog

RECOMMENDATION:
Staff recommends Council approve a proposal to allocate \$1.2 million in one-time funds to address the growing backlog of the Sidewalk Maintenance Program.

EXECUTIVE SUMMARY:
The Sidewalk Maintenance Program (SMP) is a City-funded program that supports repairing residential property owners sidewalk damage caused by street trees. Specifically, the program addresses Americans with Disabilities Act (ADA) compliance issues by repairing sidewalks with lifted or separated panels over ¼ inch, not within a driveway, that are caused by street tree root intrusion. If panels cannot be ground down to under ¼ inch, both the affected sidewalk panels and the offending street tree are removed and replaced.

What started as a three-year rotation around the City has increased to a 9-year rotation as a result of rising costs and increasing defects due to end of life sidewalks and street trees. While funding has been increased twice since 2018, from \$50,000 to \$150,000, the program still fails to keep up. Acknowledging program challenges, staff began gathering data and strategizing program adjustments to more effectively keep up with sidewalk damage caused by street trees.

Following guidance from Council in January 2025, staff are returning to present a proposed solution to “catch up” on the backlog of SMP work as a first step. Results from the 2024 city-wide sidewalk assessment showed that 16% of current sidewalk system defects are qualified for the SMP. Staff propose utilizing a one-time funding “boost” of the SMP program budget to repair all 327 of the program qualified defects, which includes some of the most severe and expensive qualifying sidewalk defects, and replace 337 street trees causing the damage.

In total, the project, spread over two fiscal years, would require \$1.2 million. This cost estimate includes materials and labor, project management by a general contractor, and contingency funds, as well as the addition of Tualatin's Climate Action Plan identified use of low-emissions concrete, utilizing an adaptive street tree list currently being developed, and testing root barriers for newly planted trees where appropriate.

Staff anticipate that this can be completed over a two-year period, after which the program would shift to a cost-share model between the City and property owners and return the SMP to an ideal three-year rotation. The goal would be to prevent another backlog from accumulating in the future. Once a decision is reached on the backlog project, staff will begin working on proposed changes to the program for Council consideration.

The proposed project addresses two Climate Action Plan actions and three of the Council's 2030 Vision statements.

Climate Action Plan

- Action 5.2.2 - Adaptive street tree list
- Action 7.3.1 - Low emission concrete

2030 Council Vision

- Environment
- Neighborhoods
- Transportation

OUTCOMES OF DECISION:

If approved, staff would begin work to address the SMP backlog in the 2025-2026 fiscal year, while simultaneously developing proposals and community education plans for a new cost-share based SMP to be implemented after the backlog is addressed.

ALTERNATIVES TO RECOMMENDATION:

The City Council could choose not to support this proposal, either directing the SMP to continue as currently structured or directing staff to return with alternative direction for addressing the SMP backlog.

FINANCIAL IMPLICATIONS:

\$1.2 million would be allocated to the SMP over two fiscal years. Funding sources could include, in order of use, existing Sidewalk Maintenance Program funds, American Rescue Plan Act (ARPA), Road Utility Fund, and General Fund.

ATTACHMENTS:

-Presentation – Sidewalk Maintenance Backlog



Sidewalk Maintenance Program "Backlog" Review



Agenda



- Program History (*recap from 8/28/24 Council Meeting*)
- Sidewalk Assessment (*recap from 1/27/25 Council meeting*)
- Sidewalk Maintenance Program Backlog
- Proposed Backlog Project
- Next Steps
- Feedback/ Discussion



Why are we here?



- **Sidewalks have an average lifespan of 25-50 years**
 - Tualatin's growth since 1970 means the sidewalk system is reaching end of life
- **Street trees have an average lifespan of 20 years**
 - Street trees are a major cause of sidewalk hazards
- **Sidewalks and street trees are the responsibility of the property owner**
 - Many property owners are not addressing maintenance
 - Repairs can be expensive
- **Current program/ funding is falling behind**
 - Sidewalk Maintenance Program has limited funding and scope
 - From 3-year cycle to 9-year cycle



Current Sidewalk Maintenance Program



- **Purpose** - To repair residential sidewalks that have been damaged by street trees
 - Annual Budget - \$150,000 (addresses 10-15% of defects/yr)
 - Criteria – Sidewalk damage caused by street tree roots
 - Lifts over ¼ inch (ADA)
 - Street tree caused only
 - Not in a driveway
 - The current program has increased to a 9-year cycle



Citywide Assessment

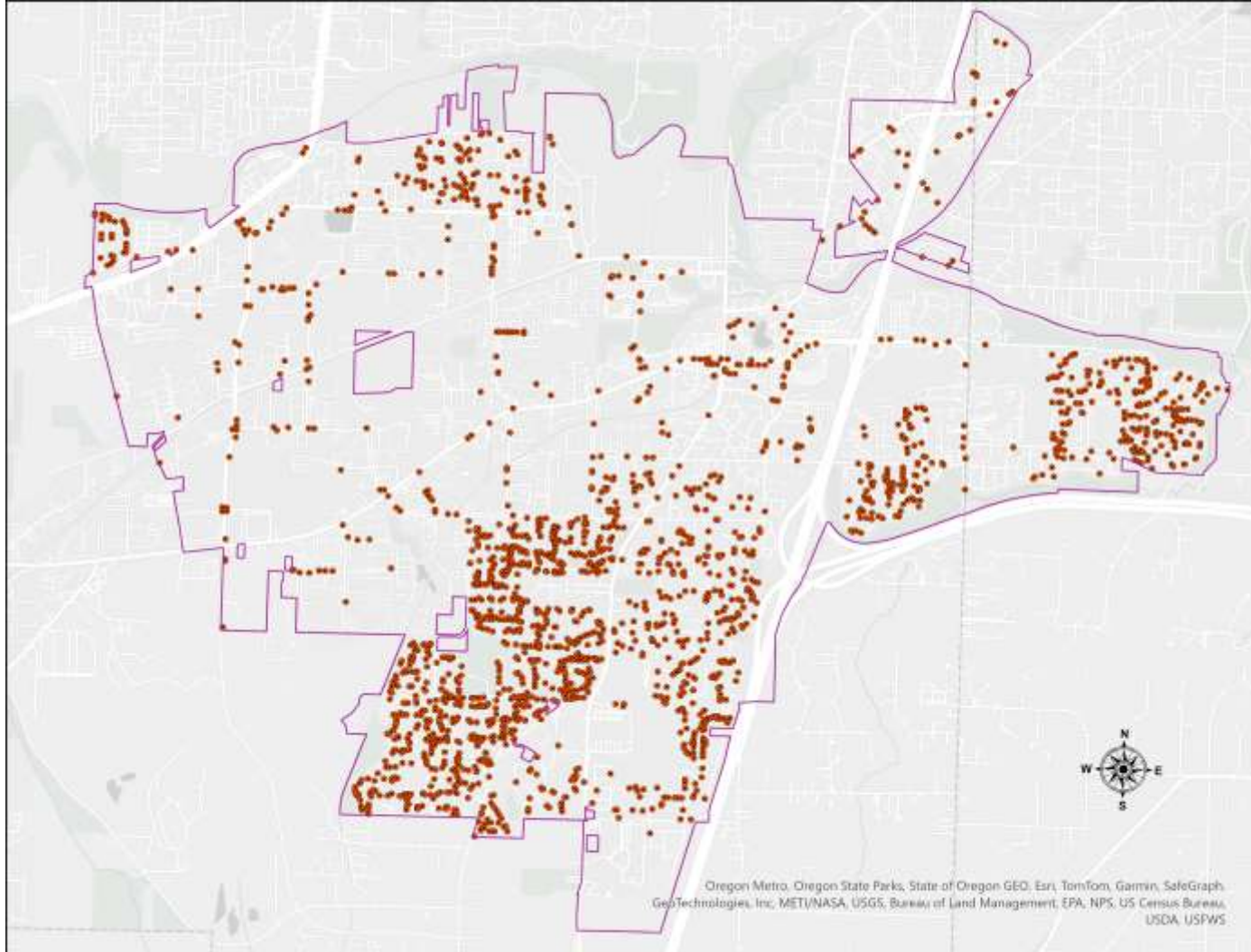


- Citywide assessment (summer 2024) to understand current state of sidewalk network
- Data collection included:
 - Documenting every ADA concern
 - Photographing of curb ramps
 - Marking trip hazards with white paint
- **Goal:** Understanding total network condition and help guide decisions on future program changes



City-Wide Assessment

Summer 2024

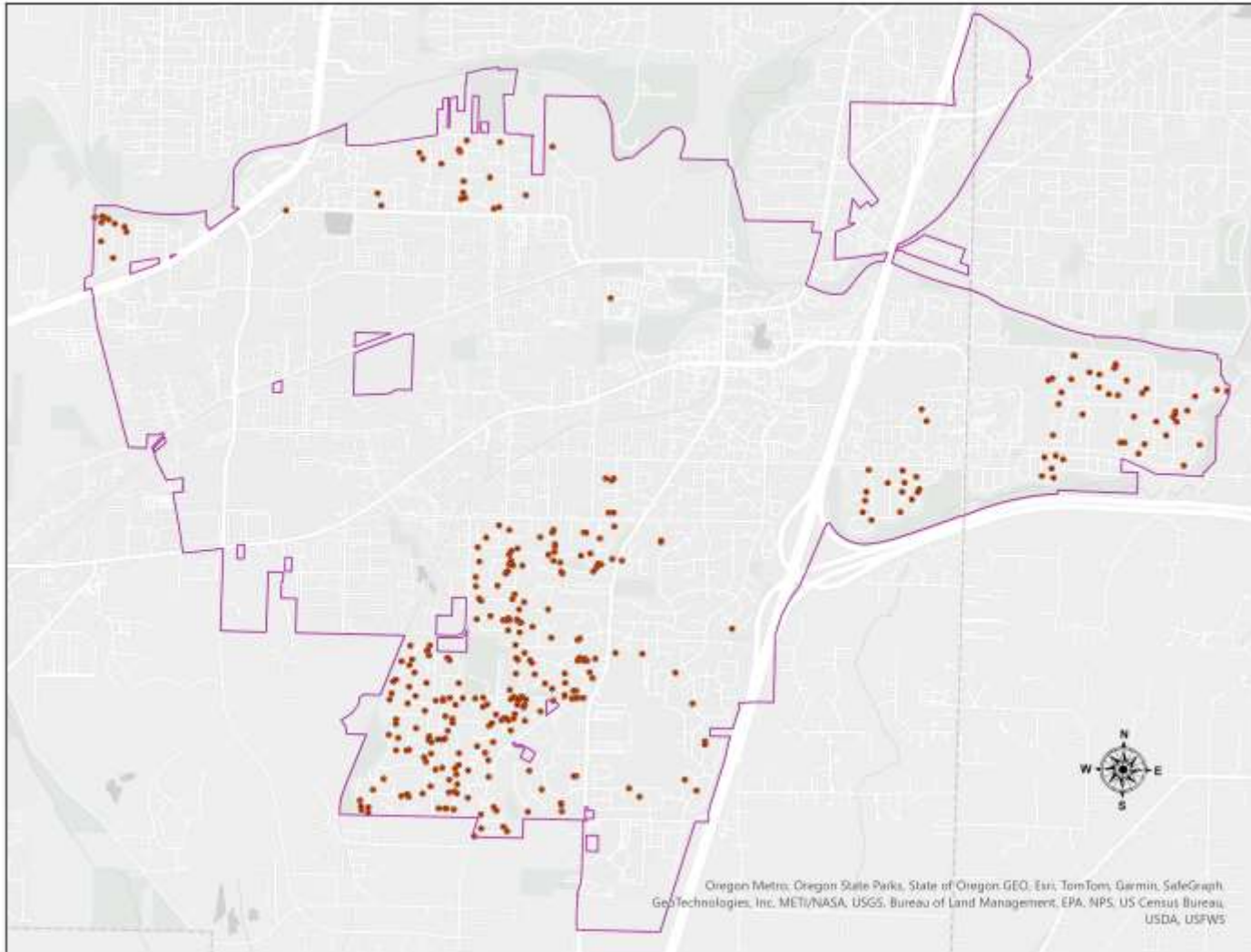


- 2,094 recorded defects in the sidewalk system
- Most defects are in residential areas
- Majority of defects are not caused by street trees



City-Wide Assessment

Summer 2024



- Backlog of 327 defects **qualified** for Sidewalk Maintenance Program
- Program is not as far behind as we thought



Approaching the Work



1. Update street tree list and root barrier solutions to reduce future impacts
2. Slightly alter the Sidewalk Maintenance Program:
 - Replacement of panels only, no grind work
 - Use low-emissions concrete (*CAP action 7.3.1*)
3. Utilize one-time City funds to "catch-up" on the backlog over two years before changing program



Repair Costs



Panel Cost = \$705/per panel

Tree Cost = \$1,500/per tree to remove and replant

Root Barrier = \$250/per tree

Sidewalk Grinding = \$77/per joint

Cost estimates include:

- General contractor expense to manage project
- Low emission concrete
- Addition of root barriers



Backlog Overview



# Trees Replaced	337
% of trees	3.0%
# Defects repaired	327
% of defects	16%
Cost	\$1,200,000



Funding



Total Funding Request: \$1,200,000

Funding Sources

- Current program funding
- ARPA
- Road Utility Fund
- General Fund



Next Steps



1. Council feedback on backlog approach
2. Adaptive street tree list (*CAP action 5.2.2*)
 - Includes root barrier guidance
3. Select contractor(s) (Council Approval)
4. Begin year 1 work
5. Mid-project check-in with Council
6. Complete year 2 work
7. Come back to Council to discuss future program criteria
8. Transition to new program once backlog is complete





CITY OF TUALATIN

Staff Report

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM:

DATE: September 22, 2025

SUBJECT:
City Council 2025 Priorities: Third Quarter Update

EXECUTIVE SUMMARY:

The City Council met for the annual Advance on February 28, and March 1, 2025. On April 28, 2025, the City Council reviewed and approved the work, which included seven priority areas and a total of 49 actions. Tonight, staff will provide the third quarter update, which includes highlights from each of the seven priority areas.

The City Council's 2030 Vision, priorities, outcomes, and actions are attached to this staff report for reference.

ATTACHMENTS:

- Presentation – City Council Priorities: Third Quarter Update
- Vision/Priorities/Outcomes/Actions



City Council 2025 Priorities

Third Quarter Update



September 22, 2025

Council Vision



A CARING &
INCLUSIVE COMMUNITY

THAT PROMOTES EQUITY, DIVERSITY, BELONGING & ACCESS IN CREATING A MEANINGFUL QUALITY OF LIFE FOR EVERYONE.




A
CONNECTED, INFORMED, & CIVICALLY ENGAGED
COMMUNITY THAT EMBRACES OUR CITY'S DIVERSITY.



AN
ENVIRONMENTALLY
ACTIVE, SUSTAINABLE, RESPONSIBLE & FORWARD-THINKING COMMUNITY THAT VALUES & PROTECTS OUR NATURAL RESOURCES, INHABITANTS, & HABITATS.



CITY of TUALATIN
2030
Vision



A THRIVING & DIVERSIFIED
ECONOMY
THAT INCLUDES LIVING WAGE JOBS, INCREASED TOURISM, & SUSTAINED FINANCIAL STABILITY FOR THE WHOLE CITY.



SAFE, DESIRABLE, WELCOMING & SUSTAINABLE
NEIGHBORHOODS
WITH HOUSING THAT IS AVAILABLE FOR ALL.



AN EFFICIENT, ACCESSIBLE, INNOVATIVE, SUSTAINABLE, CONNECTED
TRANSPORTATION
SYSTEM THAT EFFECTIVELY & SAFELY MEETS THE NEEDS OF OUR ENTIRE COMMUNITY.



SAFE, VIBRANT, & ACCESSIBLE
GATHERING PLACES
THROUGHOUT THE CITY THAT BUILD & CELEBRATE OUR WHOLE COMMUNITY.

Council Priorities



Neighborhood Engagement Outcomes



- Neighborhood investments are celebrated
- Strong relationships are built between the community, Council, and staff
- The community is educated, allowing for full and effective engagement
- Neighborhoods feel informed, engaged and connected with other City groups
- Tualatin is more livable with safe pedestrian pathways while maintaining our tree canopy



Neighborhood Engagement Progress



Total Number of Actions

8

N/A - 3
0% - 1
25% - 1
50% - 1
75% - 2
100% - 0

Neighborhood Engagement Highlight



1.1 - Conduct a street tree inventory and research adaptive street tree species

- 75%
- Street tree inventory, including assessment of missing street trees, is completed
- Recent kick off meeting with consultant to update the adaptive street tree list



Neighborhood Engagement Highlight



1.3 - Evaluate and implement programmatic changes to the sidewalk maintenance program

- 75%
- Proposed scope to tackle the backlog of sidewalk maintenance will be presented to the City Council on September 22, 2025, along with an identified funding source



Neighborhood Engagement Highlight



1.5 - Continue to support and listen to the CIOs, including hosting an annual meeting with the CIOs

- N/A. This project is ongoing
- Joint CIO/City Council work session held on August 25, 2025
- Upcoming CIO Meetings
 - Commercial CIO Meeting – September 25
 - CIO Leadership – October 2
 - Martinazzi Woods CIO Meeting – October 9



CIO presenters outside of August 25 Meeting

Neighborhood Engagement Highlight



1.8 - Work with the CERT Program to strengthen the City's resiliency

- N/A. This project is ongoing
- CERT Emergency Fair held on September 13, 2025
- CERT Fall Cohort kicked off on September 9, 2025



Housing Outcomes



- Diverse, livable, and sustainable housing options exist in Tualatin
- Data driven decision making is made to support housing needs
- There is a clear understanding of the regional/local housing landscape and Tualatin positively influences the landscape
- Tualatin offers a friendly environment for people in the housing process



Housing Progress



Total Number of Actions

5

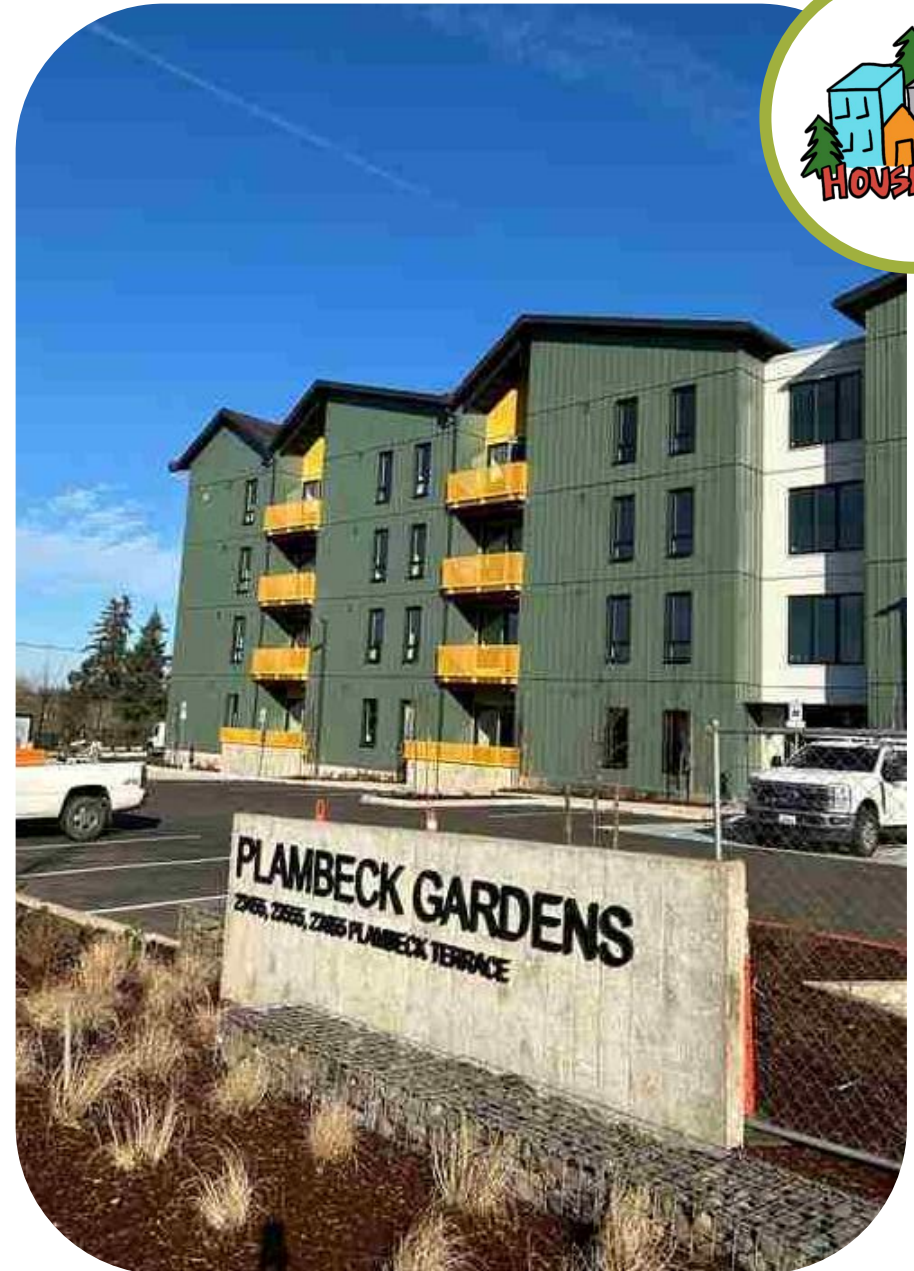
N/A - 3
0% - 0
25% - 1
50% - 0
75% - 0
100% - 1

Housing Highlight



2.1 - Examine the City's options for creating and incentivizing diversified housing (including lobbying, zoning, SDCs, incentives)

- 25%
- Applied for grant funding from Department of Land Conservation and Development (DLCD) to conduct a Housing Capacity Analysis



Housing Highlight



2.4 - Advocate for services for Tualatin to support housing insecurity and homelessness; leverage homelessness liaison

- N/A. This project is ongoing
- Presentation on safe parking on August 11, 2025
- IGA with Metro for sharps container at Lake of the Commons is in progress
- Several Outside Agency Grant Program applications from homeless service providers (Family Promise, Just Compassion)



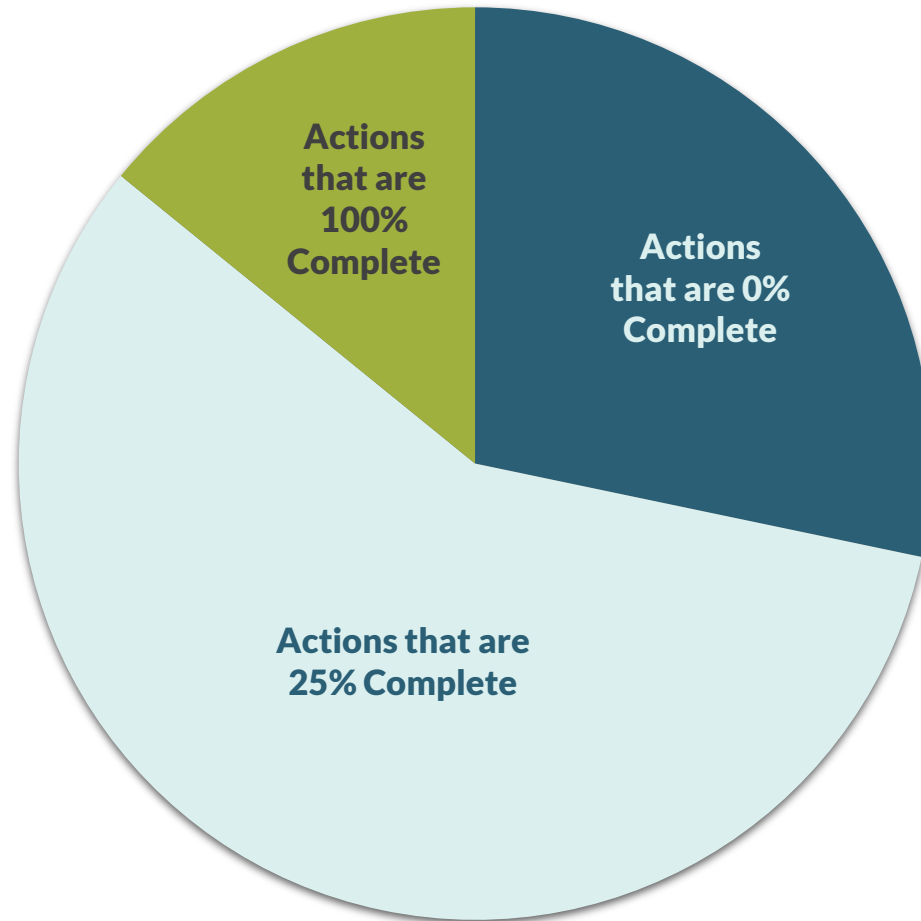
Economic Development Outcomes



- There is regular, clear communication on processes and progress in urban renewal areas
- Development planning is innovative, imaginative, and responsive, creating a connected community
- Council makes concrete steps forward to integrate placemaking into current projects
- The community is engaged in supporting our vibrant economy



Economic Development Progress



Total Number of Actions

8

N/A - 1
0% - 2
25% - 4
50% - 0
75% - 0
100% - 1

Economic Development Highlight



Downtown Revitalization, 3.1, 3.5, 3.6, 3.7, 7.7

- 25%. Just getting started
- Phase 1 (community identity) is nearing completion. Final report is expected in late October
- Policy discussion with City Council on food carts in April 2025. Next steps are tied to downtown revitalization project



Economic Development Highlight



3.8 - Explore destination signage for points of interest in Tualatin, including the Veteran's Plaza, trails, the Ice Age

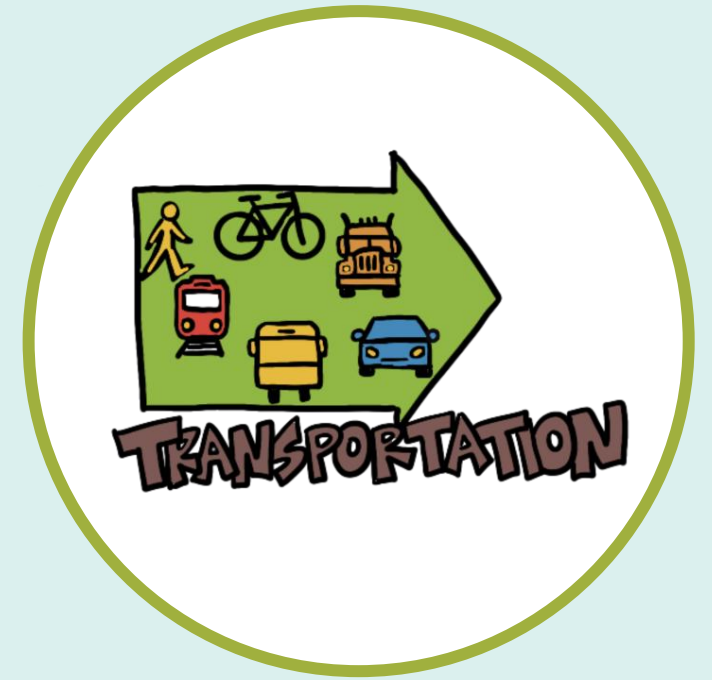
- 25%
- City Manager's Office Intern inventoried wayfinding signage in Tualatin this summer



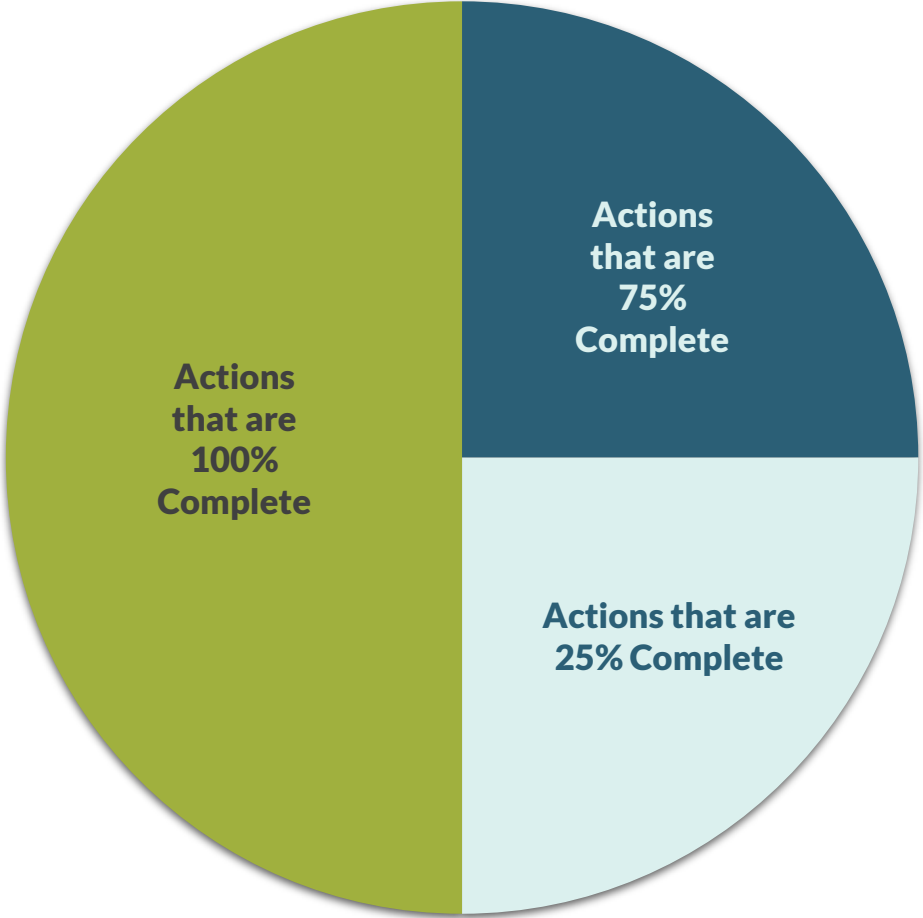
Transportation Outcomes



- Tualatin has clear transportation goals and priorities that support strategic advocacy
- Safe transportation systems are in place that support all modes/users
- There are protected funding streams for transportation
- The Transportation System Plan is adopted and planning has begun for implementation
- Advocacy for regional transportation priorities is taking place
- Tualatin is at the table for regional transportation discussions, ensuring better coordination



Transportation Progress



Total Number of Actions

6

- N/A - 2
- 0% - 0
- 25% - 1
- 50% - 0
- 75% - 1
- 100% - 2

Transportation Highlight

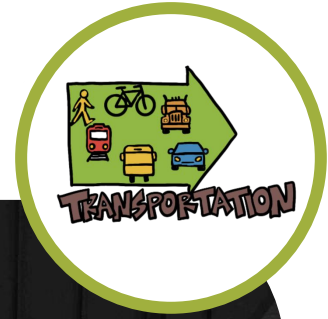
4.1 - Complete the Transportation System Plan Update

- 100%
- The Transportation System Plan was adopted on August 11, 2025



Community Advisory Committee Members Receiving Certificate of Appreciation on August 11, 2025

Transportation Highlight



4.2 - Prioritize transportation projects and funding; coordinate with partners

- 25%
- Entering into contract with Fehr & Peers to help prioritize projects included in the Transportation System Plan



Transportation Highlight



4.3 - Identify clear transportation priorities for Tualatin that support Council and staff strategic regional advocacy for those priorities

- 100%
- Provided a letter of support for HB 2025 in June 2025 (Transportation Package)
- Provided a letter of support for LC 2 in August 2025 (Special Session Transportation Package)



Transportation Highlight



4.5 - Work closely with regional transportation partners on provision of bus service in the Basalt Creek Area

- 75%
- Shelter and stop installed along Boones Ferry Road between Plambeck Gardens and Autumn Sunrise



Environment Outcomes



- The Climate Action Plan is being effectively implemented
- Tualatin has a resilient response to environmental changes
- The Climate Action Plan is funded
- There is a prioritized 5-year implementation plan
- Tualatin applies an environmental lens to all City projects
- Tualatin has a proactive, less reactive approach



Environment Progress



Total Number of Actions

8

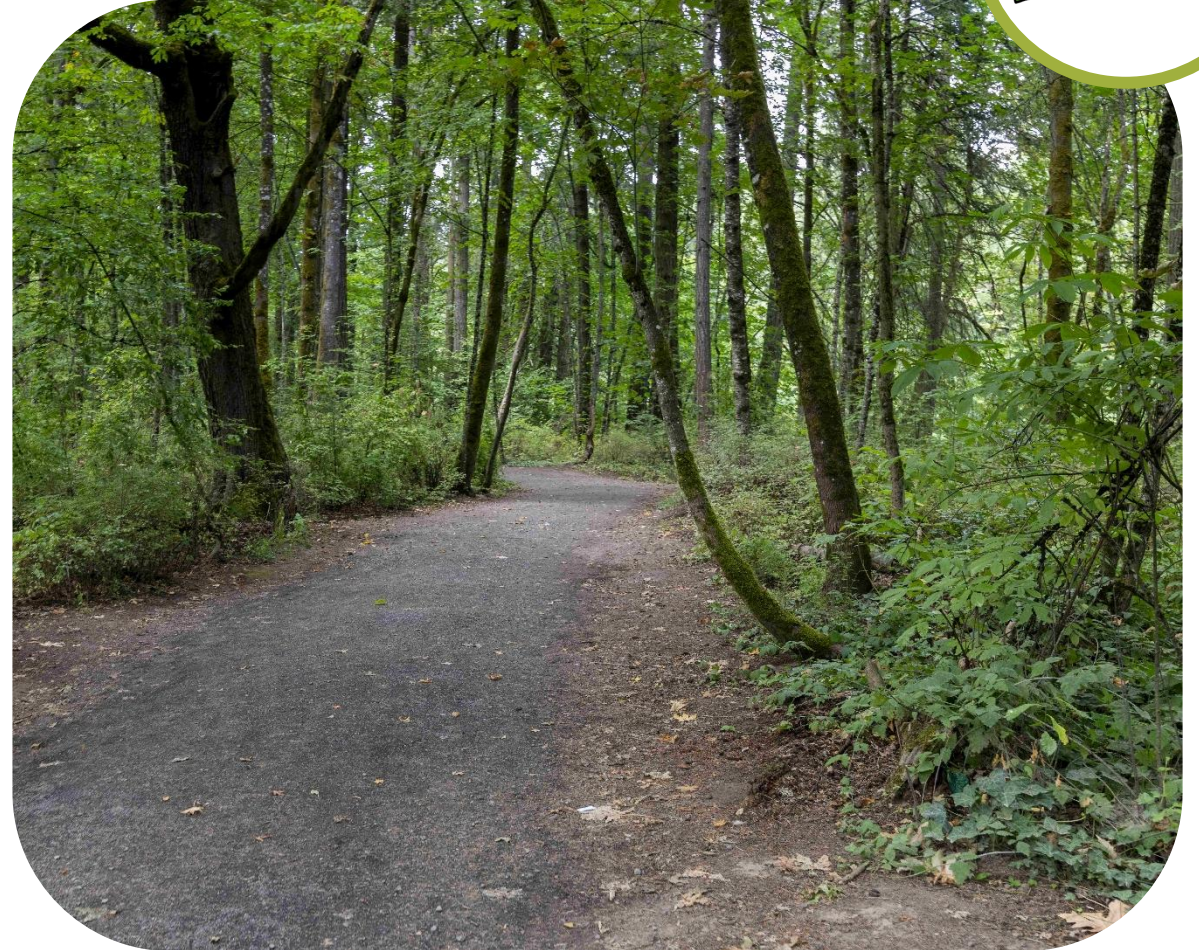
N/A - 3
0% - 2
25% - 1
50% - 0
75% - 0
100% - 2

Environment Highlight



5.2 - Identify a funding source to support ongoing Climate Action programmatic efforts, including staffing, consulting, and implementation work

- 100%
- Pennies for Climate Action and PGE Franchise Fee increase scheduled for September 22, 2025
- Tentatively scheduled to take effect in January 2026



Environment Highlight



5.3 - Hire a staff person to manage the Climate Action Plan implementation and provide regular reporting on progress

- 25%
- Recruitment closed on September 14, 2025; anticipate having someone start in October/November 2025



Environment Highlight



5.8 – Secure funding for seismic valves at the reservoirs

- 100%
- SB 5534 signed by Governor Kotek in August, includes \$1.75 million
- Kickoff with Oregon Water Resources Department in September



Parks Outcomes



- The community is regularly informed on bond project progress and park and recreation activities
- There is increased access to summer youth recreational programming
- Bond projects are completed
- Successful events are celebrated and improved
- Tualatin has ample resources to meet community demand for parks, trails, and recreational programs



Parks Progress



Total Number of Actions

7

N/A - 1
0% - 0
25% - 3
50% - 2
75% - 1
100% - 0

Parks Highlight



6.3 – Review growth opportunities and cost structure for recreation programs to ensure sustainable program offerings

- 25%. This project is just getting started
- Contract with FCS Group for a market analysis to understand our position and quantify our opportunities to better serve the community



Juanita Pohl Center Meal Program, 2025

Parks Highlight



6.4 – Complete parks projects, including Veteran’s Plaza, Victoria Woods, Las Casitas Park, Little Woodrose

- 75%.
- Las Casitas is the only remaining project on the list and is expected to be complete at the end of this calendar year



Veterans Plaza Ribbon Cutting, May 2025

Parks Highlight



6.7 – Explore revenue opportunities to ensure stable, ongoing funding for parks maintenance

- 50%.
- Staff working with FCS Group on Parks Replacement Fund modeling



Culture and Identity Outcomes



- Tualatin is a trauma informed organization
- Strategic planning endeavors and skills are employed across the organization
- Progress is shared on the IDEA Committee work
- Council has defined Tualatin's culture and identity and knows the look and feel we want to be known for



Culture and Identity Progress



Total Number of Actions

7

N/A - 0
0% - 2
25% - 3
50% - 1
75% - 1
100% - 0

Culture and Identity Highlight



7.2 – Integrate skills to respond to internal/external stressors related to trauma informed culture and care

- 50%
- Second of four sessions for City supervisory staff complete



Culture and Identity Highlight



7.5 – Launch a new City website

- 75%
- Discovery, Design, and Development Phases now complete. Now migrating content and building integrations
- Anticipate launch before end-of-the-year



What can we help you find?

Contact Us Pay Utility Bill Calendar News Translate Search

Services Residents Business Community Government

CITY of TUALATIN

You'll see why living, playing, learning, and working here is such a pleasure.

What can we help you find?

Let's go >

POPULAR SEARCHES

- Utility Billing
- Code Violations
- City Council
- Public Meetings
- Pumpkin Regatta
- Police
- Parks & Recreation
- Library
- Permits & Inspections
- City Projects
- Jobs

Thank You





Tualatin 2030 Vision

*A **Caring and Inclusive Community** that promotes equity, diversity, belonging, and access in creating a meaningful quality of life for everyone.*

*A **Connected, Informed, and civically Engaged** community that embraces our City's diversity.*

*A thriving and diversified **Economy** that includes living wage jobs, increased tourism, and sustained financial stability for the whole City.*

*Safe, vibrant, and accessible **Gathering Places** throughout the City that build and celebrate our whole community.*

*An efficient, accessible, innovative, sustainable, and connected **Transportation** system that effectively and safely meets the needs of our entire community.*

*Safe, desirable, welcoming, and sustainable **Neighborhoods** with housing that is available for all.*

*An **Environmentally** active sustainable responsible and forward-thinking community that values and protects our natural resources inhabitants and habitat.*





2025 Priorities

Neighborhood Engagement

Outcomes

- Neighborhood investments are celebrated
- Strong relationships are built between the community, Council, and staff
- The community is educated, allowing for full and effective engagement
- Neighborhoods feel informed, engaged, and connected with other City groups
- Tualatin is more livable with safe pedestrian pathways while maintaining our tree canopy

Actions

- 1.1 Conduct a street tree inventory
- 1.2 Adopt and implement a new sidewalk and street tree policy using best practices from other cities
- 1.3 Evaluate and implement programmatic changes to the sidewalk maintenance program
- 1.4 Provide education to the community on street trees and the sidewalk maintenance program
- 1.5 Continue to support and listen to the CIOs, including hosting an annual meeting with the CIOs
- 1.6 Relook at the CIO boundaries and revise as appropriate
- 1.7 Continue efforts in neighborhood investment around the City including building relationships, understanding neighborhood needs, and celebrating investments in Tualatin's neighborhoods
- 1.8 Work with the CERT Program to strengthen the City's resiliency





Housing

Outcomes

- Diverse, livable, and sustainable housing options exist in Tualatin
- Data driven decision making is made to support housing needs
- There is a clear understanding of the regional/local housing landscape and Tualatin positively influences the landscape
- Tualatin offers a friendly environment for people in the housing process

Actions

- 2.1 Examine the City's options for creating and incentivizing diversified housing (including lobbying, zoning, SDCs, incentives)
- 2.2 Respond to legislative updates that impact the City's housing production
- 2.3 Continue to review and integrate appropriate options to address preservation/addition of green space
- 2.4 Advocate for services for Tualatin to support housing insecurity and homelessness; leverage homelessness liaison
- 2.5 Coordinate updates from Metro, the Counties, and community partners to understand the regional housing landscape and services available for the Tualatin community; stay engaged about Metro's Supportive Housing Services Tax





Economic Development

Outcomes

- There is regular, clear communication on processes and progress in urban renewal areas
- A connected community through development planning that is innovative, imaginative, and responsive
- Council makes concrete steps forward to integrate placemaking into current projects
- The community is engaged in supporting our vibrant economy

Actions

- 3.1 Revisit the food cart policy and specifications
- 3.2 Revisit zoning options in the Leveton area using a similar framework to the code changes in the Basalt Creek area
- 3.3 Review opportunities for targeted code updates to support business retention and expansion
- 3.4 Leverage new staff capacity to engage with stakeholders
- 3.5 Conduct regular communication to provide information and updates on the Core Opportunity and Reinvestment Area and the Southwest and Basalt Creek Development Area to the Council and community
- 3.6 Kick off planning process for the Core Opportunity and Reinvestment Area
- 3.7 Consider the look and feel of Tualatin identity in upcoming planning efforts
- 3.8 Explore destination signage for points of interest in Tualatin, including the Veteran's Plaza, trails, the Ice Age





Transportation

Outcomes

- Tualatin has clear transportation goals and priorities that support strategic advocacy
- Safe transportation systems are in place that support all modes/users
- There are protected funding streams for transportation
- The Transportation System Plan is adopted and planning has begun for implementation
- Advocacy for regional transportation priorities is taking place

Actions

- 4.1 Complete the Transportation System Plan update
- 4.2 Prioritize transportation projects and funding; coordinate with partners
- 4.3 Identify clear transportation priorities for Tualatin that support Council and staff strategic regional advocacy for those priorities
- 4.4 Utilize the lobbyist to help Tualatin effectively advocate for priorities
- 4.5 Work closely with regional transportation partners on provision of bus service in the Basalt Creek area
- 4.6 Provide regular transportation updates to Council and the community





Environment

Outcomes

- The Climate Action Plan is being effectively implemented
- Tualatin has a resilient response to environmental changes
- The Climate Action Plan is funded
- There is a prioritized 5-year implementation plan
- Tualatin applies an environmental lens to all City projects
- Tualatin has a proactive, less reactive, approach

Actions

- 5.1 Expand the 2-year Climate Action implementation plan to a 5-year, prioritized work plan
- 5.2 Identify a funding source to support ongoing Climate Action programmatic efforts, including staffing, consulting, and implementation work
- 5.3 Hire a staff person to manage the Climate Action Plan implementation and provide regular reporting on progress
- 5.4 Support environmental resiliency via planning and programmatic endeavors
- 5.5 Receive programmatic updates and consider future opportunities with the Backyard Habitat program
- 5.6 Strengthen visibility and programming surrounding Bee City programmatic efforts
- 5.7 Using an environmental lens, review the tree ordinance
- 5.8 Secure funding for seismic valves at the reservoirs





Parks

Outcomes

- The community is regularly informed on bond project progress and park and recreation activities
- There is increased access to summer youth recreational programming
- Bond projects are completed
- Successful events are celebrated and improved
- Tualatin has ample resources to meet community demand for parks, trails, and recreational programs

Actions

- 6.1 Provide frequent high value communication on projects, recreation programs, and parks
- 6.2 Review policies and practices that would expand access to Tualatin residents for summer recreation programs
- 6.3 Review growth opportunities and cost structure for recreation programs to ensure sustainable program offerings
- 6.4 Complete parks projects, including Veteran's Plaza, Victoria Woods, Las Casitas Park, Little Woodrose
- 6.5 Continue to develop and make needed changes to Integrated Pest Management practices
- 6.6 Celebrate and quantify event success through innovative attendance measurement systems
- 6.7 Explore revenue opportunities to ensure stable, ongoing funding for parks maintenance





Culture + Identity

Outcomes

- Tualatin is a trauma informed organization
- Strategic planning endeavors and skills are employed across the organization
- Progress is shared on the Inclusion, Diversity, Equity, and Access Advisory Committee work
- Council has defined Tualatin's culture and identity and knows the look and feel we want to be known for

Actions

- 7.1 The Inclusion, Diversity, Equity, and Access Advisory Committee makes connections with other committees
- 7.2 Integrate skills to respond to internal/external stressors related to trauma informed culture and care
- 7.3 Develop a strategic City Communications Plan
- 7.4 Begin a Comprehensive Planning process
- 7.5 Launch a new City website
- 7.6 Work to develop and strengthen strategic planning skill sets across the organization
- 7.7 Integrate culture and identity into the Core Opportunity and Reinvestment Area (CORA)





CITY OF TUALATIN

Staff Report

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Greg Pickering, Chief of Police

DATE: September 22, 2025

SUBJECT:
Proclamation declaring the month of October as Domestic Violence Awareness Month

EXECUTIVE SUMMARY:

Domestic Violence Awareness Month provides an excellent platform to show support for the domestic violence advocates, crisis hotline staff, victim service organizations, the prosecutors who hold offenders accountable and law enforcement officers in our community. It also provides our community the opportunity to learn more about preventing domestic violence and show support for the numerous organizations and individuals who provide critical advocacy, resources, hope and assistance to victims.

ATTACHMENTS:

-Proclamation – Domestic Violence Awareness Month



The Family Peace Center of Washington County

Coming January 2026

TFAMILY PEACE CENTER OF WASHINGTON COUNTY OGETHER,



The Family Peace Center will assemble more than 20 partner organizations under one roof to deliver wraparound services, from emergency medical care to long-term housing and mental health support.

Survivors and their children will also access specialized support for youth experiencing human trafficking, legal aid, onsite childcare and play areas, private counseling, and welcoming spaces for healing and connection.

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Justice System Partners

- **Washington County Circuit Court** – Onsite judicial referee, court staff, and two courtrooms providing expanded proceedings and paperwork filing in a safe, survivor-centered setting.
- **Washington County District Attorney's Office** – Onsite domestic violence unit providing prosecution, victim support, and grand jury hearings in collaboration with law enforcement.
- **Washington County Sheriff's Office** – Specialized detective response, reporting, and follow up.
- **Beaverton Police Department** – Law enforcement response, investigations, and system-based advocacy.
- **Hillsboro Police Department** – Law enforcement response, investigations, and system-based advocacy.

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Medical and Forensic Care

- **CARES Northwest** – Forensic medical evaluations, trauma therapy, and family support for child abuse victims; prevention education for the community.
- **Providence Health and Services / Providence Safe Center** – Acute and follow-up medical and forensic care for adult survivors of sexual assault, physical assault, and strangulation.

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Legal Aid

- **Oregon Law Center** – Civil legal services including housing, employment, and benefits advocacy for survivors.
- **Oregon Crime Victims Law Center** – Legal advocacy to protect crime victims' rights and support survivors navigating the justice system.
- **St. Andrew Legal Clinic** – Affordable family law services, including custody and protective order representation.
- **Disability Rights Oregon** – Advocacy and legal support for survivors with disabilities to ensure equal access to services and protections.

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Survivor Advocacy & Crisis Support

- **Domestic Violence Resource Center (DVRC)** – Advocacy, counseling, housing support, and safety planning for survivors of domestic violence.
- **Sexual Assault Resource Center (SARC)** – 24/7 crisis response, advocacy, and housing support for sexual assault survivors.
- **Safety Compass** – Specialized advocacy and case management for survivors of sex trafficking and exploitation.
- **VOICES Survivor Leadership Committee** – Survivor-led advisory group ensuring design, policies, and services reflect lived experience.

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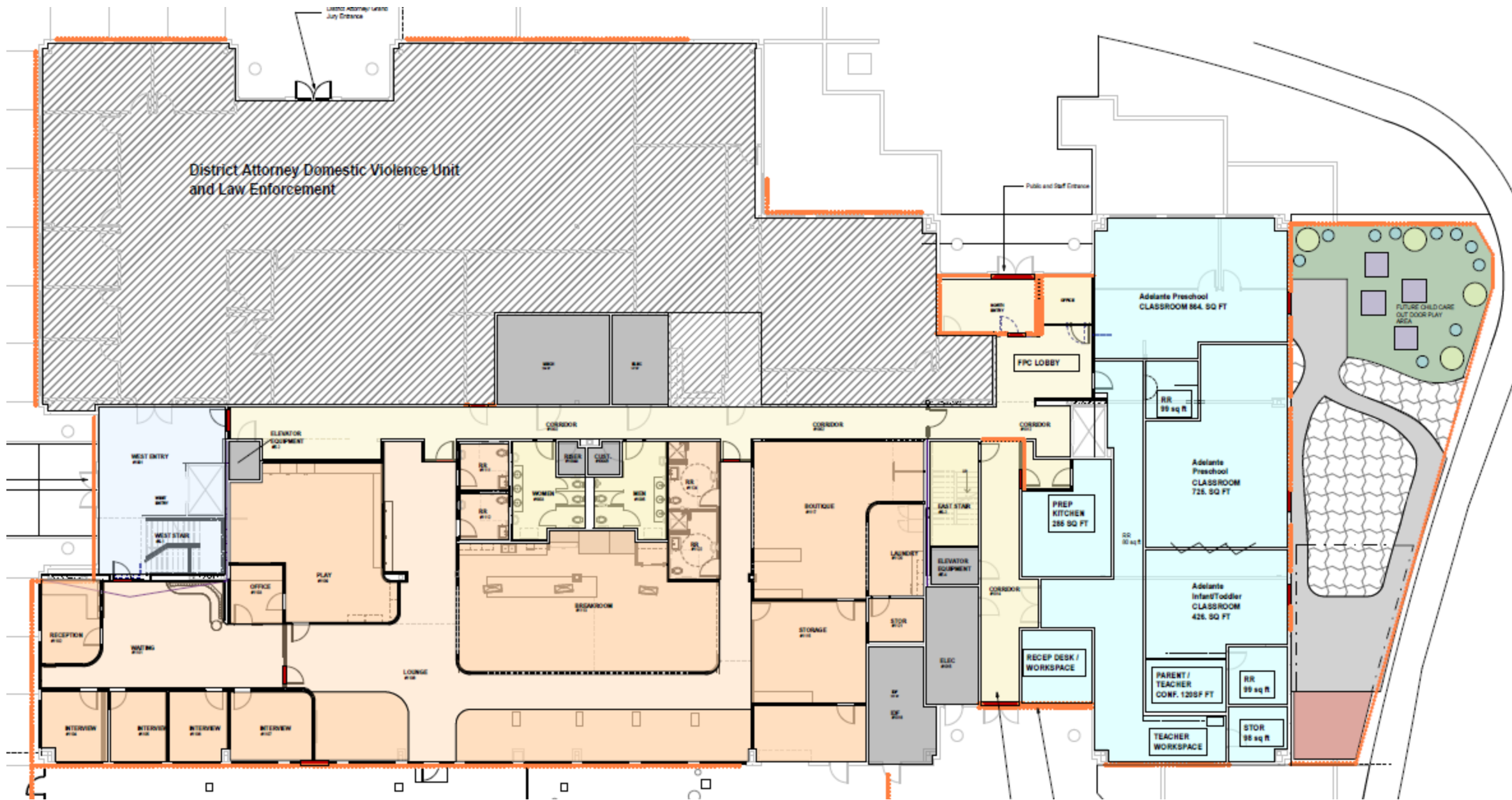
Child & Youth Services

- **Adelante Mujeres** – Bilingual therapeutic preschool providing trauma-informed early education for children who have experienced or witnessed violence, with culturally responsive support for Latine families.
- **A Village for One** – Long-term support and therapeutic services for youth survivors of sexual exploitation and trafficking.
- **Family SkillBuilders** – Parent education, skill development, and child welfare-related family support.

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- **Housing,
Economic
Stability &
Basic
Needs**

- **Community Action** – Rent and utility assistance, eviction prevention, and housing assessments.
- **Department of Human Services (DHS)** – Enrollment in economic support programs such as SNAP and TANF and domestic violence financial assistance.
- **Oregon Food Bank** – Stocks the Family Grocery Store within the Family Peace Center, ensuring survivors and their families have access to nutritious food.
- **Ride Connection** – Door-to-door, non-emergency transportation for survivors, especially those in rural areas, to access the Family Peace Center.







CARES Northwest





Where?

Building:

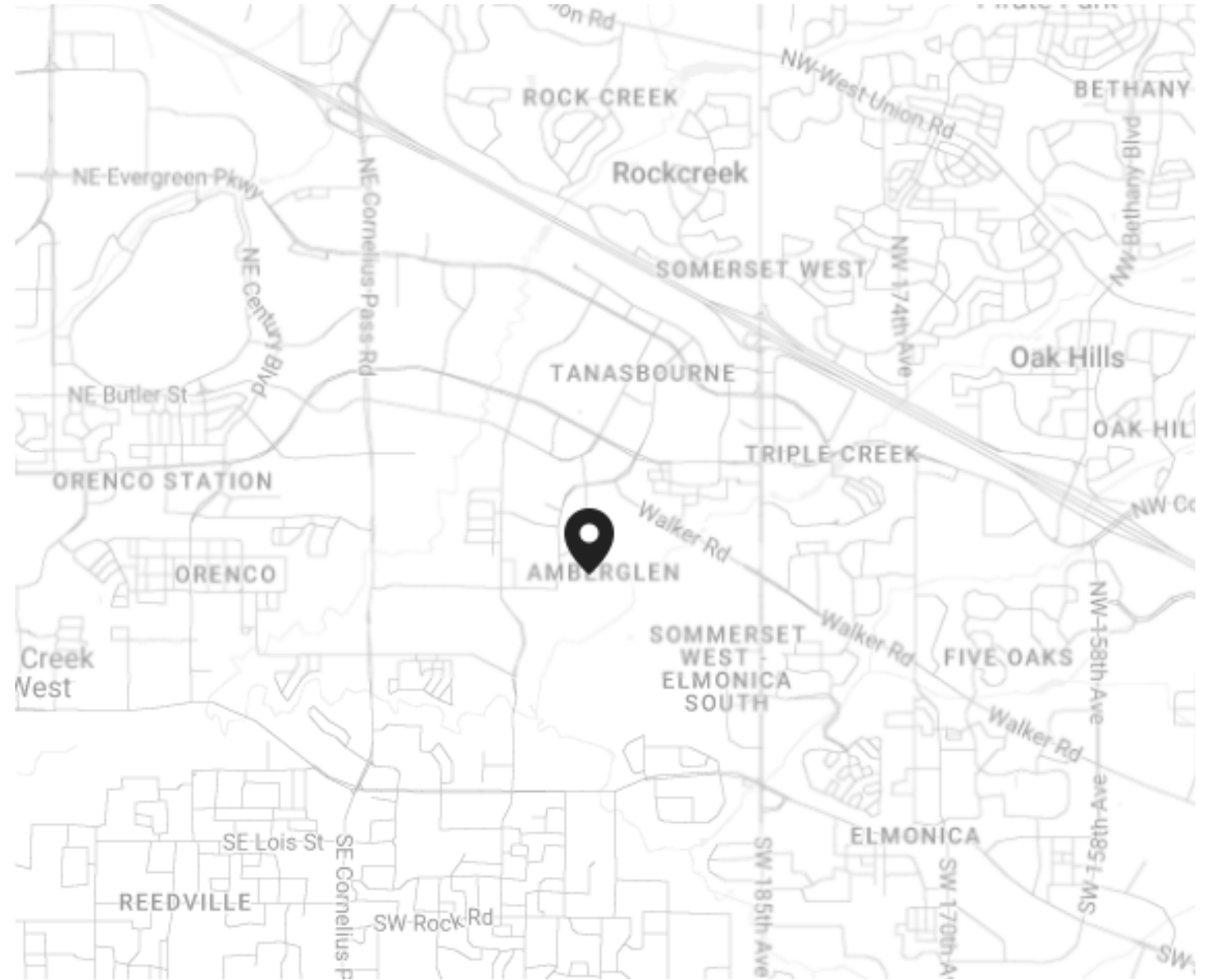
- 1100 NE Compton Dr. Hillsboro
- **Bus:** NE Walker & Stucki Bus Stop
- **Max:** Quatama Stop Blue or Red Line

Phone

- **503-430-8300**

Website

- www.fpcwc.org





Proclamation

WHEREAS, domestic violence is a serious crime that affects people of all races, ages, gender identities, socio-economic levels, religions, backgrounds, beliefs and abilities but often has a disproportionate effect on communities and groups impacted by inequity; and

WHEREAS, domestic violence includes physical, emotional, social, sexual, spiritual, financial, and digital abuse; and can occur between family members, intimate partners and within dating relationships; and

WHEREAS, more than one in three women and one in four men in the United States report having experienced domestic violence, stalking, sexual assault or physical assault by an intimate partner during their lifetimes; and

WHEREAS, domestic violence impacts vulnerable victims including children, as approximately 50% of Washington County children who are child abuse victims also live in homes with domestic violence; and

WHEREAS, in 2024, the Family Justice Center served a total of 7,204 survivors and the Domestic Violence Resource Center provided 9,110 crisis services to survivors despite challenges due to the pandemic; and

WHEREAS, domestic violence incidents are some of the most complex and dangerous incidents that law enforcement respond to in our community, putting their lives at risk every day in the belief that a coordinated community response is necessary to support survivors, hold offenders accountable and work toward ending the cycle of violence;

NOW, THEREFORE, BE IT PROCLAIMED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, Oregon Tualatin designates the month of October 2025 as “*Domestic Violence Awareness Month*”. Domestic Violence Awareness Month provides an excellent platform to show support for the domestic violence advocates, crisis hotline staff, victim service organizations, the prosecutors who hold offenders accountable and law enforcement officers in our community. It also provides our community the opportunity to learn more about preventing domestic violence and show support for the numerous organizations and individuals who provide critical advocacy, resources, hope and assistance to victims.

INTRODUCED AND ADOPTED this 22nd day of September, 2025.

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder





CITY OF TUALATIN

Staff Report

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Nicole Morris, Deputy City Recorder

DATE: September 22, 2025

SUBJECT:
Consideration of Approval of the Work Session and Regular Meeting Minutes of September 8, 2025

RECOMMENDATION:
Staff respectfully recommends the Council adopt the attached minutes.

ATTACHMENTS:

- City Council Work Session Meeting Minutes of September 8, 2025
- City Council Regular Meeting Minutes of September 8, 2025



TUALATIN CITY COUNCIL

OFFICIAL WORK SESSION MEETING MINUTES FOR SEPTEMBER 08, 2025

PRESENT: Mayor Frank Bubenik, Council President Valerie Pratt, Councilor Bridget Brooks, Councilor Maria Reyes, Councilor Cyndy Hillier, Councilor Octavio Gonzalez

ABSENT: Councilor Christen Sacco

Mayor Bubenik called the meeting to order at 5:00 p.m.

1. *Update on the Neighborhood Transportation Safety Program.*

City Engineer Mike McCarthy and Engineering Associate Abby McFetridge presented an update on the Neighborhood Transportation Safety Program (NTSP). Associate McFetridge highlighted recently completed projects at Ibach and Columbia, Boones Ferry Road, and Nyberg and 65th. She stated that work is currently underway on crosswalk improvements at Hazelbrook Road. Associate McFetridge noted that the 2025–2026 NTSP cycle will have a budget of \$150,000 available for projects, and advertising for project suggestions is underway. She shared that project ideas can be submitted through the City's website.

Council President Pratt asked how evaluation criteria are applied to project suggestions. Associate McFetridge explained that projects are assessed on safety, equity, feasibility, and impact, and recommendations are reviewed by a steering committee for funding.

Councilor Gonzalez asked whether items such as speed bumps would qualify for the program. Associate McFetridge stated that speed reduction measures are an appropriate use of these funds.

Councilor Reyes asked what should be done if someone cannot submit a request online. Associate McFetridge stated that residents can contact her directly and she will assist in submitting the project.

Councilor Brooks asked if accident data is tracked to help determine project needs. Associate McFetridge confirmed that accident reports are reviewed to help identify priority locations.

Councilor Brooks asked whether there are projects planned in the Las Casitas area. Associate McFetridge explained how she applies the Transportation System Plan maps and equity considerations when reviewing potential projects.

Councilor Brooks asked if Councilors can submit ideas. City Attorney Kevin McConnell stated that Councilors may submit projects. Associate McFetridge added that names are redacted when project proposals are considered.

Councilor Hillier asked about the process for high-volume traffic crash areas. Engineer McCarthy stated that staff review crash reports to identify crash patterns.

Councilor Brooks asked about addressing sidewalk gaps. Engineer McCarthy stated that those projects are considered, and staff evaluate the best solutions.

Mayor Bubenik asked how many projects are typically completed each year. Associate McFetridge stated that one to two projects are completed annually.

2. Legislative Agenda Preparation.

Deputy City Manager Megan George and Policy Analyst Cody Field presented preparation for the 2026 Legislative Agenda. Deputy City Manager George reviewed the City's 2025 policy themes for the state agenda, which included transportation, housing, social services, resiliency and emergency preparedness, environment, downtown revitalization, local control and unfunded mandates, and capital projects. She explained these themes helped guide the selection of three priority projects pursued in the last session: seismic valving at City reservoirs, the Veteran's Plaza shade structure, and electric vehicle charging stations.

Manager George stated that expected policy themes in the upcoming session include transportation funding, the state's budget, transient lodging tax, rent assistance, economic stimulus efforts, and a fix to the Oregon Government Ethics Commission advisory opinion on food and beverage. She asked the Council for feedback on which items should be considered for inclusion in the City's 2026 agenda.

Council President Pratt asked if housing is expected to be a topic of discussion. Manager George stated it has been a recurring policy goal of the legislature and will likely remain a focus.

Council President Pratt expressed concerns with Measures 550 and 47 as well as eviction prevention.

Councilor Brooks stated she wants to ensure residents feel safe and protected, especially given concerns about an economic downturn, falling property values, and preparedness for both evictions and emergencies. She also emphasized the need for policies that stimulate the economy.

Councilor Reyes expressed concern about the economy and the importance of job security.

Councilor Hillier stated the policy themes from last year are still relevant. She said a community center should be made a priority and that eviction assistance remains an important issue.

Mayor Bubenik highlighted priorities related to housing and home rule, transient lodging tax, social services, housing and transportation cuts, competitive jobs, and the Oregon Government Ethics Commission's ruling on food and beverage and serial meetings.

Councilor Gonzalez stated he continues to support the 2025 policy themes. He expressed concern with potential government overreach and said priorities should remain focused on transportation, safety, and jobs.

Councilor Brooks added that internships, artificial intelligence, and innovation in technology should also be considered.

Analyst Field presented the federal legislative agenda, which included the 65th/Borland/Sagert Transportation Improvements Project, increased funding for the Community Development Block Grant (CDBG) Program, continued funding for the Community Fueling Infrastructure (CFI) Program, continued funding for the Railroad Crossing Elimination (RCE) Program, and protecting local government's ability to offer tax-exempt municipal bonds.

Council President Pratt stated she feels there is more support around the transportation improvement project but questioned whether accepting the current \$250,000 award is worth it or if the city should continue seeking full funding. Analyst Field explained that accepting the funding could federalize the project, which could limit flexibility. Manager George added that there is uncertainty about the best strategy and staff will continue evaluating.

Council President Pratt also asked about potential FEMA cuts and their impact on the city.

Councilor Reyes emphasized that protecting Tualatin as a community is a high priority, including protecting tax revenues, preventing business closures, and ensuring the city remains business friendly.

Councilor Hillier asked if the Veteran's Plaza shade structure could be considered for federal funding. Manager George stated there is currently no federal funding mechanism that fits the project and that Thorn Run has advised the city to pursue larger projects at that level. Staff will follow up with Thorn Run on whether a different strategy could work.

Councilor Brooks expressed concern about potential cuts to education and health services, and reiterated the importance of business friendliness, downtown revitalization, innovation, apprenticeships, and AI initiatives.

Mayor Bubenik stated he would prefer to decline the \$250,000 award for the transportation improvement project and have staff reevaluate whether another project may be a better fit for federal funding.

Manager George stated staff will return with a draft legislative agenda for Council consideration at a future meeting.

3. *Allocation of Funds to Outside Agencies.*

Councilor Hillier recused herself and stepped down from the dais for the discussion.

The Council deliberated and allocated funding for recipients. A resolution with final grant awards will be back at the next council meeting for approval.

4. *Request for Review of Tow Ordinance Rates.*

Assistant City Manager Don Hudson presented a request from one of the towing companies operating in Tualatin to increase the city's maximum allowable towing rates. He explained that the city currently sets the maximum rates charged by towing companies for involuntary tows within Tualatin city limits, with the last adjustment made in 2020. Director Hudson stated the request was for an increase to better align with rising operating costs, including labor, fuel, insurance, and equipment. He noted that there are ten towing companies registered to operate in the city.

Councilor Brooks asked how many tow companies are in Tualatin. Director Hudson stated there are ten licensed operators, though only one submitted this request.

Councilor Brooks asked whether the other companies were still in business and if they had expressed opinions about a rate adjustment. She wants to be mindful of raising costs for community members without hearing from all operators.

Mayor Bubenik asked about the level of effort required for staff to update the rates. Director Hudson stated it would be a relatively simple process involving a code amendment to adjust the fee schedule and returning the revised rates to Council for consideration.

Councilor Reyes asked about the impact of higher towing rates on residents.

Councilor Gonzalez spoke in opposition to the request, expressing concern about the affordability burden on residents and questioning whether a rate increase was justified without broader input.

Councilor Hillier asked how many cars are typically towed in Tualatin each year. Director Hudson explained that the city does not track towing activity since most tows occur on private property.

Councilor Hillier asked for a comparison of rates in other regional cities to provide context for the request.

Council reached consensus to have staff conduct a market rate study of towing fees in comparable jurisdictions and bring the results back for further consideration before making any changes.

5. Council Meeting Agenda Review, Communications & Roundtable.

Assistant City Manager Don Hudson presented the Manager's Report. He shared that the school district is hosting back-to-school nights with participation from the City's community engagement team. He reminded residents to observe reduced speeds in school zones. Annual CIO meetings are underway, and the city will host a booth at the upcoming Winona Grange Gathering Market. He reported that the library lighting project has been completed, and the library has reopened, noting that the summer reading program was a success. He added that preparations are underway for the Tualatin Community Preparedness Fair, construction has begun on the Nyberg Creek Trail project, and the badge access project at the Tualatin City Services Center is in progress.

Councilor Hillier reported she attended the Washington County Consolidated Communications Agency meeting.

Councilor Brooks reported that she attended the Family Promise re-opening, National League of Cities meetings, and the Stafford-Hamlet meet and greet.

Council President Pratt reported that she attended the lunch at the Juanita Pohl Center, the school district's Welcome Back celebration, the Family Promise open house, the Community Advisory Committee meeting, the C4 meeting, the Historical Society fundraiser, and the Stafford-Hamlet meet and greet.

Mayor Bubenik reported that he attended the Metro Mayors Consortium meeting, the Greater Portland Inc. meeting, the AI Seminar hosted by the Tualatin Chamber, the Historical Society fundraiser, the Stafford-Hamlet meet and greet, and the Aging Task Force.

Adjournment

Mayor Bubenik adjourned the meeting at 6:55 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Frank Bubenik, Mayor



TUALATIN CITY COUNCIL

OFFICIAL MEETING MINUTES
FOR SEPTEMBER 08, 2025

PRESENT: Mayor Frank Bubenik, Council President Valerie Pratt, Councilor Bridget Brooks, Councilor Maria Reyes, Councilor Cyndy Hillier, Councilor Octavio Gonzalez

ABSENT: Councilor Christen Sacco

Call to Order

Mayor Bubenik called the meeting to order at 7:01 p.m.

Pledge of Allegiance

Announcements

1. Proclamation Declaring the Month of September 2025 as National Preparedness Month in the City of Tualatin

Council President Pratt read the proclamation declaring the month of September 2025 as National Preparedness Month in the City of Tualatin.

Management Analyst Lindsay Marshall encourage all residents to practice preparedness. Tualatin CERT Team members accepted the proclamation.

2. Proclamation Declaring September 11 as 9/11 Remembrance Day

Councilor Hillier read the proclamation declaring September 11th as 9/11 Remembrance Day.

3. Proclamation Declaring September 15-October 15, 2025 as Hispanic Heritage Month

Councilor Reyes and Councilor Gonzalez read the proclamation declaring September 15-October 15, 2025 as Hispanic Heritage Month.

Public Comment

Danny O'Neal expressed concerns with the Norwood Development, specifically the communications between the city and the developer regarding the size of the planter strip. He emphasized the importance of protecting the existing trees in the area and requested that the city make efforts to preserve them.

Ken Allen spoke regarding tree preservation along Norwood Road. He stated that City staff have sent emails suggesting positions that conflict with City Engineer Mike McCarthy's previous statement that tree preservation was a priority. Mr. Allen requested that the Council give staff the authority to move forward with preserving the trees.

Consent Agenda

Motion to adopt the consent agenda made by Council President Pratt, Seconded by Councilor Brooks.

Voting Yea: Mayor Bubenik, Council President Pratt, Councilor Brooks, Councilor Reyes, Councilor Hillier, Councilor Gonzalez

MOTION PASSED

1. Consideration of Approval of the Work Session and Regular Meeting Minutes of August 25, 2025
2. Consideration of **Resolution Nos. 5908-25, 5909-25, 5910-25** Accepting Grant Funds for Traffic Safety Enforcement through the Oregon Department of Transportation

Special Reports

1. Tualatin Community Emergency Response Team (CERT) 2024-2025 Annual Report

Management Analyst Lindsey Marshall and CERT President Cathy Holland, along with Board Members Andy Wilson, John Carmody, Heather Schlacter, and Allen Parachini, presented the annual CERT report. President Holland reported that CERT hosted the annual Emergency Preparedness Fair and provided in-person basic training. She stated the program currently has 195 trained members, with 125 active, 83 ham radio license holders, and 64 GMRS radio license holders. President Holland stated CERT mobilizes at community events such as the Blender Dash, Viva Tualatin, and the Pumpkin Regatta to assist with parking lot management. Member Schlacter announced that the 3rd Annual Emergency Preparedness Fair will take place on September 13th at the Tualatin Library. Members Carmody and Wilson provided updates on the amateur radio program.

President Holland shared that while FEMA's future support is uncertain, Oregon has established a large CERT network, and Tualatin continues preparing citywide through partnerships with neighborhoods and businesses. She emphasized that Tualatin CERT is a 501(c)(3) volunteer-run organization supported by the City, offering programs such as Tualatin Neighborhood Ready and CERT training. Upcoming projects include completing the mobile communications unit, holding fall and spring CERT training, expanding the neighborhood radio network, planning the next preparedness fair, and adjusting programs as FEMA guidance changes. Member Parachini added that CERT will participate in a countywide training on October 25th and offer CPR classes to members.

Council President Pratt asked how someone can obtain a radio. President Holland stated that information on different makes and models are available on the CERT website. Member Wilson added that training on the devices is available through CERT.

Councilor Brooks asked about the status of the City's emergency plan. President Holland stated that CERT submitted their portion to the city for review. Director Hudson stated staff would check its current status.

Councilor Hillier stated she would like to see Tualatin CERT collaborate with Tualatin Together to support their Safety Town events.

Mayor Bubenik asked if refresher training courses are available for GMRS radios. Member Wilson stated CERT would be happy to host such training.

General Business

1. Consideration of **Resolution No. 5911-25** Supporting the Replacement of the Washington County Cooperative Library Services (WCCLS) Local Option Levy, Ballot Measure 34-345

Motion to adopt Resolution No. 5911-25 supporting the replacement of the Washington County Cooperative Library Services (WCCLS) Local Option Levy, Ballot Measure 34-345 made by Council President Pratt, Seconded by Councilor Brooks.

Voting Yea: Mayor Bubenik, Council President Pratt, Councilor Brooks, Councilor Reyes, Councilor Hillier, Councilor Gonzalez

MOTION PASSED

Council Communications

Councilor Brooks stated that the Manager position for the Regional Water Consortium is open and offered to share information with anyone interested.

Councilor Hillier raised concerns with the City's liquor license application process. She suggested considering an increase in the application fee and adding questions related to compliance and training requirements.

Mayor Bubenik asked if the City has the authority to change the application. City Attorney Kevin McConnell stated he would need to do some research.

Mayor Bubenik asked who is responsible for compliance. Police Officer Jeremy Rankin stated that enforcement is handled by OLCC.

Council President Pratt asked if the Council has authority to approve or deny liquor license applications. Attorney McConnell stated the city may provide a recommendation, but OLCC is the agency that makes final determinations.

Councilor Brooks requested additional information about liquor licensing before the Council considers any changes. Councilor Reyes agreed that more information would be useful.

Mayor Bubenik asked if staff could provide an informational training on liquor licensing. Attorney McConnell stated he could prepare materials for Council review.

Adjournment

Mayor Bubenik adjourned the meeting at 8:18 p.m.

Sherilyn Lombos, City Manager

_____/ Nicole Morris, Recording Secretary

_____/ Frank Bubenik, Mayor



CITY OF TUALATIN Staff Report

TO: Honorable Mayor and Members of the City Council
THROUGH: Sherilyn Lombos, City Manager
FROM: Bates Russell, Information Services Director
DATE: September 22, 2025

SUBJECT:

Consideration of **Resolution No. 5912-25** Authorizing the City Manager to Execute a Grant Agreement for a State Homeland Security Program (SHSP) Grant and Appropriate Special Purpose Revenues in the City's General Fund During the FY 2025-2026 Budget.

EXECUTIVE SUMMARY:

The City of Tualatin has been awarded a State Homeland Security Program (SHSP) Grant through the Oregon Department of Emergency Management (OEM). The grant award totals \$125,000 and requires a local match of \$50,000. The project scope provides for the expansion of the City's existing badge access system to a critical infrastructure facility housing the City's primary server and internet hub, Fuel islands and City fleet vehicles, Emergency Operations Center (EOC), and city staff.

The upgrades will establish secure, badge-enabled access at exterior and designated interior points, creating a controlled facility perimeter. The system will integrate seamlessly with existing badge access controls already deployed across other City buildings, providing centralized management and enhancing operational security.

While the City's original request sought approximately \$500,000 for broader access control and security camera coverage, the grants have been approved over several years for smaller amounts. This award of \$125,000, combined with City matching funds, will fully cover the access control expansion. Additional City contributions may be used to install additional equipment as needed.

OUTCOME OF DECISION:

Approval of the resolution will authorize the City Manager to accept the grant agreement and proceed with procurement and installation of the enhanced badge access system. This will provide stronger protection of essential City facilities and services, reduce vulnerability of critical infrastructure, and strengthen Citywide emergency operations readiness. The resolution also adjusts the FY 2025-2026 Adopted Budget to appropriate funds for the project.

FINANCIAL IMPLICATIONS:

Grant Award: \$125,000 (federal passthrough from DHS via OEM)
Local Match: \$50,000 (City funds)
Total Project Value: \$175,000

Additional City funds may be allocated for camera integration beyond the grant-funded access controls.

RECOMMENDATION

Staff recommends approval of Resolution No 5912-25

ATTACHMENTS:

- Resolution No. 5912-25
- Grant Agreement

RESOLUTION NO. 5912-25

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT AGREEMENT FOR A STATE HOMELAND SECURITY PROGRAM (SHSP) GRANT 24-257, AND APPROPRIATING SPECIAL PURPOSE REVENUES IN THE CITY'S GENERAL FUND DURING THE FY 2025-26 BUDGET.

WHEREAS, the State of Oregon, acting by and through the Oregon Department of Emergency Management (OEM), administers the State Homeland Security Program (SHSP) funded by the U.S. Department of Homeland Security; and

WHEREAS, OEM and the City of Tualatin are authorized under ORS 190 to enter into intergovernmental agreements for the purpose of implementing federally funded security projects; and

WHEREAS, the City of Tualatin has been awarded SHSP Grant No. 24-257 in the amount of \$125,000 for infrastructure access control improvements to secure critical City facilities, including the Emergency Operations Center, citywide server facilities, fuel islands, and fleet operations; and

WHEREAS, the grant requires a local matching contribution of \$50,000, to be provided from City funds, to complete the project scope; and

WHEREAS, the project expands upon the City's existing access control system deployed at other City facilities, ensuring a unified, centralized, and secure management platform; and

WHEREAS, under ORS 294.338(2), during the year the Council may authorize the acceptance of special purpose revenues and the associated appropriations through a special purpose revenue budget adjustment resolution; and

WHEREAS, Oregon Revised Statutes (ORS) 294.463 allows for transfers of appropriations within a fund when authorized by a resolution of the governing body;

WHEREAS, ORS 294.471 allows for a supplemental budget to be prepared when an occurrence or condition that is not ascertained when preparing the original budget and that requires a change in financial planning.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The City Manager is authorized to execute the Grant Agreement with the Oregon Department of Emergency Management for SHSP Grant No. 24-257, including all necessary documents and administrative modifications to implement the project.

Section 2. The City Manager is authorized and instructed to adjust the General Fund's budget to reflect receipt of the special purpose revenue, a transfer of appropriations within a fund and the associated expenditure appropriation:

- General Fund Revenues: \$125,000
- General Fund Contingency: (\$50,000)
- General Fund Expenditures, Information Services: \$175,000

Section 3. This resolution is effective upon adoption.

INTRODUCED and ADOPTED by the City Council this 22nd day of September, 2025.

CITY OF TUALATIN, OREGON

APPROVED AS TO FORM

BY _____
City Attorney

BY _____
Mayor

ATTEST:

BY _____
City Recorder

**OREGON DEPARTMENT OF EMERGENCY MANAGEMENT
HOMELAND SECURITY GRANT
GRANT AGREEMENT**

Project Name: City of Tualatin / Tualatin Infrastructure Access Control

Grant Number: 24-257

This grant agreement (“Agreement”), is between the State of Oregon, acting through its Oregon Department of Emergency Management (“OEM”), and City of Tualatin for the project referred to above and described in Exhibit A (“Project”). This Agreement becomes effective only when fully signed and approved as required by applicable law. Notwithstanding the effective date of this agreement, Project activities may begin on October 1, 2024, the date of the Notice of Intent to Award letter to Recipient.

This Agreement includes the following parts, listed in descending order of precedence for purposes of resolving any conflict between two or more of the parts:

- Exhibit A Project Description and Budget
- Exhibit B [Reserved]
- Exhibit C Federal Requirements and Certifications
- Exhibit D [Reserved]
- Exhibit E Information Required by 2 CFR § 200.332(a)(1)
- Exhibit F [Reserved]

Pursuant to Oregon Laws 2022, Chapter 55 Section 3 (the “Act”), OEM is authorized to award grants and enter into grant agreements as part of the Homeland Security Grant Program (“HSPG” or “Program”).

SECTION 1 - KEY GRANT TERMS

The following capitalized terms have the meanings assigned below.

Grant Amount: \$125,000

Period of Performance: October 1, 2024 through September 30, 2026

SECTION 2 - GRANT

OEM shall provide Recipient, and Recipient shall accept from OEM, a(n) HSGP grant (the “Grant”) not to exceed \$125,000 in Grant Funds for eligible costs. If applicable, Recipient shall provide matching funds for all project costs as described in Exhibit A.

OEM’s obligations are subject to the receipt of the following items, in form and substance satisfactory to OEM and its Counsel:

- (1) This Agreement duly signed by an authorized officer of Recipient; and
- (2) Such other certificates, documents, opinions and information as OEM may reasonably require.

Recipient shall complete the Project and use its own fiscal resources or money from other sources to pay for any costs of the Project in excess of the total amount of financial assistance provided pursuant to this Agreement.

SECTION 3 - DISBURSEMENTS

A. Reimbursement Basis. The Financing Proceeds shall be disbursed to Recipient on an expense reimbursement or costs-incurred basis.

B. Disbursement Requirements.

- (1) Recipient must submit each disbursement request for eligible Project Costs on a Request for Reimbursement form (“RFR”), provided by OEM.
- (2) Recipient must submit a signed RFR, that includes supporting documentation for all grant expenditures. RFRs may be submitted monthly or quarterly during the term of this Agreement. The final RFR must be submitted no later than 30 days following the end of the Period of Performance (“RFR Deadline”). OEM has no obligation to reimburse Recipient for any RFR submitted after the RFR Deadline.
- (3) Reimbursements for expenses will be withheld if performance reports are not submitted by the specified dates or are incomplete.
- (4) Reimbursement rates for travel expenses shall not exceed those allowed by the State of Oregon. Requests for reimbursement for travel must be supported with a detailed statement identifying the person who traveled, the purpose of the travel, the dates, times, and places of travel, and the actual expenses or authorized rates incurred.
- (5) Reimbursements will only be made for actual expenses incurred during the Period of Performance. Recipient agrees that no grant may be used for expenses incurred before or after the Period of Performance.
- (6) Recipient must pay its contractors, consultants, and vendors before submitting a RFR to OEM for reimbursement. Eligible costs are the reasonable and necessary costs incurred by Recipient for the Project, in accordance with the HSGP guidance and application materials, including without limitation the Notice of Funding Opportunity (NOFO), that are not excluded from reimbursement by OEM, either by this Agreement or by exclusion as a result of financial review or audit. The guidance, application materials and NOFO are available at:

HSGP: [Oregon Department of Emergency Management : Homeland Security Grant Program : Grants : State of Oregon](#)

C. Financing Availability. Recipient must incur eligible costs under this Agreement on or before the Period of Performance Deadline. Recipient’s right to request disbursements for eligible costs under this Agreement terminates 30 days following the end of the RFR Deadline.

D. Conditions to Disbursements. As to any disbursement, OEM has no obligation to disburse funds unless all following conditions are met:

- (1) OEM (a) has received a completed RFR on an OEM provided form, (b) has received an accounting of how all prior disbursements have been expended, including written evidence of materials and labor furnished to or work performed upon the Project, including itemized receipts or invoices for payment, and releases, satisfactions or other signed statements or forms as OEM may require, (c) is satisfied that all items listed in the RFR are reasonable, and (d) has determined that the disbursement is only for eligible costs that are in accordance with Exhibit A Project Description and Project Budget.
- (2) The representations and warranties made in this Agreement are true and correct on the date of disbursement as if made on such date.

- (3) OEM has sufficient funds currently available and authorized for expenditure to finance the costs of this Agreement within OEM’s biennial appropriation or limitation. Notwithstanding the preceding sentence, payment of funds by OEM is contingent on OEM receiving appropriations, limitations, allotments or other expenditure authority sufficient to allow OEM, in the exercise of its reasonable administrative discretion, to continue to make payments in accordance with the terms of this Agreement, and notwithstanding anything in this Agreement, occurrence of such contingency does not constitute a default. Upon occurrence of such contingency, OEM has no further obligation to disburse funds to Recipient.
- (4) All other conditions precedent under this Agreement are met.
- (5) There is no Event of Default by Recipient.

SECTION 4 - USE OF GRANT

- A. Eligible Use. Recipient’s use of the Grant funds is limited to those expenses that are both reasonable and necessary to complete the Project and that are in accordance with Exhibit A Project Description and Budget.
- B. Ineligible Use. Recipient shall not use the Grant funds to retire any debt or to lobby, influence or attempt to influence, any federal, state or local government official.
- C. Misexpended or Unexpended Grant Funds. Any Grant funds disbursed to Recipient, or any interest earned by Recipient on the Grant funds, that is not used according to this Agreement and approved by OEM or that remain unexpended after the earlier of the Period of Performance Deadline, the date the Project is completed or the date that this Agreement is terminated, shall be immediately returned to OEM, unless otherwise directed by OEM in writing.

The Recipient shall be responsible for pursuing recovery of monies paid under this Agreement in providing disaster assistance against any party that might be liable, and further, the Recipient shall cooperate in a reasonable manner with the State of Oregon and the Federal Government in efforts to recover expenditures under this Agreement.

In the event the Recipient obtains recovery from a responsible party, the Recipient shall first be reimbursed its reasonable costs of litigation from such recovered funds. The Recipient shall pay to OEM the proportionate Federal share, as defined in Exhibit D, of all project funds recovered in excess of costs of litigation.

SECTION 5 - REPRESENTATIONS AND WARRANTIES OF RECIPIENT

- A. Existence and Power. Recipient represents and warrants to OEM that Recipient is a include local and tribal units of government. “Local unit of government” means “any county, city, village, town, district, borough, parish, port authority, transit authority, intercity rail provider, commuter rail system, freight rail provider, water district, regional planning commission, council of government, Indian tribe with jurisdiction over Indian country, authorized Tribal organization, independent authority, special district, or other political subdivision of Oregon., and has full power, authority and legal right to make this Agreement and to incur and perform its obligations under this Agreement.
- B. Authority, No Contravention. The making and performance by Recipient of this Agreement: (a) have been duly authorized by all necessary action of Recipient; (b) do not and will not violate any provision of any applicable law, rule, regulation or order of any court, regulatory commission, board or other administrative agency or any provision of its organizational documents; and (c) do not and will not result in the breach of, or constitute a default or require any consent, under any other

agreement or instrument to which Recipient is a party or by which Recipient or any of its properties may be bound or affected.

- C. Binding Obligation. This Agreement has been duly executed and delivered by Recipient and when duly executed and delivered by OEM, constitutes legal, valid, and binding obligations of Recipient, enforceable in accordance with its terms, subject to the laws of bankruptcy, insolvency, or other similar laws affecting the enforcement of creditors' rights generally.
- D. Approvals. No authorization, consent, license, approval of, filing or registration with, or notification to any governmental body or regulatory or supervisory authority is required for the execution, delivery, or performance by Recipient of this Agreement.
- E. Misleading Statements. The Recipient has made no false statements of fact, nor has it omitted information necessary to prevent any statements from being misleading, in this Agreement or any document submitted by or on behalf of the Recipient to OEM. The information contained in this Agreement is true and accurate in all respects.
- F. Debarment or Suspension. Neither Recipient nor its principals is presently debarred, suspended, or voluntarily excluded from any federally assisted transaction, or proposed for debarment, declared ineligible or voluntarily excluded from participating in this Agreement by any state or federal agency. Recipient agrees to notify OEM immediately if it is debarred, suspended or otherwise excluded from any federally assisted transaction for any reason or if circumstances change that may affect this status, including without limitation upon any relevant indictments or convictions of crime.
- G. No Solicitation. Recipient's officers, employees, and agents shall neither solicit nor accept gratuities, favors, or any item of monetary value from contractors, potential contractors, or parties to sub-agreements. No member or delegate to the Congress of the United States shall be admitted to any share or part of this Agreement or any benefit arising therefrom.
- H. NIMS Compliance. By accepting funds, Recipient certifies that it has met National Incident Management System (NIMS) compliance activities outlined in the Oregon NIMS Requirements located through OEM at http://www.oregon.gov/ODEM/emresources/Plans_Assessments/Pages/NIMS.aspx. The warranties set forth in this section are in addition to, and not in lieu of, any other warranties set forth in this Agreement or implied by law. Recipient agrees to complete the annual OEM NIMS Assessment.

SECTION 6 - COVENANTS OF RECIPIENT

The Recipient covenants as follows:

- A. Period of Performance Deadline. Recipient shall complete the Project by the Period of Performance Deadline unless the total amount of the Grant is not available because one or more of the conditions in Section 3.D. are not satisfied.
- B. Reporting Requirements. Recipient shall submit periodic reports to OEM. The reports shall consist of the following:
 - 1) Performance and Financial Reports.
 - a) Recipient shall submit Programmatic Performance Reports, using a form provided by OEM, on its progress in meeting each of its agreed upon goals and objectives. The narrative reports will address specific information regarding the activities carried out under the Fiscal Year 24.

- b) Reports are due to OEM on or before the 15th day of the month following the end of each calendar quarter (ending on March 31, June 30, September 30, and December 31). The start date may vary depending on contract terms and will be communicated by OEM.
- c) Recipient may request from OEM prior written approval to extend a performance report requirement past its due date. OEM, in its sole discretion, may approve or reject the request.

2) Financial Reports

- a) Recipient shall submit fiscal reports, using a form provided by OEM, on the amount of Grant Funds used towards completion of the Project, as established in Exhibit A of this agreement.
- b) Fiscal reports are due to OEM on or before the 30th day of the month following the end of each calendar quarter (ending on March 31, June 30, September 30, and December 31).
- c) Recipient may request from OEM prior written approval to extend a fiscal report requirement past its due date. OEM, in its sole discretion, may approve or reject the request.

3) Close-Out Report.

- a) Recipient shall submit a final close-out report to OEM for review which must include a financial performance report, construction reports (if applicable), invention disclosure (if applicable), Federally owned property report (if applicable), and final request for reimbursement (if applicable).
- b) Failure of Recipient to submit the required program, financial, or audit reports, or to resolve program, financial, or audit issues, may result in the suspension of grant payments, termination of this Agreement, or both.

C. Recipient Procurements.

- (1) Sub Agreements. Recipient may enter into agreements (hereafter “sub agreements”) for performance of the Project. Recipient shall use its own procurement procedures and regulations, provided that the procurement conforms to applicable Federal and State law (including but not limited to the Build America, Buy America Act (BABAA) 2 CFR Part 184, ORS chapters 279A, 279B, 279C), and that for contracts for more than \$150,000, the contract shall address administrative, contractual or legal remedies for violation or breach of contract terms and provide for sanctions and penalties as appropriate, and for contracts for more than \$10,000 address termination for cause or for convenience including the manner in which termination will be effected and the basis for settlement.
 - a. Recipient shall provide to OEM copies of all Requests for Proposals or other solicitations for procurements anticipated to be for \$100,000 or more and to provide to OEM, upon request by OEM, such documents for procurements for less than \$100,000. Recipient shall include with its RFR a list of all procurements issued during the period covered by the report.
 - b. All sub agreements, whether negotiated or competitively bid and without regard to dollar value, shall be conducted in a manner that encourages fair and open competition to the maximum practical extent possible. All sole-source procurements in excess of \$100,000 must receive prior written approval from OEM in addition to any other approvals required by law applicable to Recipient. Justification for sole-source procurement in excess of \$100,000 should include a description of the program and what is being contracted for, an explanation of why it is necessary to contract noncompetitively, time constraints and any other pertinent information. Interagency agreements between units of government are excluded from this provision.

- c. Recipient shall be alert to organizational conflicts of interest or non-competitive practices among contractors that may restrict or eliminate competition or otherwise restrain trade. Contractors that develop or draft specifications, requirements, statements of work, or Requests for Proposals (RFP) for a proposed procurement shall be excluded from bidding or submitting a proposal to compete for the award of such procurement. Any request for exemption must be submitted in writing to OEM.
 - d. Recipient agrees that, to the extent it uses contractors, such contractors shall use small, minority, women-owned or disadvantaged business concerns and contractors or subcontractors to the extent practicable.
 - e. In the event that Recipient subcontracts for engineering services, Recipient shall require that the engineering firm be covered by errors and omissions insurance in an amount not less than the amount of the firm's contract. If the firm is unable to obtain errors and omissions insurance, the firm shall post a bond with Recipient for the benefit of Recipient of not less than the amount of its subcontract. Such insurance or bond shall remain in effect for the entire term of the subcontract. The subcontract shall provide that the subcontract shall terminate immediately upon cancellation or lapse of the bond or insurance and shall require the subcontractor to notify Recipient immediately upon any change in insurance coverage or cancellation or lapse of the bond.
- (2) Purchases and Management of Property and Equipment: Records. Recipient agrees to comply with all applicable federal requirements referenced in Exhibit B, Section II.C.1 to this Agreement and procedures for managing and maintaining records of all purchases of property and equipment will, at a minimum, meet the following requirements:
- a. All property and equipment purchased under this agreement, whether by Recipient or a contractor, will be conducted in a manner providing full and open competition and in accordance with all applicable procurement requirements, including without limitation ORS chapters 279A, 279B, 279C, and purchases shall be recorded and maintained in Recipient's property or equipment inventory system.
 - b. Recipient's property and equipment records shall include: a description of the property or equipment; the manufacturer's serial number, model number, or other identification number; the source of the property or equipment, including the Catalog of Federal Domestic Assistance (CFDA) number; name of person or entity holding title to the property or equipment; the acquisition date; cost and percentage of Federal participation in the cost; the location, use and condition of the property or equipment; and any ultimate disposition data including the date of disposal and sale price of the property or equipment.
 - c. For acquisition projects, Recipient shall retain real estate transaction and property tracking records indefinitely to enable FEMA to track the use of real property acquired with grant funds and ensure that the property is maintained for open space in perpetuity (see 44 CFR Part 80).
 - d. A physical inventory of the property and equipment must be taken, and the results reconciled with the property and equipment records at least once every two years.

- e. Recipient must develop a control system to ensure adequate safeguards to prevent loss, damage, or theft of the property and equipment. Recipient shall investigate any loss, damage, or theft and shall provide the results of the investigation to OEM upon request.
- f. Recipient must develop, or require its contractors to develop, adequate maintenance procedures to keep the property and equipment in good condition.
- g. If Recipient is authorized to sell the property or equipment, proper sales procedures must be established to ensure the highest possible return.
- h. Recipient agrees to comply with 2 CFR 200.313 pertaining to use and disposal of equipment purchased with Grant Funds, including when original or replacement equipment acquired with Grant Funds is no longer needed for the original project or program or for other activities currently or previously supported by a Federal agency.
- i. Recipient shall require its contractors to use property and equipment management requirements that meet or exceed the requirements provided herein applicable to all property and equipment purchased with Grant Funds.
- j. Recipient shall, and shall require its contractors to, retain, the records described in this Section 9.b. for a period of six years from the date of the disposition or replacement or transfer at the discretion of OEM. Title to all property and equipment purchased with Grant Funds shall vest in Recipient if Recipient provides written certification to OEM that it will use the property and equipment for purposes consistent with the HSGP.

D. Compliance with Laws. Recipient shall comply with the requirements of all applicable laws, rules, regulations and orders of any governmental authority, except to the extent an order of a governmental authority is contested in good faith and by proper proceedings.

Specifically, Recipient acknowledges and agrees to follow constitutional Equal Protection requirements. Recipient shall consider all eligible beneficiaries (meeting 2 or more economic equity risk factors) as described in Exhibit A and shall not refuse to work with individuals, families, businesses, or communities based on protected class considerations.

E. Notice of Adverse Change. The Recipient shall promptly notify OEM of any adverse change in the activities, prospects or condition (financial or otherwise) of Recipient, or the Project related to the ability of Recipient to perform all obligations required by this Agreement.

F. Notice of Event of Default. The Recipient shall give OEM prompt written notice of any Event of Default, or any circumstance that with notice or the lapse of time, or both, may become an Event of Default, as soon as Recipient becomes aware of its existence or reasonably believes an Event of Default is likely.

G. Indemnity. To the extent authorized by law, Recipient shall defend, indemnify, save and hold harmless the State of Oregon, OEM, and their officers, employees and agents from and against any and all claims, suits, actions, proceedings, losses, damages, liability and court awards, including but not limited to costs, expenses, and attorneys' fees incurred (collectively, "Claims"), related to any actual or alleged act or omission by Recipient, or its officers, employees, agents or contractors, that is related to this Project. Notwithstanding the foregoing, neither Recipient nor any attorney engaged by Recipient may defend any Claim in the name of the State of Oregon, nor purport to act as legal representative for the State of Oregon, without first receiving from the Oregon Attorney General in a form and manner determined appropriate by the Oregon Attorney General, authority to act as legal

counsel for the State of Oregon, nor may Recipient settle any Claim on behalf of the State of Oregon without the approval of the Oregon Attorney General. If the State of Oregon assumes its own defense, Recipient will be liable for the attorney fees of the State of Oregon, including but not limited to any fees charged by the Oregon Department of Justice. The provisions of this section are not to be construed as a waiver by the State of Oregon or OEM of any immunity, defense or limitation on damages provided for under Chapter 30 of the Oregon Revised Statutes or under the laws of the United States or other laws of the State of Oregon. If attorney fees are awarded to Recipient, such attorney fees shall not exceed the rate charged to OEM by its attorneys.

Recipient's sub agreement(s) shall require the other party to such sub agreements(s) that is not a unit of local government as defined in ORS 190.003, if any, to indemnify, defend, save and hold harmless OEM and its officers, employees and agents from and against any and all claims, actions, liabilities, damages, losses, or expenses, including attorneys' fees, arising from a tort, as now or hereafter defined in ORS 30.260, caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of the other party to Recipient's sub agreement or any of such party's officers, agents, employees or subcontractors ("Claims"). It is the specific intention of the Parties that OEM shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of OEM, be indemnified by the other party to Recipient's sub agreement(s) from and against any and all Claims.

Any such indemnification shall also provide that neither Recipient's contractor(s) nor any attorney engaged by Recipient's contractor(s) shall defend any claim in the name of OEM or any agency of the State of Oregon (collectively "State"), nor purport to act as legal representative of the State or any of its agencies, without the prior written consent of the Oregon Attorney General. The State may, at any time at its election, assume its own defense and settlement in the event that it determines that Recipient's contractor is prohibited from defending State or that Recipient's contractor is not adequately defending State's interests, or that an important governmental principle is at issue or that it is in the best interests of State to do so. State reserves all rights to pursue claims it may have against Recipient's contractor if State elects to assume its own defense.

Recipient shall require the other party, or parties, to each of its sub agreements that are not units of local government as defined in ORS 190.003 to obtain and maintain insurance of the types and in the amounts provided in Exhibit C to this Agreement.

- H. Disadvantaged and Emerging Small Business. ORS 200.090 states public policy is to "aggressively pursue a policy of providing opportunities for available contracts to emerging small businesses." OEM encourages Recipient, in its contracting activities, to follow good faith efforts described in ORS 200.045. The Governor's Policy Advisor for Economic & Business Equity provides additional resources and the Certification Office for Business Inclusion and Diversity at the Oregon Business Development Department maintains a list of certified firms and can answer questions. Search for certified firms on the web at:
<https://oregon4biz.diversitysoftware.com/FrontEnd/VendorSearchPublic.asp>.
- I. Inspections; Information. The Recipient shall permit OEM, and any party designated by OEM: (i) to inspect, at any reasonable time, the property, if any, constituting the Project; and (ii) at any reasonable time, to inspect and make copies of any accounts, books and records, including, without limitation, its records regarding receipts, disbursements, contracts, investments and any other related matters. The Recipient shall supply any related reports and information as OEM may reasonably require.
- J. Records, Access to Records and Facilities. Recipient shall make and retain proper and complete books of record and account and maintain all fiscal records related to this Agreement and the Equipment in accordance with all applicable generally accepted accounting principles, generally accepted

governmental auditing standards, and state minimum standards for audits of municipal corporations. OEM, the Secretary of State of the State of Oregon (“Secretary”), and their duly authorized representatives shall have access to the books, documents, papers, and records of Recipient that are directly related to this Agreement or the Equipment provided for the purpose of making audits and examinations. In addition, OEM, Oregon Secretary of State (Secretary), Office of Inspector General (OIG), Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), or any of their authorized representatives may make and retain excerpts, copies, and transcriptions of the foregoing books, documents, papers, and records.

- K. Retention of Records. Recipient shall retain and keep accessible all books, documents, papers, and records that are directly related to this Agreement, the Grant Funds or the Project for until the latest of (a) six years following termination, completion or expiration of this Agreement, (b) upon resolution of any litigation or other disputes related to this Agreement, or (c) as required by 2 CFR 200.333. It is the responsibility of Recipient to obtain a copy of 2 CFR Part 200, and to apprise itself of all rules and regulations set forth. If there are unresolved issues at the end of such period, Recipient shall retain the books, documents, papers and records until the issues are resolved.
- L. [Reserved]
- M. Continued Tax Compliance. Recipient shall, throughout the duration of this Agreement, comply with all tax laws of this state and all applicable tax laws of any political subdivision of this state. OEM does not provide tax advice and OEM is not responsible for any tax consequences or compliance requirements associated with the Grant award to Recipient, including but not limited to 1099 Requirements and tax reporting requirements. Recipient is advised to consult with their own tax advisor or legal counsel.
- N. Tax Notice to Beneficiaries. Recipients that provide direct funding to beneficiaries shall provide notice to beneficiaries to the effect that OEM has not provided any tax advice to the beneficiaries of Program funds and OEM is not responsible for tax consequences, if any, to beneficiaries in connection with receipt of Program funding. Beneficiaries are advised to consult with their own tax advisor or legal counsel regarding tax consequences, if any, of accepting funds.
- O. Federal Audit Requirements. The Grant is federal financial assistance, and the Catalog of Federal Assistance Listing (formerly CFDA) number and title is “97.067 Homeland Security Grant Program.” Recipient is a sub-recipient.
- (1) If Recipient receives federal funds in excess of \$750,000 in the Recipient’s fiscal year, it is subject to audit conducted in accordance with the provisions of 2 CFR part 200, subpart F. Recipient, if subject to this requirement, shall at its own expense submit to OEM a copy of, or electronic link to, its annual audit subject to this requirement covering the funds expended under this Contract and shall submit or cause to be submitted to OEM the annual audit of any Recipient(s), contractor(s), or subcontractor(s) of Recipient responsible for the financial management of funds received under this Contract.
 - (2) Audit costs for audits not required in accordance with 2 CFR part 200, subpart F are unallowable. If Recipient did not expend \$750,000 or more in Federal funds in its fiscal year but contracted with a certified public accountant to perform an audit, costs for performance of that audit shall not be charged to the funds received under this Contract.
 - (3) Recipient shall save, protect and hold harmless OEM from the cost of any audits or special investigations performed by the Federal awarding agency or any federal agency with respect to the funds expended under this Contract. Recipient acknowledges and agrees that any audit costs

incurred by Recipient as a result of allegations of fraud, waste or abuse are ineligible for reimbursement under this or any other agreement between Recipient and the State of Oregon.

SECTION 7 - DEFAULT

Any of the following constitutes an “Event of Default”:

- A. Misleading Statement. Any material false or misleading representation is made by or on behalf of Recipient, in this Agreement or in any document provided by Recipient related to this Grant or the Project.
- B. The Recipient fails to perform any obligation required under this Agreement, other than those referred to in subsection A of this section, and that failure continues for a period of 30 calendar days after written notice specifying such failure is given to Recipient by OEM. OEM may agree in writing to an extension of time if it determines Recipient instituted and has diligently pursued corrective action.

SECTION 8 - REMEDIES

Upon the occurrence of an Event of Default, OEM may pursue any remedies available under this Agreement, at law or in equity. Such remedies include, but are not limited to, termination of OEM’s obligations to make the Grant or further disbursements, return of all or a portion of the Grant amount, payment of interest earned on the Grant amount, and declaration of ineligibility for the receipt of future awards from OEM. If, as a result of an Event of Default, OEM demands return of all or a portion of the Grant amount or payment of interest earned on the Grant amount, Recipient shall pay the amount upon OEM’s demand. OEM may also recover all or a portion of any amount due from Recipient by deducting that amount from any payment due to Recipient from the State of Oregon under any other contract or agreement, present or future, unless prohibited by state or federal law. OEM reserves the right to turn over any unpaid debt under this Section 8 to the Oregon Department of Revenue or a collection agency and may publicly report any delinquency or default. These remedies are cumulative and not exclusive of any other remedies provided by law.

In the event OEM defaults on any obligation in this Agreement, Recipient’s remedy will be limited to a claim for reimbursement or disbursement of funds authorized under this Agreement. In no event will OEM be liable to Recipient for any expenses related to termination of this Agreement or for anticipated profits or loss.

SECTION 9 - TERMINATION

In addition to terminating this Agreement upon an Event of Default as provided in Section 8, OEM may terminate this Agreement with notice to Recipient under any of the following circumstances:

- A. Termination by OEM.
 - (1) The Oregon Department of Administrative Services notifies OEM of an anticipated shortfall in applicable revenues or OEM fails to receive sufficient funding, appropriations or other expenditure authorizations to allow OEM, in its reasonable discretion, to continue making payments under this Agreement;
 - (2) There is a change in federal or state laws, rules, regulations or guidelines so that the Project funded by this Agreement is no longer eligible for funding;

- (3) Recipient fails to perform the Project within the time specified herein or any extension thereof or commencement, continuation or timely completion of the Project by Recipient is, for any reason, rendered improbable, impossible, or illegal;
 - (4) The Project would not produce results commensurate with the further expenditure of funds;
 - (5) Recipient takes any action pertaining to this Agreement without the approval of OEM and which under the provisions of this Agreement would have required the approval of OEM; or
 - (6) OEM determines there is a material misrepresentation, error or inaccuracy in Recipient's application.
- B. Termination by Recipient. Recipient may terminate this Agreement effective upon delivery of written notice of termination to OEM, or at such later date as may be established by Recipient in such written notice, if:
- (1) The requisite local funding to continue the Project becomes unavailable to Recipient; or
 - (2) Federal or state laws, rules, regulations or guidelines are modified or interpreted in such a way that the Project is no longer allowable or no longer eligible for funding under this Agreement.
- C. Termination by Either Party. Either Party may terminate this Agreement upon at least ten days notice to the other Party and failure of the other Party to cure within the ten days, if the other Party fails to comply with any of the terms of this Agreement.
- D. Termination by Mutual Consent. The Agreement may be terminated by mutual written consent of the parties.
- E. Effect of Termination. In the event of termination of this Agreement, each party shall be liable only for Project Costs and allowable expenses incurred by the other party, prior to the effective date of termination, and Recipient will return all Federal funds paid to Recipient for the Project which have not been expended or irrevocably committed to eligible activities.
- F. Settlement Upon Termination. Immediately upon termination under Sections 9.A.(1), (4) or (5), no Grant Funds shall be disbursed by OEM, and Recipient shall return to OEM Grant Funds previously disbursed to Recipient by OEM in accordance with Section 4.C and the terminating party may pursue additional remedies in law or equity. Upon termination pursuant to any other provision in this Section 10, no further Grant Funds shall be disbursed by OEM and Recipient shall return funds to OEM in accordance with Section 6.c, except that Recipient may pay, and OEM shall disburse, funds for obligations incurred and approved by OEM up to the day that the non-terminating party receives the notice of termination. Termination of this Agreement does not relieve Recipient of any other term of this Agreement that may survive termination, including without limitation Sections 10.D and G.

SECTION 10 - MISCELLANEOUS

- A. No Implied Waiver. No failure or delay on the part of OEM to exercise any right, power, or privilege under this Agreement will operate as a waiver thereof, nor will any single or partial exercise of any right, power, or privilege under this Agreement preclude any other or further exercise thereof or the exercise of any other such right, power, or privilege.
- B. Choice of Law; Designation of Forum; Federal Forum. The laws of the State of Oregon (without giving effect to its conflicts of law principles) govern all matters arising out of or relating to this Agreement, including, without limitation, its validity, interpretation, construction, performance, and enforcement.

Any party bringing a legal action or proceeding against any other party arising out of or relating to this Agreement shall bring the legal action or proceeding in the Circuit Court of the State of Oregon for Marion County (unless Oregon law requires that it be brought and conducted in another county). Each party hereby consents to the exclusive jurisdiction of such court, waives any objection to venue, and waives any claim that such forum is an inconvenient forum.

Notwithstanding the prior paragraph, if a claim must be brought in a federal forum, then it must be brought and adjudicated solely and exclusively within the United States District Court for the District of Oregon. This paragraph applies to a claim brought against the State of Oregon only to the extent Congress has appropriately abrogated the State of Oregon's sovereign immunity and is not consent by the State of Oregon to be sued in federal court. This paragraph is also not a waiver by the State of Oregon of any form of defense or immunity, including but not limited to sovereign immunity and immunity based on the Eleventh Amendment to the Constitution of the United States.

- C. Notices and Communication. Except as otherwise expressly provided in this Agreement, any communication between the parties or notices required or permitted must be given in writing by personal delivery, email, or by mailing the same, postage prepaid, to Recipient or OEM at the addresses set forth below, or to such other persons or addresses that either party may subsequently indicate pursuant to this Section.

Any communication or notice by personal delivery will be deemed effective when actually delivered to the addressee. Any communication or notice so addressed and mailed will be deemed to be received and effective five (5) days after mailing. Any communication or notice given by email becomes effective 1) upon the sender's receipt of confirmation generated by the Recipient's email system that the notice has been received by the Recipient's email system or 2) the Recipient's confirmation of receipt, whichever is earlier. Notwithstanding this provision, the following notices may not be given by email: notice of default or notice of termination.

If to OEM: Alaina Mayfield, Manager Preparedness Section
Oregon Department of Emergency Management
3930 Fairview Industrial Drive SE
Salem OR 97302

If to Recipient: Bates Russell
City of Tualatin
18880 SW Martinazzi Ave. Tualatin, OR 97062

- D. Amendments. This Agreement may not be altered, modified, supplemented, or amended in any manner except by written instrument signed by both parties.
- E. Severability. If any provision of this Agreement will be held invalid or unenforceable by any court of competent jurisdiction, such holding will not invalidate or render unenforceable any other provision.
- F. Successors and Assigns. This Agreement will be binding upon and inure to the benefit of OEM, Recipient, and their respective successors and assigns, except that Recipient may not assign or transfer its rights, obligations or any interest without the prior written consent of OEM.

- G. Counterparts. This Agreement may be signed in several counterparts, each of which is an original and all of which constitute one and the same instrument. Copies of signature by facsimile, electronic scan, or other electronic means will be considered original signatures.
- H. Integration. This Agreement (including all exhibits, schedules or attachments) constitutes the entire agreement between the parties on the subject matter. There are no unspecified understandings, agreements or representations, oral or written, regarding this Agreement.
- I. No Third-Party Beneficiaries. OEM and Recipient are the only parties to this Agreement and are the only parties entitled to enforce the terms of this Agreement. Nothing in this Agreement gives or provides, or is intended to give or provide, to third persons any benefit or right not held by or made generally available to the public, whether directly, indirectly or otherwise, unless such third persons are individually identified by name herein and expressly described as intended beneficiaries of the terms of this Agreement.
- J. Survival. All provisions of this Agreement that by their terms are intended to survive shall survive termination of this Agreement.
- K. Time is of the Essence. Recipient agrees that time is of the essence under this Agreement.
- L. Public Records. OEM's obligations under this Agreement are subject to the Oregon Public Records Laws.
- M. Dispute Resolution. The Parties shall attempt in good faith to resolve any dispute arising out of this Agreement. In addition, the Parties may agree to utilize a jointly selected mediator or arbitrator (for non-binding arbitration) to resolve the dispute short of litigation. Each party shall bear its own costs incurred under this Section 6.C.
- N. Duplicate Payment. Recipient is not entitled to compensation or any other form of duplicate, overlapping or multiple payments for the same work performed under this Agreement from any agency of the State of Oregon or the United States of America or any other party, organization or individual.
- O. Independent Contractor. Recipient shall perform the Project as an independent contractor and not as an agent or employee of OEM. Recipient has no right or authority to incur or create any obligation for or legally bind OEM in any way. Recipient acknowledges and agrees that Recipient is not an "officer", "employee", or "agent" of OEM, as those terms are used in ORS 30.265, and shall not make representations to third parties to the contrary.
- P. Insurance; Workers' Compensation. All employers, including Recipient, that employ subject workers who provide services in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage, unless such employers are exempt under ORS 656.126. Employer's liability insurance with coverage limits of not less than \$500,000 must be included. Recipient shall ensure that each of its Recipient(s), contractor(s), and subcontractor(s) complies with these requirements.

Signature page follows.

The Recipient, by its signature below, acknowledges that it has read this Agreement, understands it, and agrees to be bound by its terms and conditions.



STATE OF OREGON
acting by and through its
Oregon Department of Emergency Management

CITY OF TUALATIN

By: _____
Alaina Mayfield
Preparedness Section Manager

By: _____
Name: _____
Title: _____

Date: _____

Date: _____

APPROVED AS TO LEGAL SUFFICIENCY IN ACCORDANCE WITH ORS 291.047:

Not Required per OAR 137-045-0030]

EXHIBIT A - PROJECT DESCRIPTION AND PROJECT BUDGET

Recipient’s Project Summary: This project will fund the purchase and installation of enhanced access controls at key locations throughout the county. Access control systems will be installed at staffed buildings as well as water quality facilities.

Investment Justification: Soft Target Hardening

Core Capability: Access controls and identity verification

Line Item Activity	OEM Funds	Other / Matching Funds
Equipment	<u>\$125,000</u>	n/a
Total	<u>\$125,000</u>	

Funding Holds, if any:

EHP FUNDING HOLD:

There is a funding hold on this project until OEM receives approval of the project from FEMA after their Environmental and Historical Preservation (EHP) review. OEM will notify subrecipient when this hold has been released. Do not spend funds on this project until you have been notified that this hold has been removed.

EXHIBIT B – [RESERVED]

EXHIBIT C – FEDERAL REQUIREMENTS AND CERTIFICATIONS

Article 1

Assurances, Administrative Requirements, Cost Principles, Representations, and Certifications

Recipients must complete either the Office of Management and Budget (OMB) Standard Form 424B Assurances – Non- Construction Programs, or OMB Standard Form 424D Assurances – Construction Programs, as applicable. Certain assurances in these documents may not be applicable to your program and the DHS financial assistance office (DHS FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances as instructed by the federal awarding agency.

Article 2

[Reserved]

Article 3

Acknowledgement of Federal Funding from DHS

Recipients must acknowledge their use of federal award funding when issuing statements, press releases, requests for proposal, bid invitations, and other documents describing projects or programs funded in whole or in part with federal award funds.

Article 4

Activities Conducted Abroad

Recipients must coordinate with appropriate government authorities when performing project activities outside the United States obtain all appropriate licenses, permits, or approvals.

Article 5

Age Discrimination Act of 1975

Recipients must comply with the requirements of the Age Discrimination Act of 1975, Pub. L. No. 94-135 (codified as amended at 42 U.S.C. § 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.

Article 6

Americans with Disabilities Act of 1990

Recipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, Pub. L. No. 101-336 (1990) (codified as amended at 42 U.S.C.

§§ 12101– 12213), which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities.

Article 7

Best Practices for Collection and Use of Personally Identifiable Information

Recipients who collect personally identifiable information (PII) as part of carrying out the scope of work under a federal award are required to have a publicly available privacy policy that describes standards on the usage and maintenance of the PII they collect. DHS defines PII as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy Template as useful resources respectively.

Article 8

Civil Rights Act of 1964 – Title VI

Recipients must comply with the requirements of Title VI of the Civil Rights Act of 1964, Pub. L. No. 88-352 (codified as amended at 42 U.S.C. § 2000d et seq.), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21. Recipients of an award from the Federal Emergency Management Agency (FEMA) must also comply with FEMA's implementing regulations at 44 C.F.R. Part 7.

Article 9

Civil Rights Act of 1968

Recipients must comply with Title VIII of the Civil Rights Act of 1968, Pub. L. No. 90-284 (codified as amended at 42 U.S.C. § 3601 et seq.) which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex, as implemented by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features. (See 24 C.F.R. Part 100, Subpart D.)

Article 10

Copyright

Recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 to any work first produced under federal awards and also include an acknowledgement that the work was produced under a federal award (including the federal award number and federal awarding agency). As detailed in 2 C.F.R. § 200.315, a federal awarding agency reserves a royalty-free, nonexclusive, and irrevocable right to reproduce, publish, or otherwise use the work for federal purposes and to authorize others to do so.

Article 11

Debarment and Suspension

Recipients must comply with the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689 set forth at 2 C.F.R. Part 180 as implemented by DHS at 2 C.F.R. Part 3000. These regulations prohibit recipients from entering into covered transactions (such as subawards and contracts) with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.

Article 12

Drug-Free Workplace Regulations

Recipients must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of 2 C.F.R. Part 3001, which adopts the Government-wide implementation (2 C.F.R. Part 182) of the Drug-Free Workplace Act of 1988 (41 U.S.C. §§ 8101-8106).

Article 13

Duplicative Costs

Recipients are prohibited from charging any cost to this federal award that will be included as a cost or used to meet cost sharing or matching requirements of any other federal award in either the current or a prior budget period. (See 2 C.F.R. § 200.403(f)). However, recipients may shift costs that are allowable

under two or more federal awards where otherwise permitted by federal statutes, regulations, or the federal financial assistance award terms and conditions.

Article 14

Education Amendments of 1972 (Equal Opportunity in Education Act) – Title IX

Recipients must comply with the requirements of Title IX of the Education Amendments of 1972, Pub. L. No. 92-318 (codified as amended at 20 U.S.C. § 1681 et seq.), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at 6 C.F.R. Part 17.

Recipients of an award from the Federal Emergency Management Agency (FEMA) must also comply with FEMA’s implementing regulations at 44 C.F.R. Part 19.

Article 15

E.O. 14074 – Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety

Recipient State, Tribal, local, or territorial law enforcement agencies must comply with the requirements of section 12(c) of E.O. 14074. Recipient State, Tribal, local, or territorial law enforcement agencies are also encouraged to adopt and enforce policies consistent with E.O. 14074 to support safe and effective policing.

Article 16

Energy Policy and Conservation Act

Recipients must comply with the requirements of the Energy Policy and Conservation Act, Pub. L. No. 94-163 (1975) (codified as amended at 42 U.S.C. § 6201 et seq.), which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.

Article 17

False Claims Act and Program Fraud Civil Remedies

Recipients must comply with the requirements of the False Claims Act, 31 U.S.C.

§§ 3729- 3733, which prohibit the submission of false or fraudulent claims for payment to the Federal Government. (See 31 U.S.C. §§ 3801-3812, which details the administrative remedies for false claims and statements made.)

Article 18

Federal Debt Status

All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129.)

Article 19

Federal Leadership on Reducing Text Messaging while Driving

Recipients are encouraged to adopt and enforce policies that ban text messaging while driving recipient-owned, recipient-rented, or privately owned vehicles when on official government business or when performing any work for or on behalf of the Federal Government. Recipients are also encouraged to conduct the initiatives of the type described in Section 3(a) of E.O. 13513.

Article 20

Fly America Act of 1974

Recipients must comply with Preference for U.S. Flag Air Carriers (a list of certified air carriers can be found at: [Certificated Air Carriers List | US Department of Transportation, https://www.transportation.gov/policy/aviation-policy/certificated-air-carriers-list](https://www.transportation.gov/policy/aviation-policy/certificated-air-carriers-list)) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974, 49 U.S.C. § 40118, and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.

Article 21

Hotel and Motel Fire Safety Act of 1990

Recipients must ensure that all conference, meeting, convention, or training space funded entirely or in part by federal award funds complies with the fire prevention and control guidelines of Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. § 2225a.

Article 22

John S. McCain National Defense Authorization Act of Fiscal Year 2019

Recipients, subrecipients, and their contractors and subcontractors are subject to the prohibitions described in section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. No. 115-232 (2018) and 2 C.F.R. §§ 200.216, 200.327, 200.471, and Appendix II to 2 C.F.R. Part 200. The statute – as it applies to DHS recipients, subrecipients, and their contractors and subcontractors – prohibits obligating or expending federal award funds on certain telecommunications and video surveillance products and contracting with certain entities for national security reasons.

Article 23

Limited English Proficiency (Civil Rights Act of 1964, Title VI)

Recipients must comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance: <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.

Article 24

Lobbying Prohibitions

Recipients must comply with 31 U.S.C. § 1352 and 6 C.F.R. Part 9, which provide that none of the funds provided under a federal award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any federal action related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification. Per 6 C.F.R. Part 9, recipients must file a lobbying certification form as described in Appendix A to 6 C.F.R. Part 9 or available on Grants.gov as the Grants.gov Lobbying Form and file a lobbying disclosure form as described in Appendix B to 6 C.F.R. Part 9 or available on Grants.gov as the Disclosure of Lobbying Activities (SF-LLL).

Article 25

National Environmental Policy Act

Recipients must comply with the requirements of the National Environmental Policy Act of 1969, Pub. L. No. 91-190 (1970) (codified as amended at 42 U.S.C. § 4321 et seq.) (NEPA) and the Council on

Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which require recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans.

Article 26

Nondiscrimination in Matters Pertaining to Faith-Based Organizations

It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Recipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statutes, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.

Article 27

Non-Supplanting Requirement

Recipients of federal awards under programs that prohibit supplanting by law must ensure that federal funds supplement but do not supplant non-federal funds that, in the absence of such federal funds, would otherwise have been made available for the same purpose.

Article 28

Notice of Funding Opportunity Requirements

All the instructions, guidance, limitations, scope of work, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this federal award are incorporated by reference. All recipients must comply with any such requirements set forth in the NOFO. If a condition of the NOFO is inconsistent with these terms and conditions and any such terms of the Award, the condition in the NOFO shall be invalid to the extent of the inconsistency. The remainder of that condition and all other conditions set forth in the NOFO shall remain in effect.

Article 29

Patents and Intellectual Property Rights

Recipients are subject to the Bayh-Dole Act, 35 U.S.C. § 200 et seq. and applicable regulations governing inventions and patents, including the regulations issued by the Department of Commerce at 37 C.F.R. Part 401 (Rights to Inventions Made by Nonprofit Organizations and Small Business Firms under Government Awards, Contracts, and Cooperative Agreements) and the standard patent rights clause set forth at 37 C.F.R. § 401.14.

Article 30

Procurement of Recovered Materials

States, political subdivisions of states, and their contractors must comply with Section 6002 of the Solid Waste Disposal Act, Pub. L. No. 89-272 (1965) (codified as amended by the Resource Conservation and Recovery Act at 42 U.S.C. § 6962) and 2 C.F.R. § 200.323. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.

Article 31

Rehabilitation Act of 1973

Recipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112 (codified as amended at 29 U.S.C. § 794), which provides that no otherwise qualified handicapped individuals in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Article 32

[Reserved]

Article 33

[Reserved]

Article 35

SAFECOM

Recipients receiving federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications. The SAFECOM Guidance is updated annually and can be found at Funding and Sustainment | CISA.

Article 36

Terrorist Financing

Recipients must comply with E.O. 13224 and applicable statutory prohibitions on transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible for ensuring compliance with the E.O. and laws.

Article 37

Trafficking Victims Protection Act of 2000 (TVPA)

Recipients must comply with the requirements of the government-wide financial assistance award term which implements Trafficking Victims Protection Act of 2000, Pub. L. No. 106-386, § 106 (codified as amended at 22 U.S.C. § 7104). The award term is located at 2 C.F.R. § 175.15, the full text of which is incorporated by reference.

Article 38

Universal Identifier and System of Award Management

Recipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A, the full text of which is incorporated reference.

Article 39

USA PATRIOT Act of 2001

Recipients must comply with requirements of Section 817 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), which amends 18 U.S.C. §§ 175–175c.

Article 40

Use of DHS Seal, Logo and Flags

Recipients must obtain written permission from DHS prior to using the DHS seals, logos, crests, or reproductions of flags, or likenesses of DHS agency officials. This includes use of DHS component (e.g., FEMA, CISA, etc.) seals, logos, crests, or reproductions of flags, or likenesses of component officials.

Article 41

Whistleblower Protection Act

Recipients must comply with the statutory requirements for whistleblower protections at 10 U.S.C § 470141 U.S.C. § 4712.

Article 42

Environmental Planning and Historic Preservation (EHP) Review

DHS/FEMA funded activities that may require an Environmental Planning and Historic Preservation (EHP) review are subject to the FEMA EHP review process. This review does not address all federal, state, and local requirements. Acceptance of federal funding requires the recipient to comply with all federal, state and local laws. DHS/FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by DHS/FEMA grant funds, through its EHP review process, as mandated by: the National Environmental Policy Act; National Historic Preservation Act of 1966, as amended; National Flood Insurance Program regulations; and any other applicable laws and executive orders. General guidance for FEMA's EHP process is available on the DHS/FEMA Website at: <https://www.fema.gov/grants/guidance-tools/environmental-historic>. Specific applicant guidance on how to submit information for EHP review depends on the individual grant program and applicants should contact their grant Program Officer to be put into contact with EHP staff responsible for assisting their specific grant program. The EHP review process must be completed before funds are released to carry out the proposed project; otherwise, DHS/FEMA may not be able to fund the project due to noncompliance with EHP laws, executive orders, regulations, and policies. If ground disturbing activities occur during construction, applicant will monitor ground disturbance, and if any potential archaeological resources are discovered the applicant will immediately cease work in that area and notify the pass-through entity, if applicable, and DHS/FEMA.

Article 43

Applicability of DHS Standard Terms and Conditions to Tribes

The DHS Standard Terms and Conditions are a restatement of general requirements imposed upon recipients and flow down to sub-recipients as a matter of law, regulation, or executive order. If the requirement does not apply to Indian tribes or there is a federal law or regulation exempting its application to Indian tribes, then the acceptance by Tribes of, or acquiescence to, DHS Standard Terms and Conditions does not change or alter its inapplicability to an Indian tribe. The execution of grant documents is not intended to change, alter, amend, or impose additional liability or responsibility upon the Tribe where it does not already exist.

Article 44

[Reserved]

Article 45

Disposition of Equipment Acquired Under the Federal Award

For purposes of original or replacement equipment acquired under this award by a non-state recipient or non-state sub-recipients, when that equipment is no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, you must request instructions from FEMA to make proper disposition of the equipment pursuant to 2 C.F.R. section 200.313.

State recipients and state sub-recipients must follow the disposition requirements in accordance with state laws and procedures.

Article 46

[Reserved]

Article 47

Indirect Cost Rate

2 C.F.R. section 200.211(b)(15) requires the terms of the award to include the indirect cost rate for the federal award. If applicable, the indirect cost rate for this award is stated in the budget documents or other materials approved by FEMA and included in the award file.

EXHIBIT D – [RESERVED]

EXHIBIT E - INFORMATION REQUIRED BY 2 CFR § 200.332(A)(1)

Federal Award Identification:

- (i) Subrecipient* name (which must match registered name in SAM): City of Tualatin
 - (ii) Subrecipient's Unique Entity Identifier (SAM): GKBJUN8BP6K1
 - (iii) Federal Award Identification Number (FAIN): EMW-2024-SS-05129
 - (iv) Federal Award Date: August 19, 2024
 - (v) Sub-award Period of Performance Start and End Date: October 1, 2024 through September 30, 2026
 - (vi) Sub-award budget period start and end dates: October 1, 2024 through September 30, 2026
 - (vii) Amount of Federal Funds Obligated by this action by the pass-through entity to the subrecipient: \$125,000
 - (viii) Total Amount of Federal Funds Obligated to the subrecipient by the pass-through entity including the current financial obligation: \$125,000
 - (ix) Total Amount of the Federal Award committed to the subrecipient by the pass-through entity: \$125,000
 - (x) Federal award project description as required to be responsive to the Federal Funding Accountability and Transparency Act (FFATA): On-scene Security, Protection, Law Enforcement
 - (xi) Name of Federal awarding agency, pass-through entity, and contact information for awarding official of the Pass-through entity:
 - (a) Name of Federal awarding agency: FEMA
 - (b) Name of pass-through entity: Oregon Department of Emergency Management
 - (c) Contact information for awarding official of the pass-through entity: Erin McMahon, Director – Oregon Department of Emergency Management, 3930 Fairview Industrial Drive SE, Salem, OR 97302
 - (xii) The Federal Assistance Listing (formerly CFDA) Number and Name: 97.067 Homeland Security Grant Program ,
Amount: \$7,773,478
 - (xiii) Is Award R&D? No
 - (xiv) Indirect cost rate for the Federal award: N/A
- * For the purposes of this Exhibit E, "Subrecipient" refers to Recipient and "pass-through entity" refers to OEM.

EXHIBIT F - [RESERVED]

(Awards in excess of \$100,000)

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signed _____

Title _____

Date _____



CITY OF TUALATIN

Staff Report

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Greg Pickering, Chief of Police

DATE: September 22, 2025

SUBJECT:

Consideration of Resolution No. 5914-25 Authorizing a Contract Renewal with Axon for Body Worn Cameras, Tasers, Digital Evidence Storage, Maintenance, and Support.

EXECUTIVE SUMMARY:

The Tualatin Police Department wishes to renew its contract with Axon for body worn cameras, tasers, digital evidence storage, maintenance, and support. The contract provides for upgrades across the five-year renewal term and will ensure all sworn personnel remain equipped with reliable less-lethal tools and evidence-capture technology, improving both officer safety and community transparency.

This renewal will allow the Department to continue capturing evidence during selected public contacts, to include emergency high-risk encounters and to increase our transparency with the community, thus reducing the City's overall risk exposure and potential liability. The upgraded technology will also allow supervisors to review officer interactions with the public and identify areas that require increased training.

The five-year contract renewal with Axon will be under a "lifecycle" program that combines equipment, warranties, and refresh cycles. Through this program, the Department will receive updated and supportable replacement technology at regular intervals, keeping equipment current. In addition to hardware, the program provides cloud-based digital evidence management through Axon's Evidence.com platform, which integrates with the Department's records management system. This system provides secure case-based storage and allows the Washington County District Attorney's Office to access case evidence directly. It also supports broader evidence access for investigators, defense attorneys, civil attorneys, and others, with appropriate redaction by the Property & Evidence Technician.

Under this renewal, the Department will receive new Axon Taser 10s, along with associated cartridges, holsters, and accessories. Body-worn cameras will remain in service until scheduled refreshes in 2028 and 2030, ensuring continuity of coverage and eventual upgrades to newer models. The program also includes licenses for Axon's AI Assistant and VR training modules, which the Department will use for enhanced casework and officer training.

The Police Department reviewed its requirements and concluded that Axon continues to be the best fit. The League of Oregon Cities conducted a cooperative procurement and executed a Master Price Agreement with Axon, which the City of Tualatin is using for this renewal. This cooperative purchase provides best pricing and eliminates the need for the City to issue its own Request for Proposals.

OUTCOME OF DECISION:

Adopting the resolution will enable the Police Department to maintain and upgrade its body-worn camera and less-lethal technology program.

FINANCIAL IMPLICATIONS:

The contract renewal totals \$551,250 over five years, structured as follows:

- Year 1: \$79,711
- Years 2-5: \$117,885 annually

The first-year cost is included in the adopted FY 2025-26 General Fund budget. Costs in future years will be incorporated into subsequent General Fund budgets.

ATTACHMENTS:

- Resolution No. 5914-25 Authorizing a Contract Renewal with Axon.

RESOLUTION NO. 5914-25

A RESOLUTION AUTHORIZING A CONTRACT RENEWAL WITH AXON FOR BODY WORN CAMERAS, TASERS, DIGITAL EVIDENCE STORAGE, MAINTENANCE, AND SUPPORT

WHEREAS, the Tualatin Police Department seeks to maintain and upgrade its technology by renewing its contract with Axon Enterprise, Inc. for body-worn cameras, Tasers, digital evidence storage, maintenance, and support; and

WHEREAS, this renewal will provide new Taser 10 devices, scheduled body-worn camera refreshes, cloud-based evidence storage, and related services, ensuring all sworn personnel remain equipped with reliable less-lethal tools and evidence-capture technology; and

WHEREAS, the continued use of this equipment and software enhances the Department's ability to capture evidence, improve transparency, and reduce the City's overall risk exposure and potential liability; and

WHEREAS, the League of Oregon Cities has conducted a cooperative procurement and executed a Master Price Agreement with Axon Enterprise, Inc., which the City of Tualatin may use to secure best pricing through a cooperative purchasing process;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The City Manager is authorized to execute a five-year contract renewal with Axon Enterprise, Inc. for the purchase, maintenance, and support of body-worn cameras, Tasers, and digital evidence storage in the amount of \$551,250.

Section 2. The City Manager, or the City Manager's designee, is authorized to execute Change Orders totaling up to 10% of the original contract amount.

Section 3. This resolution is effective upon adoption.

Adopted by the City Council this 22nd day of September, 2025.

ATTEST:

CITY OF TUALATIN, OREGON

BY _____
City Recorder

BY _____
Mayor



CITY OF TUALATIN

Staff Report

TO: Honorable Mayor and Members of the City Council
THROUGH: Sherilyn Lombos, City Manager
FROM: Nicole Morris, Deputy City Recorder
DATE: 9/22/2025

SUBJECT:

Consideration of Resolution No. 5916-25 Awarding Fiscal Year 2025-26 Outside Agency Grant Funds to Provide Services to the Tualatin Community

RECOMMENDATION:

Staff recommends the City Council approve Resolution No. 5916-25 awarding the 2025-26 Outside Agency Grants.

EXECUTIVE SUMMARY:

On September 8, 2025, the City Council discussed in work session the disbursements of the fiscal year 2025-26 Outside Agency Grant funding. Consensus was reached at the meeting to disperse the funds as follows:

Agency	Award Amount
Borland Free Clinic	\$4,000
Community Partners for Affordable Housing	\$2,000
Community Warehouse	\$500
Domestic Violence Resource Center	\$2,250
Family Peace Center	\$4,500
Family Promise of Tualatin Valley	\$5,250
Just Compassion	\$1,000
Love INC- Tigard, Tualatin, and Sherwood	\$500
Neighbors Nourishing Communities	\$500
Pili Group	\$2,000
Ride Connection	\$2,000
Sexual Assault Resource Center	\$2,500
SMART Reading	\$4,500
The Foundation for Tigard Tualatin Schools	\$2,500
Tigard-Tualatin Family Resource Center	\$4,000
Tualatin Food Pantry	\$5,000

Tualatin Riverkeepers	\$3,500
Tualatin Together	\$3,100
Tualatin Valley Pride	\$400

FINANCIAL IMPLICATIONS:

Grant funds for the Outside Agency Grants were budgeted for Fiscal Year 2025-26 in the amount of \$50,000.

ATTACHMENTS:

-Resolution No. 5916-25

RESOLUTION NO. 5916-25

RESOLUTION AWARDING FISCAL YEAR 2025/2026 OUTSIDE AGENCY GRANT FUNDS TO PROVIDE SOCIAL SERVICES TO THE CITIZENS OF TUALATIN

WHEREAS, the City Council finds that providing social services is an important governmental function; and

WHEREAS, the City does not provide social services directly; and

WHEREAS, other non-profit entities exist that provide social services that serve the citizens of the City of Tualatin; and

WHEREAS, the City finds it is most efficient for the City to utilize these entities to provide social services to the citizens of Tualatin; and

WHEREAS, the City finds it is in the public interest for the City to grant funds directly to non-profit entities in order to provide needed social services;

WHEREAS, the City Council finds the City will receive a direct public benefit from the expenditure of these funds.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The City Council awards the following amounts to the following entities as a grant to provide social services to the citizens of the City of Tualatin:

Agency	Award Amount
Borland Free Clinic	\$4,000
Community Partners for Affordable Housing	\$2,000
Community Warehouse	\$500
Domestic Violence Resource Center	\$2,250
Family Peace Center	\$4,500
Family Promise of Tualatin Valley	\$5,250
Just Compassion	\$1,000
Love INC- Tigard, Tualatin, and Sherwood	\$500
Neighbors Nourishing Communities	\$500
Pili Group	\$2,000
Ride Connection	\$2,000

Sexual Assault Resource Center	\$2,500
SMART Reading	\$4,500
The Foundation for Tigard Tualatin Schools	\$2,500
Tigard-Tualatin Family Resource Center	\$4,000
Tualatin Food Pantry	\$5,000
Tualatin Riverkeepers	\$3,500
Tualatin Together	\$3,100
Tualatin Valley Pride	\$400

Section 2. The City Manager is authorized to execute grant agreements with the entities and amounts established in Section 1 of this resolution.

Section 3. This resolution is effective upon adoption.

INTRODUCED AND ADOPTED this 22nd day of September, 2025.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO LEGAL FORM

BY _____
City Attorney

ATTEST:

BY _____
City Recorder



CITY OF TUALATIN Staff Report

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Aquilla Hurd-Ravich, Community Development Director
Madeleine Nelson, Associate Planner

DATE: September 22, 2025

SUBJECT:

Resolution No. 5915-25 A Request for review of INT25-0001, Honey Bucket interpretation decision, located at 18805 SW 108th Avenue (Tax Lots: 2S122AD 600, 700, and 800).

ISSUE BEFORE THE COUNCIL:

A hearing before the City Council for consideration of INT25-0001, Honey Bucket interpretation decision, located at 18805 SW 108th Avenue (Tax Lots: 2S122AD 600, 700, and 800). The interpretation decision was issued on July 11, 2025.

RECOMMENDATION:

Staff recommend that City Council consider the staff report, attachments, and materials submitted into the record and provide direction to staff. A resolution affirming the July 11, 2025, interpretation in INT25-0001 is included as Attachment C.

EXECUTIVE SUMMARY:

- The hearing is a quasi-judicial procedure.
- The subject of appeal is INT25-0001 and the City staff's interpretation decision dated July 11, 2025.
- The subject property is 3.8-acres located at 18805 SW 108th Avenue. The site is zoned in the Light Manufacturing (ML) Planning District and has frontage along SW 108th Avenue.
- On June 11, 2025, a Request for Interpretation (INT25-0001)(Exhibit B) was submitted by Northwest Cascade, Inc. DBA Honey Bucket, represented by Merissa Moeller of Stoel Rives LLP, to identify if the proposed uses of "a portable restroom and industrial equipment rental business" are permitted uses within the Light Manufacturing (ML) Zone. The applicant requested that the City of Tualatin find the proposed use to be of a similar character and to meet the purpose of the ML zone, as provided in TDC 31.070.
- Within Tualatin Development Code (TDC) Table 60-1 (Use Categories in the ML Zone), "a portable restroom and industrial equipment rental business" is not explicitly listed as permitted in the ML zone.
- City staff's decision (Exhibit C) evaluated the application following the interpretation process of TDC 31.070. The decision determined that the primary use most closely aligns with the Solid Waste Treatment and Recycling use category. After review of the record, text and context of TDC 39.100(3)(c) (Accessory Uses) and (4) (Considerations in Classifying Uses), the interpretation found that Honey Bucket's waste-related activities at the subject site are not subordinate and incidental to

the stated primary use but part and parcel of and an important, essential component of that use. The decision determined the site does collect, store, and wash the toilets on site as well as temporarily store the waste from those toilets onsite. As such, the proposed rental of portable restroom units contains many of the characteristics associated with a Solid Waste Treatment and Recycling use and is properly classified as Solid Waste Treatment and Recycling. The interpretation issued July 11, 2025, concluded that the proposed portable toilet collection and associated holding tank, and the proposed rental of shower units; temporary fence panels (fencing); temporary metal storage containers; and ground-level office units are both prohibited uses within the ML Zone.

- A Request for Review of INT25-0001 (Exhibit A) was filed on July 24, 2025, by Northwest Cascade, Inc. DBA Honey Bucket (c/o Greg Potts); cc: Merissa Moeller (Stoel Rives LLP). The applicant submitted the Request for Review on the basis that the INT25-0001 decision would “adversely affect business operations that are not allowed under the property’s current zoning”.

OUTCOMES OF DECISION:

Affirmation of the Interpretation Decision INT25-0001 will result in the following:

- Approves the July 11, 2025, staff decision on the Applicants’ request in INT25-0001 and adopts Resolution 5915-25.
- Confirms that the requirements of TDC 31.071, TDC Chapter 39 and Chapter 60 have been met.
- Determines that the primary site use is considered Solid Waste Treatment and Recycling. In the Light Manufacturing (ML) Planning District, the Solid Waste Treatment and Recycling is limited to recycling collection centers. The INT25-0001 decision determined that the applicant’s use is not a permitted use at 18805 SW 108th Avenue. Affirmation of the Interpretation, or a denial of the appeal, confirms the applicant’s use is not a permitted use in the Light Manufacturing zone.

Reversal of the Interpretation Decision INT25-0001

- Concurs with the Applicant’s challenge of staff’s interpretation (INT25-0001) decision.
- Determines that the “portable restroom and industrial equipment rental business,” are Permitted uses within the Light Manufacturing (ML) Zone. Within Tualatin Development Code Table 60-1 (Use Categories in the ML Zone), “a portable restroom and industrial equipment rental business” is not explicitly listed as Permitted in the ML zone. Finds the proposed use to be of a similar character and to meet the purpose of the ML zone, as provided in TDC 31.070. Approval of the appeal confirms the use is allowed in the Light Manufacturing zone.

ALTERNATIVES TO RECOMMENDATION:

The City Council may alternately:

- Affirm the INT25-0001 Decision and adopt attached Resolution 5915-25;
- Revise or modify the INT25-0001 Decision and adopt a written order that clearly states the basis for the Council’s decision;
- Reverse the INT25-0001 Decision and adopt a written order that clearly states the basis for the Council’s decision; or
- Continue the hearing to a later date.

ATTACHMENTS:

- Attachment A – Presentation
- Attachment B – Findings and Analysis
- Attachment C – Resolution Affirming INT25-0001 Interpretation Decision
- Exhibit A – Request for Review of INT25-0001, July 24, 2025
- Exhibit B – INT25-0001 Interpretation Request, June 11, 2025
- Exhibit C – INT25-0001 Interpretation Decision, July 11, 2025
- Exhibit D – Public Notice



Request for Review: Honey Bucket Interpretation

INT25-0001

September 22, 2025

Issue Before Council



Consideration of an appeal filed by the applicant of a staff interpretation decision, INT25-0001, issued on July 11, 2025.

- **Approval of Appeal = Confirms the applicant's interpretation of the Tualatin Development Code**
- **Denial of Appeal = Confirms staff's interpretation of the Tualatin Development Code**



Subject Site



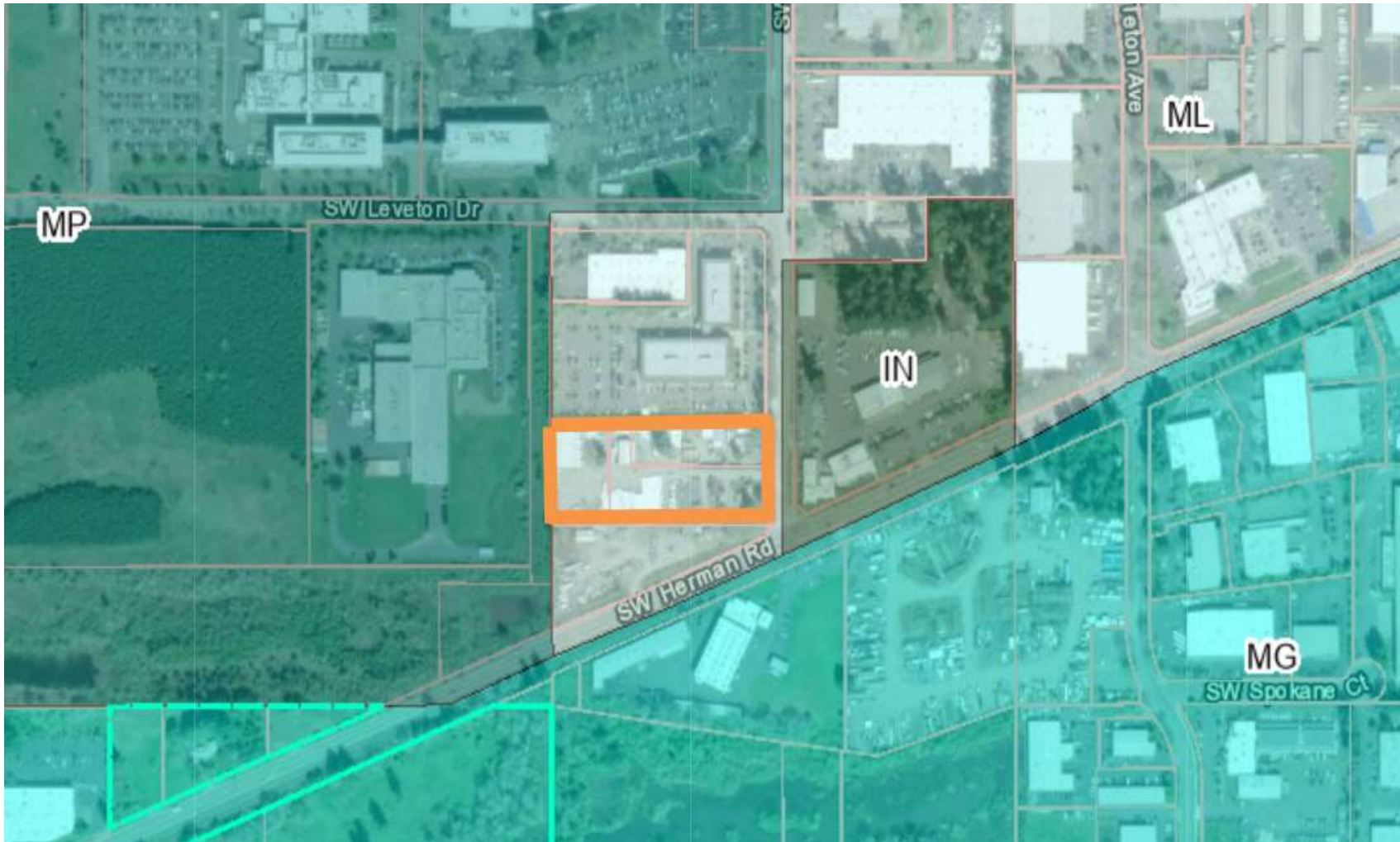
The site is located at 18805 SW 108th Avenue

- Comprised of 3 Tax Lots: 2D122AD 600, 700 and 800
- 3.8-acres
- Access from SW 108th Avenue
- Light Manufacturing (ML) Planning District

The purpose of the ML zone is to provide suitable areas for light industrial uses and limited supportive commercial activities, while buffering residential and commercial areas from heavy manufacturing and prohibiting hazardous or environmentally adverse operations.



Subject Site



CITY of
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Background



Code Enforcement Investigation: **October 2024**

Formal Request for Interpretation Submitted: **June 11, 2025**

Honey Bucket Interpretation
(INT25-0001) Issued: **July 11, 2025**

Request for Review of INT25-0001 Decision
Submitted: **July 24, 2025**

Public Notice: **August 25, 2025**

City Council Hearing: **September 22, 2025**



CITY of
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TDC 60.200 – Use Categories in the ML Zone

Use Category	Status	Limitations and Code References
Solid Waste Treatment and Recycling	C (L)	Conditional uses limited to recycling collection center.
Wholesale Sales	P/C (L)	<p>Permitted uses limited to:</p> <ul style="list-style-type: none">• Sales of industrial hand tools, industrial supplies such as safety equipment and welding equipment, that are products primarily sold wholesale to other industrial firms or industrial workers; and• Sale, service and rental of construction and industrial equipment to contractors and industrial firms only. <p>Conditional use required for wholesale sales of building materials and supplies</p>



INT25-0001 Honey Bucket Interpretation



INT25-0001 Applicant Submission:

- The Applicant stated that the primary onsite activity is the loading/unloading, washing, and storing of portable restrooms and other industrial equipment rented from the site.
- The Applicant asserted that its primary use at the site (rental of portable restrooms and other industrial equipment to other businesses) is best characterized as a Wholesale Sales use, and that the waste-related components of the use are ancillary and accessory to the primary use.

INT25-0001 Staff Determination:

- Honey Bucket's primary use most closely aligns with the Solid Waste Treatment and Recycling use category.
 - Activities include:
 - **Collection, storage, and washing of portable toilets onsite**
 - **Temporary waste storage onsite**
- The activities are essential to the proposed use, not incidental. In the ML zone, the Solid Waste Treatment and Recycling use is limited to a recycling collection center. The existing use is prohibited.



INT25-0001 Honey Bucket Interpretation



The applicant argued that the onsite uses align with the Wholesale Sales Use. In the interpretation request narrative (Exhibit B), when describing the aspects of its business, Honey Bucket asserted the following:

- Honey Bucket’s business typically operates between 4 AM and 7PM- but may operate seven days a week with extended hours to accommodate demand surges or peak season events;
- After use by commercial and industrial customers, waste is pumped out of all units offsite before the restrooms are retrieved for cleaning and storage at the Site;
- Trucks that empty the restrooms of waste offsite return to the Site, where the pumped waste is stored temporarily in a holding tank;
- An additional truck empties the tank and delivers the waste to a final offsite destination for disposal
- Once at the Site, employees service the restrooms by washing units inside and outside via a closed loop wash water reuse station that reclaims and recycles water into a private reclamation system;
- Honey Bucket pumps the recycled water with one of its delivery trucks and disposes of it in an approved wastewater facility;
- Employees stock and load clean restrooms with necessary supplies and store them onsite.



INT25-0001 Staff Determination



- Honey Bucket’s primary use most closely aligns with the Solid Waste Treatment and Recycling use category.
- In the Light Manufacturing (ML) zone, the Solid Waste Treatment and Recycling use is limited to a recycling collection center.
- TDC 39.420(2), lists “portable toilet collection, storage and pumping” as an example of the specific subtype of uses within that category. Honey Bucket receives solid waste materials, which is a listed characteristic that defines the Solid Waste Treatment and Recycling use classification.
- The use in question does not pump the portable toilets onsite, it does collect, store, and wash the toilets onsite, as well as, temporarily store the waste from those toilets onsite.
- The proposed rental of portable restroom units, as well as, the temporary waste holding tank, as it is associated with the use, are both prohibited in the ML zone.



INT25-0001 Staff Determination Cont.



- Staff noted the Light Manufacturing (ML) Use Category Table 60-1, further limits the Wholesale Sales use category to sales of industrial hand tools, industrial supplies such as safety equipment and welding equipment, that are products primarily sold wholesale to other industrial firms or industrial workers; and sale, service and rental of construction and industrial equipment to contractors and industrial firms only; and further that a conditional use is required for wholesale sales of building materials and supplies.
- The Applicant's operation includes activity (receiving solid waste materials) that is not permitted in the Wholesale Sales Industrial Use Category.
- The interpretation, concluded that the existing portable toilet collection and associated holding tank, and the proposed rental of shower units; temporary fence panels (fencing); temporary metal storage containers; and ground-level office units are both prohibited uses within the ML Zone.



Request for Review/Appeal



Party Requesting the Appeal		
Name: Northwest Cascade, Inc. DBA Honey Bucket (c/o Greg Potts); cc: Merissa Moeller (Stoel Rives LLP)		
Mailing Address: PO Box 73399		
City: Puyallup	State: Washington	ZIP: 98373
Phone: (253) 848-2373	Email: gregpotts@nwcascade.com; merissa.moeller@stoel.com	
Describe your relationship to the project (e.g., applicant, neighbor) and standing to appeal the decision, including whether you submitted comments during the applicable comment period and how you would be adversely affected by the decision:		
Applicant; adversely affected by decision that business operations are not allowed under the property's current zoning.		

Applicant requested the appeal stating they would be, “Adversely affected by decision that business operations are not allowed under the property’s current zoning”.



Request for Review/Appeal



- TDC 32.310 (Request for Review) applies to this process:
 - Staff has provided analysis and findings for all applicable code sections
 - The applicant submitted additional letters to City Council on September 18th that are included in the packet materials



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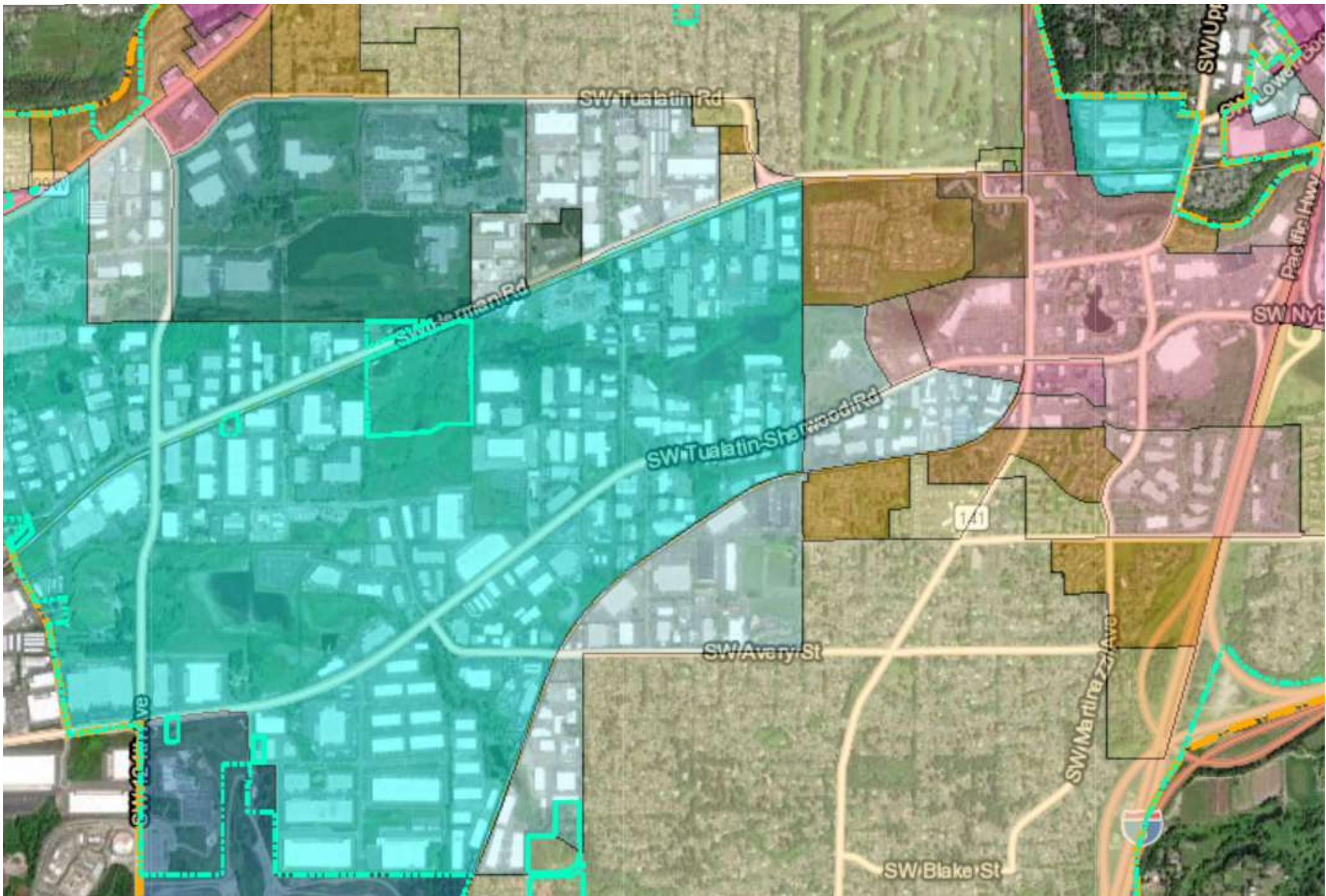
COUNCIL ACTION

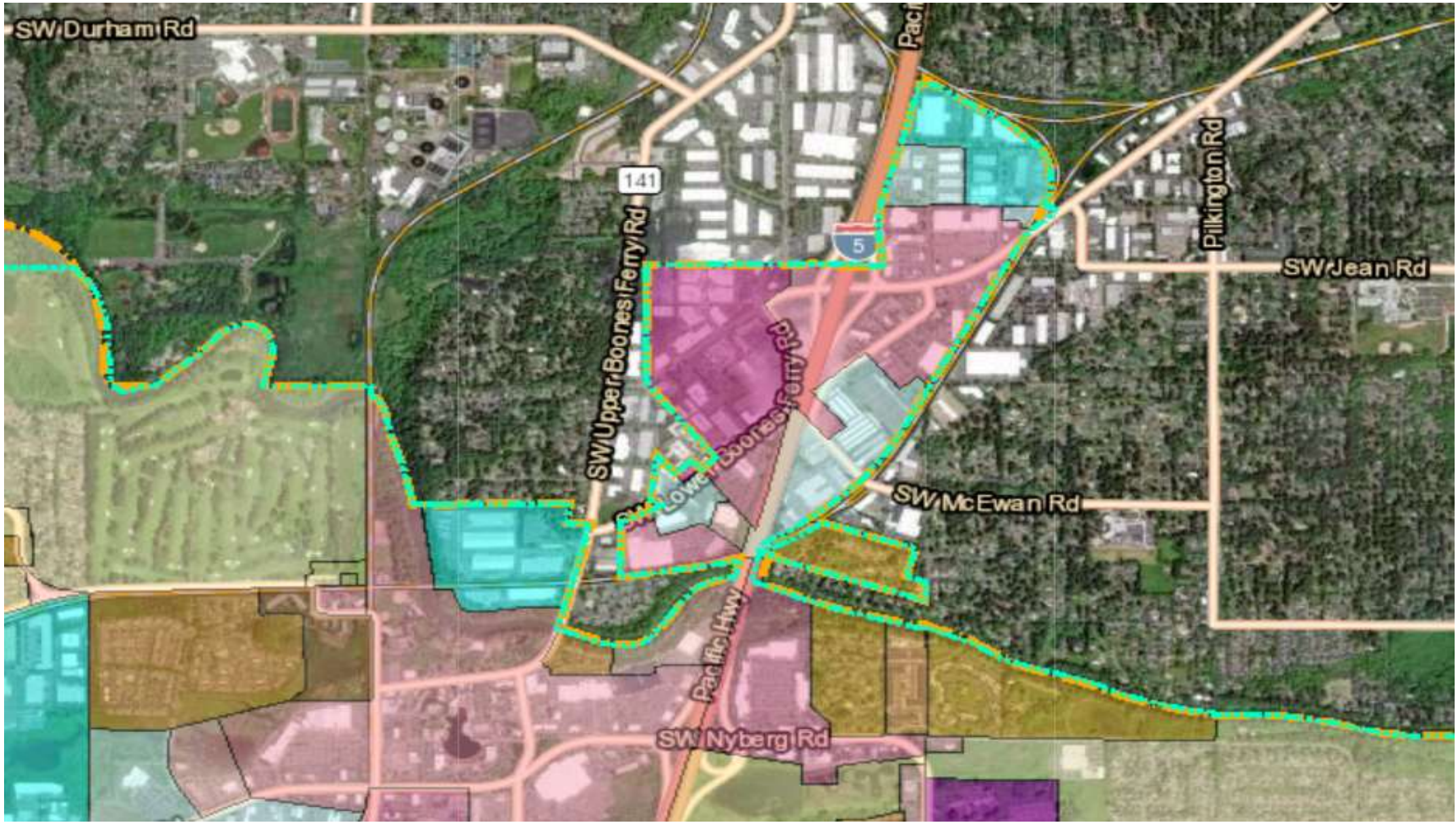


City Council is asked to make a decision on the Request for Review of the INT25-0001 Honey Bucket Interpretation.

Council may:

- *Affirm the INT25-0001 Decision and adopt Resolution 5915-25;*
 - ***i.e. deny appeal***
- *Revise or modify the INT25-0001 Decision and adopt a written order that clearly states the basis for the Council's decision;*
- *Reverse the INT25-0001 Decision and adopt a written order that clearly states the basis for the Council's decision; or*
 - ***i.e. approve appeal***
- *Continue the hearing to a later date.*







CITY *of*
TUALATIN



ANALYSIS AND FINDINGS
REQUEST FOR REVIEW OF INTERPRETATION 25-0001
September 22, 2025

Case #:	INT 25-0001
Location:	18805 SW 108 th Avenue (Tax Lots: 2S122AD 600, 700 and 800)
Planning District:	Light Manufacturing (ML)
Applicant:	Northwest Cascade, Inc. DBA Honey Bucket

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Arrangements can be made to provide these materials in alternative formats such as large type or audio recording. Please contact the Planning Division at 503.691.3026 and allow as much lead time as possible.



I. INTRODUCTION

Applicable Criteria

The following Chapters of the Tualatin Development Code (TDC) are applicable to the subject proposal:

- TDC 31: General Provisions
- TDC 32: Procedures
- TDC 39: Use Categories
- TDC 60: Light Manufacturing (ML) Zone
- TDC 63: Industrial Uses and Utilities and Manufacturing Zones – Environmental Regulations

Site Description

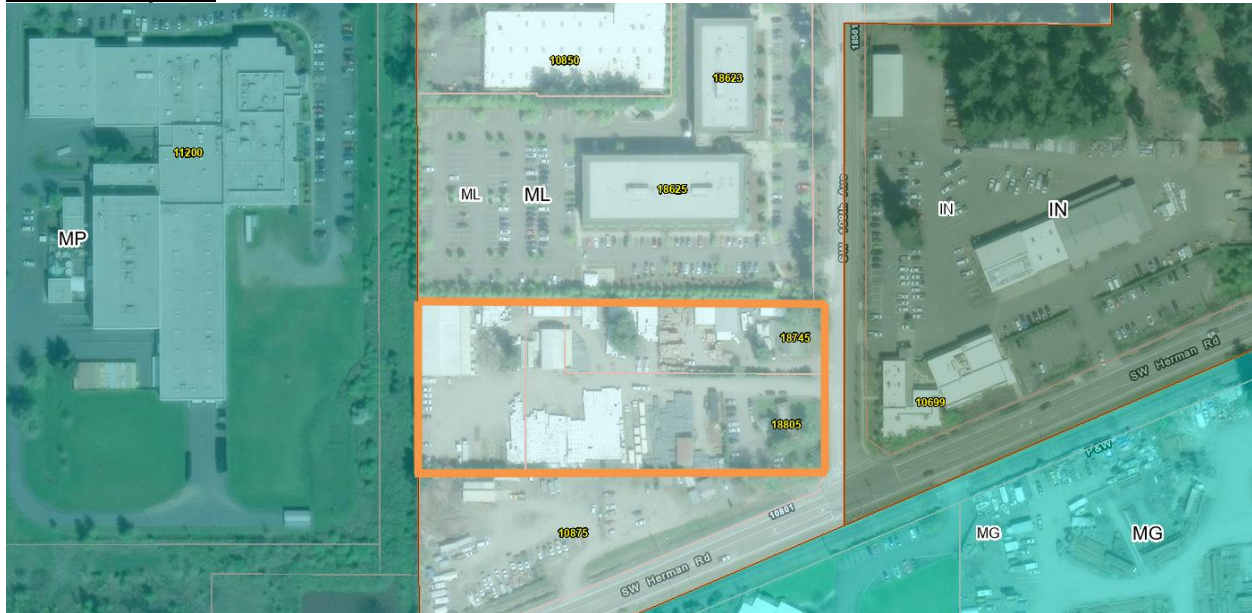


Figure 1 – Aerial view of site with zoning (TualGIS)

The site, owned by Willy Lump Lump LLC, located at 18805 SW 108th Avenue (Tax Lots: 2S122AD 600, 700, and 800) is approximately 3.8 acres and is zoned Light Manufacturing (ML). The site takes access from SW 108th Avenue via an existing paved driveway and on-site vehicular circulation area on the eastern border.

Proposed Project

On June 11, 2025, the applicant, Northwest Cascade, Inc. DBA Honey Bucket (“Honey Bucket” or “Applicant”), represented by Merissa Moeller of Stoel Rives LLP, requested an Interpretation of Code Provisions that the proposed uses, which comprise of “a portable restroom and industrial equipment rental business,” are Permitted uses within the Light Manufacturing (ML) Zone). Within Table 60-1 (Use Categories in the ML Zone), “a portable restroom and industrial equipment rental business” is not explicitly listed as Permitted in the ML zone. Consequently, the applicant requested that the City of Tualatin (the “City”) find the proposed use to be of a similar character and to meet the purpose of the ML zone, as provided in TDC 31.070.

Staff's interpretation decision (INT25-0001), included as Exhibit C, evaluated the application following the interpretation process of TDC 31.070. The decision determined that the primary use most closely aligns with the Solid Waste Treatment and Recycling use category. After review of the record, text and context of TDC 39.100(3)(c) (Accessory Uses) and (4)(Considerations in Classifying Uses), the interpretation found that Honey Bucket's waste-related activities at the subject site are not subordinate and incidental to the stated primary use but part and parcel of and an important, essential component of that use. The decision determined the site does collect, store, and wash the toilets on site, as well as, temporarily store the waste from those toilets onsite. As such, the proposed rental of portable restroom units contains many of the characteristics associated with a Solid Waste Treatment and Recycling use and is properly classified as Solid Waste Treatment and Recycling. The interpretation, concluded that the proposed portable toilet collection and associated holding tank, and the proposed rental of shower units; temporary fence panels (fencing); temporary metal storage containers; and ground-level office units are both prohibited uses within the ML Zone.

Staff issued the INT25-0001 decision on July 11, 2025. The applicant submitted the subject Request for Review on July 24, 2025, included as Exhibit A. The submitted Request for Review stated the applicant would be adversely affected by the decision that business operations are not allowed under the property's current zoning. At the time of writing the analysis and findings, no additional materials have been submitted by the applicant.

Previous Land Use Actions

- AR 89-15 – Northwest Metal Fab & Pipe Roof Modification

Surrounding Uses

Adjacent land uses include:

North: Light Manufacturing (ML)

- Lam Research

South: Light Manufacturing (ML)

West: Manufacturing Park (MP)

- Fujimi Corporation

East: Institutional (IN)

- City of Tualatin – Tualatin City Services Building

Exhibit List

- Exhibit A – Request for Review of INT25-0001, July 24, 2025
- Exhibit B – INT25-0001 Interpretation Request
- Exhibit C - INT25-0001 Interpretation Decision, July 11, 2025
- Exhibit D – Public Notice

II. FINDINGS

Findings reference the Tualatin Development Code (TDC), unless otherwise noted.

Chapter 31: General Provisions.

Section 31.070 - Interpretation of Code Provisions.

- (1) The City Manager has the initial authority and responsibility to interpret all terms, provisions and requirements of the Tualatin Development Code.
- (2) Unless accompanied by an application, submitted under some other Development Code or Ordinance provision, a party wishing an interpretation must submit a written application to the City Manager. The application must be accompanied by a detailed description of factors related to the issue for interpretation, including, but not limited to:
 - (a) The amount and type of traffic generated;
 - (b) The type of manufacturing or commercial process;
 - (c) The nature of any machinery used;
 - (d) Noise and odor characteristics, associated with the use or activity;
 - (e) Outside storage of materials or products;
 - (f) Type of structures required;
 - (g) Character of activity to be conducted on the site;
 - (h) Determination of the maximum vehicle parking and/or minimum bicycle parking required;
 - (i) Number of persons who would occupy the premises at any one time; and
 - (j) Any other information which the City Manager or designee determines to be relevant to a determination of the issue.
- (3) Within 30 days of the submission of all required information, the City Manager must cause a final decision to be made on the issue. The decision must include findings of fact and conclusions for the particular aspects of the decision, based upon applicable criteria. Notice of the decision must be provided to the City Council. The City Manager must maintain a collection of such decisions.
- (4) The final decision on a Code interpretation under this section may be appealed to the City Council pursuant to the provisions of TDC 31.076 and 31.077.

Finding:

The applicant submitted a written request for interpretation (INT25-0001) on June 11, 2025, which included a narrative addressing the standards and details described in Chapter 31. The City issued the formal interpretation decision on July 11, 2025. The applicant submitted a request for review of the INT25-0001 decision on July 24, 2025. The final decision on a Code interpretation under this section may be appealed to the City Council pursuant to the provisions of Tualatin Development Code (TDC) 31.076 and 31.077. However, TDC Sections 31.076 and 31.077 are no longer included in the Tualatin Development Code, and no current provisions address the appeal hearing procedure that applies to TDC 31.070 Interpretations. TDC 32.240- Type IV-A Procedure (Quasi-Judicial Review- City Council Public Hearing) is substantially similar to the quasi-judicial procedures laid out in former TDC 31.076-77 (see esp. TDC 31.076(2)(d);(4) and TDC 31.077). As such, the City will follow the procedures laid out at TDC 32.240 for this Interpretation appeal.

The applicant's request for interpretation (Exhibit B) stated the primary use of the site (rental of portable restrooms and other industrial equipment to other businesses) would be best characterized as a Wholesale Sales Use, and the waste-related components of the use are ancillary and accessory to the primary use.

In the July 11, 2025, INT25-0001 decision (Exhibit C), staff determined that Honey Bucket's primary use most closely aligns with the Solid Waste Treatment and Recycling use category. In making this determination, staff applied the factors outlined in TDC 31.070(2), which reflect the activities described in the applicant's narrative. The machinery used for cleaning and servicing portable sanitation units, noise and odor characteristics generated by those operations, and the necessity of outdoor storage for units awaiting deployment or recently serviced support the Solid Waste Treatment and Recycling classification. To the extent that the applicant is also conducting, uses more appropriately classified as Wholesale Sales, those activities remain subject to the limitations of the ML zone and are addressed further below under Section 39.450.

Chapter 32: Procedures.

[...]

Section 32.240 - Type IV-A Procedure (Quasi-Judicial Review—City Council Public Hearing).

Type IV-A decisions are quasi-judicial decisions made by the City Council after a public hearing. A hearing under these procedures provides a forum to apply standards to a specific set of facts to determine whether the facts conform to the applicable criteria and the resulting determination will directly affect only a small number of identifiable persons. Except as otherwise provided, the procedures set out in this section must be followed when the subject matter of the evidentiary hearing would result in a quasi-judicial decision. City Council decisions may be appealed to the state Land Use Board of Appeals pursuant to ORS 197.805—197.860.

- (1) **Submittal Requirements.** Type IV-A applications must include the submittal information required by TDC 32.140(1).
- (2) **Determination of Completeness.** After receiving an application for filing, the City Manager will review the application will for completeness in accordance with TDC 32.160.
- (3) **Written Notice of Public Hearing—Type IV-A.** Once the application has been deemed complete, the City must mail by regular first class mail Notice of a Public Hearing to the following individuals and agencies no fewer than 20 days before the hearing.
 - (a) **Recipients:**
 - (i) The applicant and, the owners of the subject property;
 - (ii) All property owners within 1,000 feet measured from the boundaries of the subject property;
 - (iii) All property owners within a platted residential subdivision that is located within 1,000 feet of the boundaries of the subject property. The notice area includes the entire subdivision and not just those lots within 1,000 feet. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name, the notice area need not include the additional phases;
 - (iv) All recognized neighborhood associations within 1,000 feet from the boundaries of the subject property;
 - (v) All designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9;

- (vi) Any person who submits a written request to receive a notice;
 - (vii) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies, including but not limited to: school districts; fire district; where the project either adjoins or directly affects a state highway, the Oregon Department of Transportation; and where the project site would access a County road or otherwise be subject to review by the County, then the County; and Clean Water Services; Tri Met; and, ODOT Rail Division and the railroad company if a railroad-highway grade crossing provides or will provide the only access to the subject property. The failure of another agency to respond with written comments on a pending application does not invalidate an action or permit approval made by the City under this Code;
 - (viii) Utility companies (as applicable); and,
 - (ix) Members of the City Council.
- (b) The Notice of a Public Hearing, at a minimum, must contain all of the following information:
- (i) The names of the applicant(s), any representative(s) thereof, and the owner(s) of the subject property;
 - (ii) The street address if assigned, if no street address has been assigned then Township, Range, Section, Tax Lot or Tax Lot ID;
 - (iii) The type of application and a concise description of the nature of the land use action;
 - (iv) A list of the approval criteria by TDC section for the decision and other ordinances or regulations that apply to the application at issue;
 - (v) Brief summary of the local decision making process for the land use decision being made and a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings;
 - (vi) The date, time and location of the hearing;
 - (vii) Disclosure statement indicating that if any person fails to address the relevant approval criteria with enough detail, he or she may not be able to appeal to the Land Use Board of Appeals on that issue, and that only comments on the relevant approval criteria are considered relevant evidence;
 - (viii) The name of a City representative to contact and the telephone number where additional information may be obtained;
 - (ix) Statement that the application and all documents and evidence submitted to the City are in the public record and available for review, and that copies can be obtained at a reasonable cost from the City; and
 - (x) Statement that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost.
- (c) Failure of a person or agency to receive a notice, does not invalidate any proceeding in connection with the application, provided the City can demonstrate by affidavit that required notice was given.

Finding:

The submitted request for review is subject to the Type IV-A procedures. The applicant submitted the request for review on July 24, 2025. The public hearing before City Council will be held on September 22, 2025, and will follow the Quasi-Judicial review process. A notice of public hearing for the Type IV-A application for a request for review of INT25-0001 was mailed by city staff on August 25, 2025, and

contained the information required by this section, as attached in Exhibit D. As of the writing of this report, no comments have been received.

- (5) Conduct of the Hearing—Type IV-A. The Mayor (or Mayor Pro Tem) must follow the order of proceedings set forth below. These procedures are intended to provide all interested persons a reasonable opportunity to participate in the hearing process and to provide for a full and impartial hearing on the application before the body. Questions concerning the propriety or the conduct of a hearing will be addressed to the chair with a request for a ruling. Rulings from the Mayor must, to the extent possible, carry out the stated intention of these procedures. A ruling given by the Mayor on such question may be modified or reversed by a majority of those members of the decision body present and eligible to vote on the application before the body. The procedures to be followed by the Mayor in the conduct of the hearing are as follows:**
- (a) At the commencement of the hearing, the Mayor (or designee) must state to those in attendance all of the following information and instructions:**
 - (i) The applicable approval criteria by Code Chapter that apply to the application;**
 - (ii) Testimony and evidence must concern the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations that the person testifying believes to apply to the decision;**
 - (iii) Failure to raise an issue with sufficient detail to give the City Council and the parties an opportunity to respond to the issue, may preclude appeal to the state Land Use Board of Appeals on that issue;**
 - (iv) At the conclusion of the initial evidentiary hearing, the City Council must deliberate and make a decision based on the facts and arguments in the public record; and**
 - (v) Any participant may ask the City Council for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing; if the City Council grants the request, it will schedule a date to continue the hearing as provided in TDC 32.240(5)(e), or leave the record open for additional written evidence or testimony as provided TDC 32.240(5)(f).**
 - (b) The public is entitled to an impartial decision body as free from potential conflicts of interest and pre-hearing ex parte (outside the hearing) contacts as reasonably possible. Where questions related to ex parte contact are concerned, members of the City Council must follow the guidance for disclosure of ex parte contacts contained in ORS 227.180. Where a real conflict of interest arises, that member or members of the City Council must not participate in the hearing, except where state law provides otherwise. Where the appearance of a conflict of interest is likely, that member or members of the City Council must individually disclose their relationship to the applicant in the public hearing and state whether they are capable of rendering a fair and impartial decision. If they are unable to render a fair and impartial decision, they must be excused from the proceedings.**
 - (c) Presenting and receiving evidence.**
 - (i) The City Council may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant, or personally derogatory testimony or evidence;**
 - (ii) No oral testimony will be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing only as provided by this section; and**

- (iii) Members of the City Council may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the beginning of the hearing and an opportunity is provided to dispute the evidence.
- (d) The City Council, in making its decision, must consider only facts and arguments in the public hearing record; except that it may take notice of facts not in the hearing record (e.g., local, state, or federal regulations; previous City decisions; case law; staff reports). Upon announcing its intention to take notice of such facts in its deliberations, it must allow persons who previously participated in the hearing to request the hearing record be reopened, as necessary, to present evidence concerning the newly presented facts.
- (e) If the City Council decides to continue the hearing, the hearing must be continued to a date that is at least seven days after the date of the first evidentiary hearing (e.g., next regularly scheduled meeting). An opportunity must be provided at the continued hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the continued hearing, any person may request, before the conclusion of the hearing, that the record be left open for at least seven days, so that he or she can submit additional written evidence or arguments in response to the new written evidence. In the interest of time, after the close of the hearing, the decision body may limit additional testimony to arguments and not accept additional evidence.
- (f) If the City Council leaves the record open for additional written testimony, the record must be left open for at least seven days after the hearing. Any participant may ask the decision body in writing for an opportunity to respond to new evidence (i.e., information not disclosed during the public hearing) submitted when the record was left open. If such a request is filed, the decision body must reopen the record, as follows:
 - (i) When the record is reopened to admit new evidence or arguments (testimony), any person may raise new issues that relate to that new evidence or testimony;
 - (ii) An extension of the hearing or record granted pursuant to this section is subject to the limitations of TDC 32.030(1) (ORS 227.178—120-day rule), unless the applicant waives his or her right to a final decision being made within 120 days of filing a complete application; and
 - (iii) If requested by the applicant, the City Council must grant the applicant at least seven days after the record is closed to all other persons to submit final written arguments, but not evidence, provided the applicant may expressly waive this right.
- (6) *Notice of Adoption of a Type IV-A Decision.* Notice of Adoption must be provided to the property owner, applicant, and any person who provided testimony at the hearing or in writing. The Type IV-A Notice of Adoption must contain all of the following information:
 - (a) A description of the applicant's proposal and the City's decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;
 - (b) The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area;
 - (c) A statement a statement that a copy of the decision and complete case file, including findings, conclusions, and conditions of approval, if any, is available for review and how copies can be obtained;
 - (d) The date the decision becomes final; and
 - (e) The notice must include an explanation of rights to appeal a City Council decisions to the state Land Use Board of Appeals pursuant to ORS 197.805—197.860.

(7) Effective Date of a Type IV-A Decision.

- (a) The written order is the final decision on the application.**
- (b) The date of the order is the date it is mailed by the Mayor (or designee) certifying its approval by the decision body.**
- (c) Appeal of a IV-A City Council decision is to the State Land Use Board of Appeals pursuant to ORS 197.805–197.860.**

Finding:

The City Council hearing will be conducted according to these requirements. Notice of Adoption of a Type IV-A Decision and any appeal will follow the requirements of this section.

Section 32.310 – Appeals (Request for Review).

(1) Appeals Generally.

- (a) Type I Decisions.** Type I decisions are final at the local level and may only be appealed to Circuit Court through a writ of review process under state law.
- (b) Type II Decisions.** Type II decisions may only be appealed by a person who has submitted written comments within the 14-day comment period before the decision of the City Manager.
- (c) Type III Decisions.** Type III decision may be made by any person who submitted written comments prior to or during the public hearing, or provided testimony at the public hearing.
- (d) Type IV-A and Type IV-B Decisions.** There is no local appeal for Type IV decisions. Type IV decisions appealed to the Land Use Board of Appeals must follow applicable state laws.

(2) Timing and Submittal Requirements for a Notice of Appeal—Type II and Type III Decisions. A Notice of Appeal must be made within 14 calendar days of the date of mailing the written Notice of Decision or Notice of Adoption. The Notice of Appeal must be on forms provided by the City and be accompanied by the appeal fee. The notice of appeal must contain the following:

- (a) Identification of the decision sought to be appealed, including its assigned case number, the title or caption of the decision, and the decision date; and**
- (b) The name and mailing address of the appellant and a statement establishing the appellant's standing to appeal the decision, including how the appellant is adversely affected by the decision.**

(3) Proper Filing of Notice of Appeal is Jurisdictional. The timely and complete filing of the notice of appeal and payment of the appeal fee are jurisdictional. The City Manager cannot accept a notice of appeal that does not comply with this section. The City Manager's determination that an appellant has failed to comply with this section is final.

Finding:

Staff issued the interpretation decision for INT25-0001 on July 11, 2025. The applicant submitted the request for review of INT25-0001 on July 24, 2025, within 14 calendar days of the written Notice of Decision. The Notice of Appeal, along with the fee, contained the information required by this section, included in Exhibit A.

Staff issued the INT25-0001 decision on July 11, 2025, included as Exhibit C. The applicant submitted the subject Request for Review on July 24, 2025, included as Exhibit A. The submitted Request for Review stated the applicant would be adversely affected by the decision that business operations are not

allowed under the property's current zoning. At the time of writing the analysis and findings, no additional materials have been submitted by the applicant.

(4) Appeals Hearing Process.

- (a) The appeal body for appeals will be either the Architectural Review Board, Planning Commission, or City Council as provided in Table 32-1. All appeals are "de novo" meaning new evidence and argument may be submitted at the appeal hearing.**
- (b) Appeal hearings conducted by the Architectural Review Board or Planning Commission will follow the Type III hearings process in accordance with TDC 32.230.**
- (c) Appeal hearings conducted by the City Council will follow the Type IV-A hearing process in accordance with TDC 32.240.**

(5) Withdrawing an Appeal.

- (a) At any time before the close of an appeal hearing, any appellant may withdraw the appeal. The appellant must provide written notice of the withdrawal prior to the hearing, or orally at the hearing.**
- (b) If the withdrawal is made before public notice of the hearing is sent, the City will refund the appeal fee.**
- (c) Where multiple people or parties sign and file a single Notice of Appeal, all parties to the original filing must consent to the withdrawal of the appeal.**
- (d) A withdrawn appeal cannot be refiled by any party and no decision by the appeal body is necessary.**
- (e) If all appeals are withdrawn, the City Manager must issue a Notice of Appeal Withdrawal to the applicant, the appellant, and the parties who received a Notice of Final Decision. The Notice of Appeal Withdrawal must state the new effective date of the original decision is the date of the withdrawal of the appeal(s).**

Finding:

All appeals are "de novo" meaning new evidence and argument may be submitted at the appeal hearing. The appeal hearing will be conducted by the City Council and will follow the Type IV-A hearing process. The hearing scheduled for September 22, 2025, will follow the standards of this section.

TDC 32.240. - Type IV-A Procedure (Quasi-Judicial Review—City Council Public Hearing).

Type IV-A decisions are quasi-judicial decisions made by the City Council after a public hearing. A hearing under these procedures provides a forum to apply standards to a specific set of facts to determine whether the facts conform to the applicable criteria and the resulting determination will directly affect only a small number of identifiable persons. Except as otherwise provided, the procedures set out in this section must be followed when the subject matter of the evidentiary hearing would result in a quasi-judicial decision. City Council decisions may be appealed to the state Land Use Board of Appeals pursuant to ORS 197.805—197.860.

- (1) Submittal Requirements.** Type IV-A applications must include the submittal information required by TDC 32.140(1).
- (2) Determination of Completeness.** After receiving an application for filing, the City Manager will review the application will for completeness in accordance with TDC 32.160.

(3) Written Notice of Public Hearing—Type IV-A. Once the application has been deemed complete, the City must mail by regular first class mail Notice of a Public Hearing to the following individuals and agencies no fewer than 20 days before the hearing.

(a) Recipients:

- (i) The applicant and, the owners of the subject property;**
- (ii) All property owners within 1,000 feet measured from the boundaries of the subject property;**
- (iii) All property owners within a platted residential subdivision that is located within 1,000 feet of the boundaries of the subject property. The notice area includes the entire subdivision and not just those lots within 1,000 feet. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name, the notice area need not include the additional phases;**
- (iv) All recognized neighborhood associations within 1,000 feet from the boundaries of the subject property;**
- (v) All designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9;**
- (vi) Any person who submits a written request to receive a notice;**
- (vii) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies, including but not limited to: school districts; fire district; where the project either adjoins or directly affects a state highway, the Oregon Department of Transportation; and where the project site would access a County road or otherwise be subject to review by the County, then the County; and Clean Water Services; Tri Met; and, ODOT Rail Division and the railroad company if a railroad-highway grade crossing provides or will provide the only access to the subject property. The failure of another agency to respond with written comments on a pending application does not invalidate an action or permit approval made by the City under this Code;**
- (viii) Utility companies (as applicable); and,**
- (ix) Members of the City Council.**

Finding:

The applicant submitted a request for review of the INT25-0001 decision on July 24, 2025. The final decision on a Code interpretation under this section may be appealed to the City Council pursuant to the provisions of Tualatin Development Code (TDC) 31.076 and 31.077. However, TDC Sections 31.076 and 31.077 are no longer included in the Tualatin Development Code, and no current provisions address the appeal hearing procedure that applies to TDC 31.070 Interpretations. TDC 32.240- Type IV-A Procedure (Quasi-Judicial Review- City Council Public Hearing) is substantially similar to the quasi-judicial procedures laid out in former TDC 31.076-77 (see esp. TDC 31.076(2)(d);(4) and TDC 31.077). As such, the City will follow the procedures laid out at TDC 32.240 for this Interpretation appeal.

(b) The Notice of a Public Hearing, at a minimum, must contain all of the following information:

- (i) The names of the applicant(s), any representative(s) thereof, and the owner(s) of the subject property;**
- (ii) The street address if assigned, if no street address has been assigned then Township, Range, Section, Tax Lot or Tax Lot ID;**

- (iii) The type of application and a concise description of the nature of the land use action;
 - (iv) A list of the approval criteria by TDC section for the decision and other ordinances or regulations that apply to the application at issue;
 - (v) Brief summary of the local decision making process for the land use decision being made and a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings;
 - (vi) The date, time and location of the hearing;
 - (vii) Disclosure statement indicating that if any person fails to address the relevant approval criteria with enough detail, he or she may not be able to appeal to the Land Use Board of Appeals on that issue, and that only comments on the relevant approval criteria are considered relevant evidence;
 - (viii) The name of a City representative to contact and the telephone number where additional information may be obtained;
 - (ix) Statement that the application and all documents and evidence submitted to the City are in the public record and available for review, and that copies can be obtained at a reasonable cost from the City; and
 - (x) Statement that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost.
- (c) Failure of a person or agency to receive a notice, does not invalidate any proceeding in connection with the application, provided the City can demonstrate by affidavit that required notice was given.

Finding:

The request for review (appeal) is subject to the Type IV-A procedures. The applicant submitted the request for review on July 24, 2025. The public hearing before City Council will be held on September 22, 2025, and will follow the Quasi-Judicial review process. A notice of public hearing for the Type IV-A application for a request for review of INT25-0001 was mailed by city staff on August 25, 2025, and contained the information required by this section, as attached in Exhibit D. As of the writing of this report, no comments have been received.

- (5) **Conduct of the Hearing—Type IV-A.** The Mayor (or Mayor Pro Tem) must follow the order of proceedings set forth below. These procedures are intended to provide all interested persons a reasonable opportunity to participate in the hearing process and to provide for a full and impartial hearing on the application before the body. Questions concerning the propriety or the conduct of a hearing will be addressed to the chair with a request for a ruling. Rulings from the Mayor must, to the extent possible, carry out the stated intention of these procedures. A ruling given by the Mayor on such question may be modified or reversed by a majority of those members of the decision body present and eligible to vote on the application before the body. The procedures to be followed by the Mayor in the conduct of the hearing are as follows:
- (a) At the commencement of the hearing, the Mayor (or designee) must state to those in attendance all of the following information and instructions:
 - (i) The applicable approval criteria by Code Chapter that apply to the application;
 - (ii) Testimony and evidence must concern the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations that the person testifying believes to apply to the decision;

- (iii) Failure to raise an issue with sufficient detail to give the City Council and the parties an opportunity to respond to the issue, may preclude appeal to the state Land Use Board of Appeals on that issue;
 - (iv) At the conclusion of the initial evidentiary hearing, the City Council must deliberate and make a decision based on the facts and arguments in the public record; and
 - (v) Any participant may ask the City Council for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing; if the City Council grants the request, it will schedule a date to continue the hearing as provided in TDC 32.240(5)(e), or leave the record open for additional written evidence or testimony as provided TDC 32.240(5)(f).
- (b) The public is entitled to an impartial decision body as free from potential conflicts of interest and pre-hearing ex parte (outside the hearing) contacts as reasonably possible. Where questions related to ex parte contact are concerned, members of the City Council must follow the guidance for disclosure of ex parte contacts contained in ORS 227.180. Where a real conflict of interest arises, that member or members of the City Council must not participate in the hearing, except where state law provides otherwise. Where the appearance of a conflict of interest is likely, that member or members of the City Council must individually disclose their relationship to the applicant in the public hearing and state whether they are capable of rendering a fair and impartial decision. If they are unable to render a fair and impartial decision, they must be excused from the proceedings.
- (c) Presenting and receiving evidence.
 - (i) The City Council may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant, or personally derogatory testimony or evidence;
 - (ii) No oral testimony will be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing only as provided by this section; and
 - (iii) Members of the City Council may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the beginning of the hearing and an opportunity is provided to dispute the evidence.
- (d) The City Council, in making its decision, must consider only facts and arguments in the public hearing record; except that it may take notice of facts not in the hearing record (e.g., local, state, or federal regulations; previous City decisions; case law; staff reports). Upon announcing its intention to take notice of such facts in its deliberations, it must allow persons who previously participated in the hearing to request the hearing record be reopened, as necessary, to present evidence concerning the newly presented facts.
- (e) If the City Council decides to continue the hearing, the hearing must be continued to a date that is at least seven days after the date of the first evidentiary hearing (e.g., next regularly scheduled meeting). An opportunity must be provided at the continued hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the continued hearing, any person may request, before the conclusion of the hearing, that the record be left open for at least seven days, so that he or she can submit additional written evidence or arguments in response to the new written evidence. In the interest of time, after the close of the hearing, the decision body may limit additional testimony to arguments and not accept additional evidence.

- (6) **Notice of Adoption of a Type IV-A Decision.** Notice of Adoption must be provided to the property owner, applicant, and any person who provided testimony at the hearing or in writing. The Type IV-A Notice of Adoption must contain all of the following information:
- (a) A description of the applicant's proposal and the City's decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;
 - (b) The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area;
 - (c) A statement a statement that a copy of the decision and complete case file, including findings, conclusions, and conditions of approval, if any, is available for review and how copies can be obtained;
 - (d) The date the decision becomes final; and
 - (e) The notice must include an explanation of rights to appeal a City Council decisions to the state Land Use Board of Appeals pursuant to ORS 197.805–197.860.
- (7) **Effective Date of a Type IV-A Decision.**
- (a) The written order is the final decision on the application.
 - (b) The date of the order is the date it is mailed by the Mayor (or designee) certifying its approval by the decision body.
 - (c) Appeal of a IV-A City Council decision is to the State Land Use Board of Appeals pursuant to ORS 197.805–197.860.

Finding:

The City Council hearing will be conducted according to these requirements. Notice of Adoption of a Type IV-A Decision and any appeal will follow the requirements of this section. These criteria will be met.

Chapter 39: Use Categories.

Section 39.100 - Use Classifications – General Principles.

- (1) **Purpose.** Land uses are classified into use categories based on common functional, product or physical characteristics, including the type and intensity of activity typical of impact, type(s) of customers or residents, typical off-site impacts, and building type. The basis for allowing or prohibiting the use categories in the various zones is in the goals and policies of the Comprehensive Plan.
- (2) **Organization and Guidelines.** Each use category is organized into the following sections:
- (a) **Characteristics.** A description of the qualities and attributes, essential features, nature of operation, and impacts generally associated with a specific use.
 - (b) **Examples of Uses.** An illustrative, not exhaustive, list of activities or land uses that possess the characteristics of the use category.
- (3) **Multiple Uses on a Site.** Uses may be regulated differently depending on the nature of the use on a site, in accordance with this section.
- (a) **Multiple Primary Uses.** When all primary uses on a site fall within one use category, then the development falls within that use category. When the primary uses on a site fall within different use categories, each primary use is classified in the applicable use category and is subject to the regulations for that use category.
 - (b) **Limited Uses.** Limited uses are uses or activities that are allowed and may be subject to additional regulations beyond those required of the primary use.

(c) Accessory Uses. Accessory uses are uses or activities that are subordinate and incidental to a primary use on a site. Accessory uses are allowed in all zones in conjunction with the primary use and subject to the same regulations as the primary use, unless stated otherwise in this code.

(4) Considerations in Classifying Uses. The following items are used to determine the use category of a particular use or activity, and whether the activities constitute primary or accessory uses:

- (a) The description of the activity(ies) in relationship to the characteristics of each use category;
- (b) The relative amount of site or floor space and equipment devoted to the activity;
- (c) Relative amount or type of sales from each activity;
- (d) The customer type for each activity;
- (e) The relative number of employees in each activity;
- (f) Hours of operation;
- (g) Building and site arrangement;
- (h) Type of vehicle used with the activity;
- (i) The relative number of vehicle trips generated by the activity;
- (j) How the use advertises itself; and
- (k) Whether the activity would be likely to be found independent of the other activities on the site.

Section 39.110 – Uses Not Specifically Addressed. Uses not specifically addressed in this code may be classified into a use category through the process of a Code Interpretation application, pursuant to Section 31.070 (Interpretation of Code Provisions).

[...]

Finding:

The Honey Bucket interpretation (INT25-0001) decision issued on July 11, 2025 (Exhibit C) found that Honey Bucket operates a business at the Site, storing portable restrooms and other job site equipment that is ultimately rented to industrial and construction customers as a business-to business operation. In the interpretation request narrative (Exhibit B), when describing the aspects of its business, Honey Bucket asserted the following:

- *Honey Bucket's business typically operates between 4 AM and 7PM- but may operate seven days a week with extended hours to accommodate demand surges or peak season events;*
- *After use by commercial and industrial customers, waste is pumped out of all units offsite before the restrooms are retrieved for cleaning and storage at the Site;*
- *Trucks that empty the restrooms of waste offsite return to the Site, where the pumped waste is stored temporarily in a holding tank;*
- *An additional truck empties the tank and delivers the waste to a final offsite destination for disposal*
- *Once at the Site, employees service the restrooms by washing units inside and outside via a closed loop wash water reuse station that reclaims and recycles water into a private reclamation system;*
- *Honey Bucket pumps the recycled water with one of its delivery trucks and disposes of it in an approved wastewater facility;*

- *Employees stock and load clean restrooms with necessary supplies and store them onsite.*

The applicant's interpretation request submitted on June 11, 2025 (Exhibit B) included a written narrative that stated the primary onsite activity is the loading/unloading, washing and storing of portable restrooms and other industrial equipment rented from the Site.

The July 11, 2025, interpretation decision (INT25-0001), found that Honey Bucket's primary use most closely aligns with the Solid Waste Treatment and Recycling use category. Whether or not the applicant is also conducting or proposes to conduct separate and distinct primary uses that are appropriately classified as Wholesale Sales, those uses are subject to the limitations of the ML zone and are discussed further below under Section 39.450.

Staff issued the INT25-0001 decision on July 11, 2025, included as Exhibit C. The applicant submitted the subject Request for Review on July 24, 2025, included as Exhibit A. The submitted Request for Review stated the applicant would be adversely affected by the decision that business operations are not allowed under the property's current zoning. At the time of writing the analysis and findings no additional materials have been submitted by the applicant.

Section 39.420 - Solid Waste Treatment and Recycling.

(1) Characteristics. Solid Waste Treatment and Recycling uses receive, process and/or recycle solid waste materials.

(2) Examples of Uses.

- Energy recovery plants.
- Portable toilet collection, storage and pumping.
- Recycling-Collection Center (as defined in TDC 39.115).
- Commercial waste composting and/or compost production.

(3) Exceptions.

- The following related uses are prohibited in all zones: vehicle and heavy machinery salvage and wrecking; hazardous-waste collection and processing; rendering plants; and junk or salvage yards
- Uses listed above in the Examples of Uses are not allowed in the Special Commercial Setback 60.035 (1-3)
- Community recycling or composting facilities at a community garden are classified as Community Services.

Section 39.450. - Wholesale Sales.

(1) Characteristics. Wholesale Sales are the sale, lease, and/or rental of products primarily to businesses. On-site sales to the general public are limited.

(2) Examples of Uses.

- Wholesale sales of industrial hand tools and industrial supplies such as safety equipment and welding equipment.
- Wholesale sales, service and rental of construction and industrial equipment, such as tractors, loaders, hoes, lifts, cranes, and utility trucks, to contractors and industrial firms.

- Wholesale sales and service of machines and tools primarily for industrial and commercial firms including machine tools, fabrication, processing and packaging machinery, hoists, conveyors, racking systems and forklifts.
- Wholesale sales of building materials and supplies, including, but not limited to, electrical supplies; fencing materials; building insulation; lumber; prefabricated trusses and structural frames; structural metal materials; masonry supplies; ceramic & stone tile and pavers; painting supplies; plumbing supplies; plywood and wood panel materials; roofing; siding; flooring; window materials; door materials; and tools (handheld and table or stand mounted).

(3) Exceptions.

- Companies that engage primarily in sales to the general public are classified as Retail Sales and Services.
- Companies that engage in sales on a membership basis are classified as either Retail Sales and Services or Wholesale Sales, based on the characteristics of the use.
- Companies that are primarily storing goods with little on-site business activity are classified as Warehouse and Freight Movement.
- Storage, transfer, or processing of hazardous, toxic, or radioactive waste.

Finding:

In the request for interpretation (Exhibit B) submitted June 11, 2025, the applicant stated the primary use at the site was best characterized as a Wholesale Sales use.

The INT25-0001 decision (Exhibit C) reviewed whether the proposed rental of portable restroom units and the associated temporary waste holding tank could be considered Wholesale Sales. Staff noted the Light Manufacturing (ML) Use Category Table 60-1, further limits this use category to sales of industrial hand tools, industrial supplies such as safety equipment and welding equipment, that are products primarily sold wholesale to other industrial firms or industrial workers; and sale, service and rental of construction and industrial equipment to contractors and industrial firms only; and further that a conditional use is required for wholesale sales of building materials and supplies. Honey Bucket rents rather than sells its product, it is only necessary to examine whether its proposed use could be considered “service and rental of construction and industrial equipment to contractors and industrial firms only.” Staff determined that, portable toilets, which are used in a variety of settings, do not appear to be “construction or industrial equipment.” Given the applicable examples of uses set out for Wholesale Sales and relevant rules of statutory construction, staff’s position is that “construction and industrial equipment” is limited to the machinery and tools used to perform construction or industrial tasks. The Applicant’s operation includes activity (receiving solid waste materials) that is not permitted in the Wholesale Sales Industrial Use Category.

The Honey Bucket interpretation (INT25-0001) decision issued on July 11, 2025 (Exhibit C) staff found that based on the text and context of TDC 39.100(3)(c) and (4) that Honey Bucket’s waste-related activities at the Site are not subordinate and incidental to the stated primary use but part and parcel of and an important, essential component of that use. The INT25-0001 decision reflected the following:

- *During operating hours, pick-up and delivery trucks leave the Site in the morning with clean and stocked restrooms and return to the Site with empty ones;*
- *During demand surges, this activity can occur several times a day;*
- *Waste from the restrooms rented to customers is pumped into trucks offsite, then transported to the Site and temporarily stored in the holding tank onsite;*

- *That waste is then emptied by one truck and delivered to a disposal site- and this can occur either once or twice per day;*
- *When the restrooms are returned to the Site, Honey Bucket employees service them, which includes washing them on the inside and outside with a washing system that reclaims and recycles the water in a private reclamation system;*
- *That recycled water is then pumped into a delivery truck and delivered to a wastewater facility.*

The interpretation decision described the nature of the onsite activities which included the need to wash the portable restrooms and capture the waste water onsite. The findings noted that trucks that empty waste from the restrooms offsite then return to the Site with that waste, where it is temporarily stored in a holding tank. This aspect of its operation necessitates the need to employ charcoal filters to capture odors emanating during the transfer between the tank and trucks emptying or depositing into the holding tank.

After review, the City found that the applicant's proposed rental of portable restroom units and the associated temporary waste holding tank is most similar to the Solid Waste Treatment and Recycling use category and not Wholesale Sales. In the Light Manufacturing (ML) zone, Table 60-1 (below) limits a Solid Waste Treatment and Recycling use to be a recycling collection center. TDC39.420(2), lists "portable toilet collection, storage and pumping" as an example of the specific subtype of uses within that category. Honey Bucket receives solid waste materials, which is a listed characteristic that defines the Solid Waste Treatment and Recycling use classification. Additionally, portable toilet collection, storage and pumping are listed as examples of the use. While the use in question does not pump the portable toilets on site, it does collect, store, and wash the toilets on site, as well as, temporarily store the waste from those toilets onsite. For these reasons staff found the use more closely fits the Solid Waste Treatment and Recycling and does not fit the description of a Wholesale Sales use.

The July 11, 2025, interpretation decision (INT25-0001) stated the proposed rental of portable restroom units contains many of the characteristics associated with a Solid Waste Treatment and Recycling use and is properly classified as Solid Waste Treatment and Recycling. Finally, Honey Bucket's use cannot be reasonably construed to be a Recycling-Collection Center (as defined in TDC 39.115) as "A permanent facility for the collection, storage, repair, processing or distribution of repairable or reusable household goods or materials, when housed in a fully enclosed building. In this context, the term "materials" is specifically intended to include empty bottles, jars, cans, boxes or similar containers, as well as newspaper, magazines and other printed matter." Therefore, the proposed rental of portable restroom units as well as the temporary waste holding tank, as it is associated with the use, are both prohibited in the ML zone.

In the request for interpretation (Exhibit B) submitted June 11, 2025, the applicant noted, "we do not believe that implicitly prohibiting portable toilet storage and rental businesses in Tualatin was the City Council's intent in enacting relevant provisions of the TDC. This result contradicts the City's goal of fostering urban growth and a probusiness environment". Staff responded in the interpretation decision by stating there are certain business activities not permitted in the City of Tualatin. Staff emphasized that the record does not reflect any evidence that the Council did not intend to prohibit certain uses. Staff referenced the purpose statement for the ML zone indicating that the Council did intend to place

limitations on certain uses – while still fostering a pro-business environment, particularly those industrial uses that might be considered incompatible with other uses, or industrial uses like wholesale sales which are commercial in nature. The purpose statement provides, “The purpose of this zone is to provide areas of the City that are suitable for industrial uses and compatible with adjacent commercial and residential uses. The zone serves to buffer heavy manufacturing uses from commercial and residential areas. Industrial uses that are environmentally adverse or pose a hazard to life and safety are prohibited. The zone is suitable for warehousing, wholesaling, and light manufacturing processes that are not hazardous and do not create undue amounts of noise, dust, odor, vibration, or smoke. The purpose is also to allow a limited amount of commercial uses and services and other support uses, including office uses in limited locations in close proximity to the Commercial Office (CO) district. Commercial uses are not permitted in the Limited Commercial Setback.”

The applicant submitted the subject Request for Review on July 24, 2025, included as (Exhibit A). The submitted Request for Review stated the applicant would be adversely affected by the decision that business operations are not allowed under the property’s current zoning. As of the writing of this report, no additional materials have been submitted in response to staff’s July 11, 2025, interpretation decision.

Chapter 60: Light Manufacturing (ML) Zone.

Section 60.100 – Purpose.

The purpose of this zone is to provide areas of the City that are suitable for industrial uses and compatible with adjacent commercial and residential uses. The zone serves to buffer heavy manufacturing uses from commercial and residential areas. Industrial uses that are environmentally adverse or pose a hazard to life and safety are prohibited. The zone is suitable for warehousing, wholesaling, and light manufacturing processes that are not hazardous and do not create undue amounts of noise, dust, odor, vibration, or smoke. The purpose is also to allow a limited amount of commercial uses and services and other support uses, including office uses in limited locations in close proximity to the Commercial Office (CO) district. Commercial uses are not permitted in the Limited Commercial Setback.

Section 60.200. - Use Categories.

(1) Use Categories. Table 60-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the ML zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 60-1 and restrictions identified in TDC 60.210. 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.

[...]

**Table 60-1
 Use Categories in the ML Zone**

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
INDUSTRIAL USE CATEGORIES		
Solid Waste Treatment and Recycling	C (L)	Conditional uses limited to recycling collection center.
Wholesale Sales	P/C (L)	Permitted uses limited to: <ul style="list-style-type: none"> • Sales of industrial hand tools, industrial supplies such as safety equipment and welding equipment, that are products primarily sold wholesale to other industrial firms or industrial workers; and • Sale, service and rental of construction and industrial equipment to contractors and industrial firms only. Conditional use required for wholesale sales of building materials and supplies

Finding:

Tualatin Development Code Table 60-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the Light Manufacturing (ML) Planning District. Uses that are omitted from the table are not permitted in the ML zone. The industrial use category limits the use of Solid Waste Treatment and Recycling to a recycling collection center through the process of a Type III conditional use permit.

The Honey Bucket interpretation (INT25-0001) decision issued by staff on July 11, 2025, determined that the primary use of the site most closely aligns with the Solid Waste Treatment and Recycling Use Category. In the request for interpretation, Honey Bucket acknowledged that if it did engage in onsite waste processing and disposal as part of its operation, its use would have characteristics associated with the Solid Waste Treatment and Recycling Use category. After review, the City found that the applicant's proposed rental of portable restroom units and the associated temporary waste holding tank is most similar to the Solid Waste Treatment and Recycling use category. In the ML zone, Table 60-1 (above) limits a Solid Waste Treatment and Recycling use to be a recycling collection center and does not make allowances either permitted or condition for "portable toilet collection, storage, and pumping". an example of the specific subtype of uses within the Solid Waste Treatment and Recycling category. The July 11, 2025, interpretation decision concluded the proposed rental of portable restroom units as well as the temporary waste holding tank, as it is associated with the use, are both prohibited in the ML zone.

The INT25-0001 decision (Exhibit C) reviewed whether the proposed rental of portable restroom units and the associated temporary waste holding tank could be considered Wholesale Sales. Staff noted the Light Manufacturing (ML) Use Category Table 60-1, further limits this use category to sales of industrial hand tools, industrial supplies such as safety equipment and welding equipment, that are products primarily sold wholesale to other industrial firms or industrial workers; and sale, service and rental of

construction and industrial equipment to contractors and industrial firms only; and further that a conditional use is required for wholesale sales of building materials and supplies. Honey Bucket rents rather than sells its product, it is only necessary to examine whether its proposed use could be considered “service and rental of construction and industrial equipment to contractors and industrial firms only.” Staff determined that, portable toilets, which are used in a variety of settings, do not appear to be “construction or industrial equipment.” Given the applicable examples of uses set out for Wholesale Sales and relevant rules of statutory construction, staff’s position is that “construction and industrial equipment” is limited to the machinery and tools used to perform construction or industrial tasks. The Applicant’s operation includes activity (receiving solid waste materials) that is not permitted in the Wholesale Sales Industrial Use Category.

The applicant submitted the subject Request for Review on July 24, 2025, included as Exhibit A. The submitted Request for Review stated the applicant would be adversely affected by the decision that business operations are not allowed under the property’s current zoning. As of the writing of this report, no additional materials have been submitted in response to staff’s July 11, 2025, interpretation decision.

Chapter 63: Industrial Uses and Utilities and Manufacturing Zones – Environmental Regulations.

[...]

Section 63.020 – Applicability.

The regulations of this Chapter apply to:

- (1) All industrial uses and utilities, regardless of the Planning District in which they are located, and
- (2) All Manufacturing Planning Districts, regardless of the use category.

Section 63.051. - Noise.

All uses and development must comply with the Oregon State Department of Environmental Quality standards relating to noise and the City of Tualatin noise ordinance in, TMC 6-14.

Section 63.052. - Vibration.

- (1) All uses and development must not cause or permit ground vibration into the property of another person that exceeds the limits set forth below in this section.
 - (a) Ground vibration as measured at the boundary of a residential planning district and an industrial planning district must not exceed 0.01 inches per second (0.00025 meters per second) RMS velocity.
 - (b) Ground vibration as measured at a common property boundary of any two properties within any industrial planning district must not exceed 0.1 inches per second (0.0025 meters per second) RMS velocity.
- (2) *Method of Measurement.* Vibration measurement procedures must conform to the methods described in this section and to procedures approved by the Oregon Department of Environmental Quality.
 - (a) Instrumentation must be capable of measuring RMS value of the vibration velocity over the frequency range of ten to 1,000 hertz.
 - (b) Measurement values must be recorded for a sufficient period of observation to provide a representative sample.

- (c) Attachment of the vibration transducer to the ground must be by magnetic or screw attachment to a steel bar of a minimum of nine inches (22.9 cm.) in length, driven flush with the ground surface.
- (3) **Exemptions.** The requirements of TDC 63.052(1) do not apply to:
 - (a) Vibration resulting from the operation of any equipment or facility of a surface carrier engaged in interstate commerce by railroad;
 - (b) Vibration resulting from the operation of any road vehicle;
 - (c) Vibration resulting from construction activities and use of construction equipment; and
 - (d) Vibration resulting from roadway maintenance and repair equipment.

Section 63.053 - Air Quality.

- (1) **Restrictions.** All uses and development must comply with the most recent air quality standards adopted by the Oregon Department of Environmental Quality. Plans of construction and operations must comply with the recommendations and regulations of the State Department of Environmental Quality.
- (2) **Method of Measurement.** All measurements of air pollution must be by the procedures and with equipment approved by the State Department of Environmental Quality or equivalent and acceptable methods or measurement approved by the City. Upon request of the City, persons responsible for a suspected source of air pollution must provide quantitative and qualitative information regarding the discharge that will adequately and accurately describe operation conditions.

Section 63.054. - Odors.

All uses and development must not emit odors in such quantities as to create a nuisance condition at any point beyond the subject property line of the emitting use.

Section 63.055. - Heat and Glare.

- (1) All uses and development must conduct all operations producing heat or glare entirely within an enclosed building.
- (2) All uses and development may utilize exterior lighting, but the exterior lighting must be screened, baffled or directed away from residential planning districts.

Section 63.056. - Storage and Stored Materials.

- (1) All uses and development must store all materials, including wastes, in a manner that will not attract or aid the propagation of insects or rodents, or in any other way create a health or safety hazard.
- (2) All uses and development that utilize open storage that would otherwise be visible at the property line must conceal it from view at the abutting property line by a sight obscuring fence not less than six feet high and not accessible to the general public to protect public safety.

Section 63.057. - Liquid or Solid Waste Materials.

All uses and development are prohibited from disposing waste onto the site or into adjacent drainage ditches, creeks or other natural waterways in violation of State of Oregon DEQ standards, Clean Water Services Standards, City Standards, or in a manner that causes harm to wildlife.

Section 63.058. - Dangerous Substances.

All uses and development are prohibited from the storage, transfer, or processing of hazardous, toxic, or radioactive waste.

Finding:

The standards of Tualatin Development Code Chapter 63 apply to all industrial uses and utilities, regardless of the Planning District in which they are located and manufacturing planning districts regardless of the use category. The site is located in the Light Manufacturing (ML) Planning District and the regulations relating to noise, vibration, air quality, odors, heat, glare and lighting, storage and stored materials, liquid and solid waste materials, and dangerous substances would be applicable to any use at the subject site.

RESOLUTION NO. 5915-25

A RESOLUTION AFFIRMING THE JULY 11, 2025, HONEY BUCKET INTERPRETATION DECISION (INT25-0001) LOCATED AT 18805 SW 108TH AVENUE (TAX LOTS: 2S122AD 600, 700 AND 800).

Whereas a public hearing was held before the City Council of the City of Tualatin on September 22, 2025, upon the request for review submitted by Northwest Cascade, Inc. DBA Honey Bucket (c/o Greg Potts); cc: Merissa Moeller (Stoel Rives LLP), and further described in the findings and analysis attached as Attachment B; and

WHEREAS notice of public hearing was given as required by the Tualatin Development Code by mailing a copy of the notice to affected property owners located within 1000 feet of the property, which is evidenced by the Affidavit of Mailing marked Exhibit D attached and incorporated by this reference; and

WHEREAS the Council heard and considered the testimony and evidence presented on behalf of the applicant, the City staff, the appellant, and those appearing at the public hearing; and

WHEREAS after the conclusion of the public hearing the Council vote resulted in denial of the appeal and affirmation of staff's decision as written; and

WHEREAS based upon the evidence and testimony heard and considered by the Council, the Council makes, enters, and adopts as its findings of fact the findings and analysis in the City staff report, dated September 22, 2025, marked as Attachment B attached and incorporated by reference; and

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The appeal submitted by Northwest Cascade, Inc. DBA Honey Bucket (c/o Greg Potts); cc: Merissa Moeller (Stoel Rives LLP) is denied.

Section 2. The Interpretation of the staff decision is affirmed as written.

INTRODUCED AND ADOPTED this 22 day of September, 2025.

CITY OF TUALATIN, Oregon

By _____
M Mayor

ATTEST:

By _____
C City Recorder



Notice of Appeal (Request for Review)

A Notice of Appeal for land use decisions must be received by the Community Development Department by 5pm on the deadline listed in the decision, in order for the appeal to be valid. Only the applicant, or parties who have submitted comments during the comment period or applicable hearing may appeal a decision.

Note that appeals are limited to Type II and III land use application decisions. Type I decisions are final at the local level and may only be appealed to Circuit Court through a writ of review process under state law. Type IV decisions may only be appealed to the Land Use Board of Appeals.

The following information is required for proper filing of a Notice of Appeal per TDC 32.310; please include all information.

Project Information		
Case Number: INT 25-0001		
Project Title: Honey Bucket Rental Facility - Code Interpretation		
Decision Date: July 11, 2025		
Party Requesting the Appeal		
Name: Northwest Cascade, Inc. DBA Honey Bucket (c/o Greg Potts); cc: Merissa Moeller (Stoel Rives LLP)		
Mailing Address: PO Box 73399		
City: Puyallup	State: Washington	ZIP: 98373
Phone: (253) 848-2373	Email: gregpotts@nwcascade.com; merissa.moeller@stoel.com	
Describe your relationship to the project (e.g., applicant, neighbor) and standing to appeal the decision, including whether you submitted comments during the applicable comment period and how you would be adversely affected by the decision:		
Applicant; adversely affected by decision that business operations are not allowed under the property's current zoning.		
Property Owner		
Appellant Signature:		Date: 7/24/2025

Please see the current fee schedule for applicable appeal fees.

Office Use		
Case No.	Date Received:	Received By:
Fee:	Receipt No.	





Cash Register Receipt
City of Tualatin

Receipt Number
R10268

DESCRIPTION	ACCOUNT	QTY	PAID
ProjectTRAK			\$168.70
INT25-0001	Address: 18805 SW 108TH AVE	APN: 2S122AD00600	\$168.70
OTHER APPLICATION FEES			\$168.70
APPEAL TO CITY COUNCIL	XR02	0	\$168.70
TOTAL FEES PAID BY RECEIPT: R10268			\$168.70

Date Paid: Friday, July 25, 2025

Paid By: Stoel Rives LLP

Cashier: LHAG

Pay Method: ECREDIT CARD 058322



Land Use Application

Project Information		
Project Title: Honey Bucket Rental Facility - Code Interpretation		
Brief Description: Honey Bucket is seeking a code interpretation of TDC 39.450, TDC 39.420, and several supporting provisions pursuant to TDC 31.070.		
Estimated Construction Value: N/A - no development occurring		
Property Information		
Address: 18805 SW 108th Ave., Tualatin, OR 97062		
Assessor's Map/Tax Lot Number: Tax Lots: 2S122AD00600, 2S122AD00700, 2S122AD00800		
Applicant/Primary Contact		
Name: Merissa Moeller	Company Name: Stoel Rives	
Address: 760 SW Ninth Ave, Suite 3000		
City: Portland	State: Oregon	ZIP: 97205
Phone: 503-294-9455	Email: merissa.moeller@stoel.com	
<i>As the person responsible for this application, I hereby acknowledge that I have read this application and state that the information in and included with this application in its entirety is correct. I agree to comply with all applicable City and County ordinances and State laws regarding building construction and land use.</i>		
Applicant's Signature: <i>Merissa A. Moeller</i>		Date: June 6, 2025
Property Owner		
Name: <i>Willy Lump Lump LLC.</i>		
Address: <i>4500 SW Advance Rd</i>		
City: <i>Wilsonville</i>	State: <i>OR</i>	ZIP: <i>97070</i>
Phone: <i>503-572-2568</i>	Email: <i>aneelye@nwmp.com</i>	
<i>Letter of authorization is required if not signed by owner.</i>		
Property Owner's Signature: <i>William Scott Morgan</i>		Date: <i>June 6th 2025</i>

LAND USE APPLICATION TYPE:

- | | | |
|--|---|--|
| <input type="checkbox"/> Annexation (ANN)
<input type="checkbox"/> Architectural Review (AR)
<input type="checkbox"/> Architectural Review—Single Family (ARSF)
<input type="checkbox"/> Architectural Review—ADU (ARADU) | <input type="checkbox"/> Conditional Use (CUP)
<input type="checkbox"/> Historic Landmark (HIST)
<input type="checkbox"/> Industrial Master Plan (IMP)
<input type="checkbox"/> Plan Map Amendment (PMA)
<input type="checkbox"/> Plan Text Amendment (PTA)
<input type="checkbox"/> Tree Removal Permit (TCP) | <input type="checkbox"/> Minor Architectural Review (MAR)
<input type="checkbox"/> Minor Variance (MVAR)
<input type="checkbox"/> Sign Variance (SVAR)
<input type="checkbox"/> Variance (VAR)
<input checked="" type="checkbox"/> Other: <u>Code Interpretation</u> |
|--|---|--|

Office Use		
Case No:	Date Received:	Received by:
Fee:	Receipt No:	



June 5, 2025

Merissa Moeller
760 SW Ninth Avenue, Suite 3000
Portland, OR 97205
D. 503.294.9455
merissa.moeller@stoel.com

VIA EMAIL (slombos@tualatin.gov)

Sherilyn Lombos, City Manager
City of Tualatin
18880 SW Martinazzi Ave.
Tualatin, OR 97062

RE: Formal Code Interpretation Request – 18805 SW 108th Ave., Tualatin, Oregon

Dear Ms. Lombos:

This office represents Northwest Cascade, Inc. DBA Honey Bucket (“Honey Bucket”) with respect to certain land use activities at 18805 SW 108th Ave., Tualatin, Oregon (“Site”). This letter provides facts and analysis in support of Honey Bucket’s request for a formal code interpretation pursuant to Tualatin Development Code (“TDC” or “Zoning Code”) 31.070, filed concurrently with this letter.

As further detailed below, Honey Bucket is requesting a formal code interpretation that Honey Bucket’s industrial equipment storage and rental business is a Wholesale Sales primary use allowed as of right at the Site under TDC 39.450. This conclusion is supported by the Zoning Code’s text and relevant context. It also advances the City of Tualatin’s (“City”) policy goals by allowing a portable restroom and industrial equipment rental business to continue operating within Tualatin city limits to support the City’s economic and real estate growth.

I. Background

Honey Bucket operates a business at the Site storing portable restrooms and other job site equipment that is ultimately rented to industrial and construction customers as a business-to-business operation. Honey Bucket’s offerings include portable restrooms, ranging from standard units to high-end luxury models; shower units; temporary fence panels (fencing); temporary metal storage containers; and ground-level office units. Honey Bucket does not sell or rent its equipment to the public onsite. While communications with City staff to date have focused on the portable restroom units and an associated temporary waste holding tank, these activities reflect only a portion of the Site’s operations. The Site also stores a much broader array of other industrial equipment necessary to support staging areas, construction sites, temporary events, and other commercial and industrial operations vital to sustain the City’s growth.

The Site is located in the City’s Light Manufacturing Zone (“ML zone”). City staff recently notified Honey Bucket that its “business was operating on a property that was not zoned for [Honey Bucket’s current] use,” based on staff’s initial conclusion that the business is a Solid

Waste Treatment and Recycling use pursuant to TDC 39.420 and thus a prohibited use in the ML zone. We believe that categorization is incorrect for the reasons discussed below, and we have communicated with City staff over the past several months seeking to resolve this zoning categorization issue.

We appreciate City staff's patience and time working through this issue but ultimately disagree with staff's interpretation. We believe a formal code interpretation of the relevant use provisions will provide valuable clarity to Honey Bucket, similar businesses, and the City moving forward. In this letter, we provide additional details regarding Honey Bucket's business model and Site use in response to TDC 31.070's specific requests for information. We then demonstrate why Honey Bucket's primary use at the site is more accurately characterized as a Wholesale Sales use pursuant to TDC 39.450 rather than a Solid Waste Treatment and Recycling use pursuant to TDC 39.420, and the policy reasons supporting that legal interpretation.

II. Overview of Code Interpretation Process

TDC 31.070 establishes the process for the City Manager to make a formal interpretation of the Zoning Code. In situations such as this one, where a particular land use is not "specifically addressed" by the TDC, the City Manager has additional authority to classify a use into a "use category" (e.g., "Wholesale Sales") identified in TDC Chapter 39 through the formal code interpretation process. TDC 39.110. Beyond the use categories, uses are also classified as primary, limited, or accessory uses. Of particular note, accessory uses are "allowed in all zones in conjunction with the primary use." TDC 39.100.

"The City Manager has the initial authority and responsibility to interpret all terms, provisions and requirements of the Tualatin Development Code." TDC 31.070(1). When doing so, the City Manager must follow "the rules of statutory construction under ORS Chapter 174, as interpreted by Oregon courts." TDC 31.105(3).¹ Under those rules, the City Manager must jointly consider the applicable provision's explicit text and relevant context.² The City Manager retains some discretion to interpret ambiguous provisions of the code to further the City's policy goals, to the extent that the City Manager's interpretation is not inconsistent with the express wording of the TDC, as read in its applicable context. We also understand that the City Manager's decision can be appealed to the Tualatin City Council ("City Council") for a final, official code interpretation that is binding on the City.³

¹ See also, e.g., *Mental Health Div. v. Lake Cnty.*, 17 Or LUBA 1165, 1172 (1989) ("The rules that govern statutory construction also apply to the construction of local government ordinances.").

² The City Manager may also give weight to the provision's legislative history, even absent any ambiguity in the language, if such "legislative history appears useful to the [City's] analysis." See *State v. Gaines*, 346 Or 160, 172 (2009). To date, we have not identified legislative history relevant to interpret the applicable code provisions.

³ The City Council's final interpretation is entitled to deference so long as the Council's interpretation is plausible. See *Siporen v. City of Medford*, 349 Or 247, 261 (2010) (holding that when reviewing a local jurisdiction's interpretation of its own code, the reviewing court is limited to "determin[ing] whether the local government's interpretation in fact is 'plausible.'"). The City Council's decision is plausible so long as it is not

III. Information Required by TDC 31.070

TDC 31.070(2) identifies specific factual information that must be included in a code interpretation request to assist the City Manager in her review. We also include information about the primary and accessory components of Honey Bucket's use based on the same factors under TDC 39.100, which is relevant to classifying the use appropriately. Responses to those specific items are as follows:

A. The amount and type of traffic generated – TDC 31.070(2)(a).

Honey Bucket's business typically operates five days a week, between 4:00 AM and 7:00 PM. In response to demand surges or during peak event seasons, the business may operate seven days a week with extended hours. During operating hours, pick-up and delivery trucks leave the Site in the morning with clean, restocked portable restrooms and other equipment for delivery and return to the Site with empty, used equipment at the end of the day, or, during demand surges, several times a day. Honey Bucket's delivery vehicles are single-axle, non-commercial driver's license ("CDL") trucks and trailers. The longest truck and trailer combination is sixty-five (65) feet. The service vehicles are single-axle, non-CDL trucks with fresh water and wastewater tanks mounted on the back and are approximately the size of a UPS residential delivery truck.

As further discussed below, the Site currently contains a temporary waste holding tank. Waste from portable restroom units rented to customers is pumped into trucks offsite, transported to the Site, and temporarily stored in this waste holding tank, before being emptied by another truck and delivered to a permanent disposal site.⁴ Only one truck is engaged in the removal of waste from the temporary waste holding tank onsite. That truck empties the tank either once or twice a day, depending on capacity, to deliver that waste to a permanent disposal site.

All trucks return to the Site at the end of the day between 3:30-7:00 PM depending on that day's service needs.

B. The type of manufacturing or commercial process – TDC 31.070(2)(b).

The primary onsite business operation is industrial equipment storage. At the Site, employees stock and load clean restrooms, fencing, and other rented equipment onto pickup and delivery trucks, and process, clean, and store the portable restrooms and other equipment when they are returned to the Site. After use by commercial and industrial customers, all portable restroom

expressly *inconsistent* with the text of the code provision or with related policies that 'provide the basis for' or that are 'implemented' by the code provision." *Kaplowitz v. Lane Cnty.*, 285 Or App 764, 775 (2017). Thus, the City may interpret its code to advance pro-business and pro-growth policy goals, so long as the City's interpretation is not inconsistent with the text and context of the TDC.

⁴ In the spirit of being a good neighbor, Honey Bucket is in the process of evaluating options to move the temporary waste holding tank to another location outside the City limits, given the concerns expressed by staff about this tank to date. However, the presence or absence of the temporary waste storage tank onsite is not dispositive to characterize Honey Bucket's use, as further explained in this letter.

units are returned to the Site empty. The waste is pumped out of all units offsite before the restrooms are retrieved for cleaning and storage at the Site.

When portable restrooms are returned to the Site, service technicians are assigned to service them. The units are washed on the inside and outside. These employees then stock the route trucks with fresh water, toilet paper, and supplies needed to service the portable units rented out to various job sites. They also stock the onsite units with two full rolls of toilet paper, a stocked hand sanitizer dispenser, and 4.5 gallons of water with 1 oz of additive added to the tank in preparation for delivery to the customers. Each portable restroom unit has a 65-gallon tank. After cleaning and restocking, the units are stored in a ready line for delivery to the next customer.

As noted above, trucks that empty the portable restrooms of waste offsite return to the business site and temporarily transfer that waste in a standing storage container. Later, an additional truck empties the tank and delivers the waste to a final offsite destination for disposal. This component of the operation only uses a small amount of employee time, as most employees are engaged in the management, cleaning, and delivery of the portable toilet units and other industrial equipment.⁵

Other equipment is similarly returned, cleaned, repaired as necessary and stored in other portions of the Site.

C. The nature of any machinery used – TDC 31.070(2)(c).

A forklift is used onsite to assist with loading and unloading all rental equipment, including the portable restroom units.

The portable restrooms are cleaned onsite in a washing system that reclaims and recycles water into a private reclamation system so that no water escapes. When the water has been recycled multiple times, Honey Bucket pumps the system with one of the delivery trucks and disposes of it at an approved wastewater facility. Please see the attached letter explaining the washing system.⁶

D. Noise and odor characteristics, associated with the use or activity – TDC 31.070(2)(d).

The Site generates intermittent noise from typical human and vehicle movement during business hours. This includes noise associated with trucks driving onto the site, unloading those trucks, and moving the portable restrooms and other equipment into their respective storage spaces. Unlike at a waste storage or disposal facility, odor impacts from the empty portable toilets are effectively nonexistent beyond 10–12 feet from the units, a distance far shorter than the Site's buffer between the portable toilet storage areas and surrounding properties. The waste holding

⁵ See Section III.I for a more comprehensive breakdown of employee time between the Site's primary portable toilet rental operation and the waste staging tank management.

⁶ See Attachment A: Technical Letter Describing Wash Machine.

tank employs charcoal filters to capture any odors emanating during transfer between the tank and the trucks emptying or depositing into the tank. These charcoal filters generate a bubblegum fragrance that is the primary odor discernable within the tanks' vicinity. The wash machinery is a closed-loop system and produces limited noise and odor impacts beyond the sound of a power washer.

The other rental equipment at the Site does not generate notable odor impacts.

E. Outside storage of materials or products – TDC 31.070(2)(e).

All portable restroom units are stored outside in orderly rows in designated paved areas only. At peak, approximately 1750 units are stored on the southern portion of the Site; however, this number fluctuates seasonally depending on customer demand. Supplies for stocking the trucks, units, and restroom trailers are stored in a single container in a designated paved area. These supplies include paper products like toilet paper and paper towels, and toilet seat covers.

All other equipment is stored outside in stacks (fencing) or orderly rows. The shower units are stored outdoors under an awning attached to the maintenance and repair building.

F. Type of structures required – TDC 31.070(2)(f).

The Site has five structures. A maintenance and repair building is located in the Site's northwest corner to service portable toilet units, fencing, and other products and equipment rented from the Site. Just to the east sits the wash rack and a small storage shed. There are two additional structures in the lot's southeast corner.⁷ A portable office trailer onsite allows a supervisor to perform administrative duties. Next to the office is a portable container used to stock accessory goods for the replenishment of portable restrooms.

G. Character of activity to be conducted on the site – TDC 31.070(2)(g).

Honey Bucket's main onsite activity is the rental and storage of industrial equipment. The primary onsite activity is the loading/unloading, washing, and storing of portable restrooms and other industrial equipment rented from the Site.

H. Amount of parking required – TDC 31.070(2)(h).

The Site requires minimal onsite parking during the day. During working hours, the service and delivery trucks temporarily enter the site to pick up and deliver rental equipment. At nighttime,

⁷ On November 13, 2024, the City contacted Stoel Rives and Honey Bucket regarding necessary permits for structures on the site, including: (1) a commercial alteration permit; (2) a site utilities permit; and (3) unidentified permits outside Building Division control. See Email from Bryan LaVigne, Code Compliance Officer, City of Tualatin, to Allison Reynolds, Stoel Rives (Nov. 13, 2024). The City confirmed receipt of the commercial alteration permit on Nov. 22, 2024. See Email from Bryan LaVigne, Code Compliance Officer, City of Tualatin, to Scott Clark, Larson and Associates (Nov. 22, 2024).

all the trucks and hauling trailers are parked on a gravel area in the Site's southwest corner accounting for less than 25% of the total Site area.

I. Number of persons who would occupy the premises at any one time – TDC 31.070(2)(i).

Because employees are engaged in the delivery, pumping, and pickup of portable restroom units and other rented equipment, unless employees are actively loading or offloading delivery vehicles, only six employees regularly occupy the Site. These include three onsite equipment management personnel, an employee responsible for fencing, and a mechanic. A supervisor also performs administrative duties in the morning or evening in the portable onsite office trailer. At full capacity, there can be approximately thirty (30) employees at this site; however, given the delivery and servicing nature of the business operation, there are generally far fewer.

J. Any other information which the City Manager or designee determines to be relevant to a determination of the issue – TDC 31.070(2)(j).

Honey Bucket can provide any additional information helpful to the City in making this formal zoning determination.

IV. Legal Analysis

A. Honey Bucket's primary use at the Site is best characterized as a Wholesale Sales use. Any separate waste-related component of the use is ancillary and accessory to this primary use.

TDC 39.100 provides guidance on how to classify a site's uses as primary or accessory. Accessory uses are treated as part of a primary use and "are allowed in all zones" based on the status of the primary use in the zone. TDC 39.100(3)(c). Honey Bucket's primary use at the site, which is the rental of portable toilets and other industrial equipment to other businesses, is best classified as Wholesale Sales. To the extent that waste-related activities are considered a separate use, the comparatively de minimis waste-related component of Honey Bucket's use (which consists of a temporary waste staging tank and a truck that visits the site and leaves to deposit waste elsewhere) is accessory to the Wholesale Sales use and therefore also allowed wherever the primary Wholesale Sales use is allowed, like the ML zone.

TDC 39.450 defines Wholesale Sales uses as industrial uses for the "lease, and/or rental of products primarily to businesses. Onsite sales to the general public are limited." Honey Bucket's onsite operations are exactly that: the rental of industrial products primarily to businesses, with no onsite rentals to the general public.⁸ Onsite activities – the cleaning, restocking, and storage of the portable restroom units and other equipment – are all activities necessary for Honey

⁸ See also email from Allison Reynolds, Stoel Rives, to Bryan LaVigne, Code Compliance Officer, City of Tualatin (Jan. 14, 2025).

Bucket to be able to rent this equipment to third parties from the Site. Even the temporary waste holding tank located at the Site allows the portable restroom units to be returned to the Site without waste so that they can be more quickly prepared for their next rental. All these accessory activities, including the cleaning and maintenance of the portable toilets, support Honey Bucket's primary activity: the rental of industrial equipment to third parties.

If Honey Bucket were to incorporate onsite waste processing and disposal into its operation, we acknowledge that the land use at the site would include Solid Waste Treatment and Recycling use characteristics, as well as Wholesale Sales use characteristics.⁹ Then, Honey Bucket's use would be more akin to a situation regulated by the TDC's "Multiple Primary Uses" provision. This hypothetical operation would also fit more cleanly into the example use of a "portable toilet collection, storage and pumping." TDC 39.100(3). However, a land use describes only the activity occurring at a zoned site, not every activity that the owner of a site engages in in connection with their onsite activity. Honey Bucket intentionally structured its business model so that the Site would serve simply as the equipment rental portion of the operation. Waste processing and disposal, a critical part of any portable restroom rental business, occurs offsite.

In earlier discussions regarding Honey Bucket's use categorization, City staff interpreted the Wholesale Sales use category as limited to sales and rentals involving "construction and industrial equipment * * * used to perform construction or industrial tasks,"¹⁰ stating that "portable toilets, which are used in a variety of settings, do not appear to be 'construction or industrial equipment.'"¹¹ This unnecessarily narrow interpretation results in an absurd situation where certain industrial sales and rental businesses are excluded from the Wholesale Sales use category (1) based on how their customers use the equipment, and (2) whether the goods being rented or sold are exclusively used in construction and industrial activities. If the City's interpretation is limited to tools physically used to build infrastructure or manufacture industrial items, it would exclude "machinery and tools" used to: (1) transport equipment and construction materials on site; (2) store construction materials on site; and (3) prepare construction materials for "the performance" of construction activities.

Furthermore, if Honey Bucket's use is excluded from the Wholesale Sales use category because Honey Bucket's portable toilets "appear in a variety of settings," then any business whose products might be used in a non-construction or industrial setting could be excluded from the Wholesale Sales use category on that basis. City staff reached this limiting interpretation not through the Wholesale Sales use provision's text itself, but through the provision's listed examples, which City staff themselves describe as "illustrative, and not exhaustive."¹² We

⁹ In this scenario, each primary use would be appropriately categorized and subject to the regulations for that use category. Here, this would require that the property be zoned to allow a Wholesale Sales use and Solid Waste use.

¹⁰ Letter from Kevin McConnell, City Attorney, City of Tualatin, to Allison Reynolds, Stoel Rives (Feb. 21, 2025) (emphasis added).

¹¹ *Id.*

¹² *Id.*

believe the City Council did not intend to narrow the Wholesale Sales use category so significantly when it adopted this provision of the Zoning Code, such that it would effectively exclude any use from qualifying as a Wholesale Sales use.

B. Honey Bucket’s rental business does not fit the characteristics associated with a Solid Waste Treatment and Recycling use as a primary use.

TDC 39.420 defines the scope of Solid Waste Treatment and Recycling uses as those that “receive, process and/or recycle solid waste materials.” TDC 39.420. The most applicable example use is “[p]ortable toilet collection, storage and pumping.” TDC 39.420(2). However, the mere mention of portable toilets within the Solid Waste Treatment and Recycling provision does not automatically mean that this use category captures all businesses dealing with portable toilets in any capacity. Honey Bucket’s primary use is not consistent with this use category, much less the referenced example use, for several reasons.

First, characterizing Honey Bucket’s use as a Solid Waste Treatment and Recycling use is inconsistent with the provision’s explicit text when read in its context. A local government’s interpretation must consider the text and context together; text cannot be considered separately from the broader context or the provision’s clear policy purpose.¹³ The Solid Waste Treatment and Recycling provision lists, as an example use, “portable toilet collection, storage and pumping.” TDC 39.420(2). This same provision includes two instances where it uses the less inclusive conjunction, “and/or”: (1) Solid Waste Treatment and Recycling facilities are described as those that “receive, process, and/or recycle solid waste materials,” and (2) a different example use is “waste composting and/or compost production.”

Had the City Council intended to include as an example use those portable toilet operations that engage in only one of the three listed activities, it would have done so with the appropriate conjunction, “and/or.” Instead, this example use covers only businesses engaged in all three activities—collection, storage, and pumping—because, when a zoning provision, “uses two different terms in the same provision, it is presumed that the enacting body intends two different meanings.”¹⁴ Honey Bucket intentionally maintains the waste disposal and processing components of its business offsite. Furthermore, because “the inclusion of specific uses in [an administrative] rule tends to imply an intent to exclude related uses not mentioned,” the inclusion of the portable toilet use example implies the exclusion of portable toilet business uses not fitting into that example.¹⁵

¹³ See § II (discussing the interpretive standards for a local government to interpret its own code).

¹⁴ *York v. Clackamas Cnty.*, 79 Or LUBA 278, 289 (2019).

¹⁵ *J.C. Reeves Corp. v. Washington Cnty.*, 31 Or LUBA 115, slip op at *6 (1996).

C. Mis-classifying Honey Bucket’s primary use as Solid Waste Treatment and Recycling effectively prohibits Honey Bucket’s operations (and similar businesses) in all City zones.

City staff’s interpretation would expand the Solid Waste Treatment and Recycling use category to apply to any business that deals with waste in any capacity and at any intensity.¹⁶ Such a broad interpretation is inconsistent with the explicit text of TDC 39.100(3)(c), which provides that accessory uses may exist alongside primary uses.

Staff’s interpretation, when taken to its logical conclusion, would also preclude any business dealing with waste in any zone. The TDC only specifies three sub-categories of waste uses (recycling collection centers, waste transfer stations and resource recovery facilities) that can be conditionally allowed in any City zone (specifically, either the ML or MG zone). If, as staff have concluded, these sub-categories represent the only types of permissible Solid Waste Treatment and Recycling uses, then all other uses classified as Solid Waste Treatment and Recycling—including “portable toilet collection, storage and pumping”—are prohibited City-wide.

We do not believe that implicitly prohibiting portable toilet storage and rental businesses in Tualatin was the City Council’s intent in enacting relevant provisions of the TDC. This result contradicts the City’s goal of fostering urban growth and a pro-business environment. Portable restrooms are required for any construction project, industrial sites, temporary “pop-up” events and businesses, and other unenumerated purposes where either sewage infrastructure does not exist, or parties have other reasons to want temporary restrooms over permanent restrooms. Tualatin currently has dozens of active and imminent construction projects,¹⁷ and Honey Bucket rents out portable restroom units to at least fifty-three (53) sites¹⁸ within the City of Tualatin, demonstrating the need for affordable and nearby access to portable toilet rentals.

V. Conclusion

For all the reasons set forth above, we respectfully request that the City Manager issue a formal code interpretation decision properly classifying Honey Bucket’s primary use as a Wholesale Sales use that is permitted outright in the ML zone. This is the interpretation consistent with the TDC, and it is the interpretation that is consistent with the City’s goals to foster a pro-business and pro-development environment in Tualatin. Honey Bucket’s business fills a vital role in the Tualatin business community, and Honey Bucket is eager to continue assisting developers and industrial clients alike in their construction, manufacturing, and event work in Tualatin.

Please let us know if we can provide additional information to assist with this request.

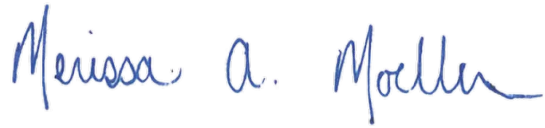
¹⁶ In earlier discussions, City staff provided no alternative that would recategorize Honey Bucket’s use as a Wholesale Sales use other than complete removal of the temporary waste transfer tank.

¹⁷ Projects, City of Tualatin, available at: <https://www.tualatinoregon.gov/projects> (last accessed May 21, 2025).

¹⁸ As of May 20, 2025. This number is expected to increase during the summer due to increased event demand.

Sherilyn Lombos
June 5, 2025
Page 10

Very truly yours,



Merissa A. Moeller

cc: Matteo G. Crow

Encl.:
Attach. A: Technical Letter Describing Wash Machine

ATTACHMENT “A”



Portable Toilet Wash Station

Application:

- Portable toilet wash station
- Water reuse

Description:

The portable toilet wash station is a closed loop wash water reuse station. Water from this station can be used for portable toilet washing and recharging the toilet for the next service. The "Wash Station" is a simple arrangement of below ground tanks (2) that collects wash water from the wash pad. Wash water is treated in the first of two tanks to reduce odor and potential harmful constituents. Treated wash water flows into the second tank where any solids are settled out. It is from this tank that wash water is pumped to pressure washers. Water from washing and rinsing portable toilet is collected on a concrete or asphalt apron and drained back into the in-ground tanks to start the process again.

Features and Benefits:

- Continuous aeration of reuse wash water
- Auto re-fill when liquid level drops
- No additional chemicals needed
- 110/220 volt versions
- Operating flow 0-15 gpm
- Through put flow up to 1300 gpd
- Economical installation
- Low operating cost
- Easily scalable
- Powers auto re-fill, two pressure washers, recirculation pump, reverse flush headworks

Toilet Wash Station Parts List:

- Control panel
- Reverse flush headworks and housing
- Aerator and diffusers and housing
- Installation instructions
- Water re-fill solenoid valve and housing
- Float Switch

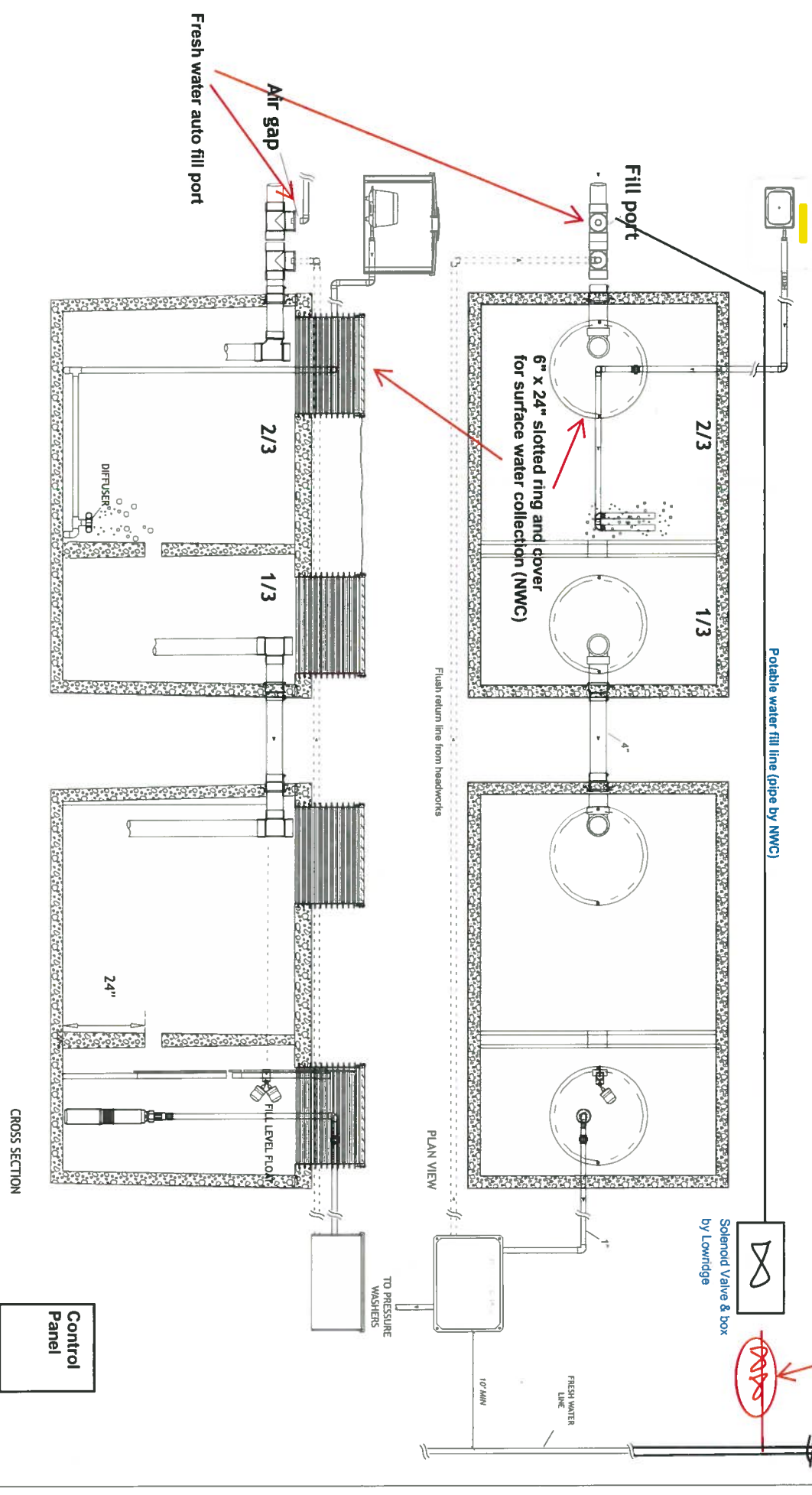
Components from Others:

- Two 1,000 or 1500 gallon tanks
- Tanks can be concrete or plastic
- Tank risers and lids
- Double check valve assembly
- 1" and 4" PVC pipe
- Electrical splice boxes
- Pressure washers

1500 Gallon Molded Polypropylene Tank

1500 Gallon Molded Polypropylene Tank

Conn't to potable water: 1" dbi check and box by NWC



LOWRIDGE ONSITE TECHNOLOGIES

DRAWING ID: Wash Station

SCALE: NTS

DRAWN BY: DBM

CK BY: DAVE LOWE

DATE: 07.13.2023



**INTERPRETATION DECISION
HONEY BUCKET (INT-25-0001)**

July 11, 2025

Case:	INT 25-0001
Address:	18805 SW 108 th Avenue, Tualatin, OR 97062
Tax Lot:	2S122AD 600, 700, and 800
Planning Zone:	Light Manufacturing (ML)
Applicant:	Northwest Cascade, Inc. DBA Honey Bucket

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PROPOSAL

The applicant, Northwest Cascade, Inc. DBA Honey Bucket (“Honey Bucket” or “Applicant”), represented by Merissa Moeller of Stoel Rives LLP, requests an Interpretation of Code Provisions that the proposed uses, which comprise “a portable restroom and industrial equipment rental business,” are Permitted uses within the Light Manufacturing (ML) Zone). Within **Table 60-1 (Use Categories in the ML Zone)**, “a portable restroom and industrial equipment rental business” is not explicitly listed as Permitted in the ML zone. Consequently, the applicant requests that the City of Tualatin (the “City”) find the proposed use to be of a similar character and to meet the purpose of the ML zone, as provided in TDC 31.070.



CHAPTER 31 – GENERAL PROVISIONS

Section 31.070 Interpretation of Code Provisions.

- (1) The City Manager has the initial authority and responsibility to interpret all terms, provisions and requirements of the Tualatin Development Code.
- (2) Unless accompanied by an application, submitted under some other Development Code or Ordinance provision, a party wishing an interpretation must submit a written application to the City Manager. The application must be accompanied by a detailed description of factors related to the issue for interpretation, including, but not limited to:
 - (a) The amount and type of traffic generated;
 - (b) The type of manufacturing or commercial process;
 - (c) The nature of any machinery used;
 - (d) Noise and odor characteristics, associated with the use or activity;
 - (e) Outside storage of materials or products;
 - (f) Type of structures required;
 - (g) Character of activity to be conducted on the site;
 - (h) Amount of parking required;
 - (i) Number of persons who would occupy the premises at any one time; and
 - (j) Any other information which the City Manager or designee determines to be relevant to a determination of the issue.

Finding:

Honey Bucket has submitted a written application (“the Application”), addressing the above standards with sufficient detail for the City Manager or designee to interpret the applicable terms, provisions and requirements of the Tualatin Development Code. This standard is met.

(3) Within 30 days of the submission of all required information, the City Manager must cause a final decision to be made on the issue. The decision must include findings of fact and conclusions for the particular aspects of the decision, based upon applicable criteria. Notice of the decision must be provided to the City Council. The City Manager must maintain a collection of such decisions.

(4) The final decision on a Code interpretation under this section may be appealed to the City Council pursuant to the provisions of TDC 31.076 and 31.077.

Finding:

The Application was submitted on June 5, 2025, and the final piece of required information, the application fee, was submitted on June 11, 2025. Therefore, a final decision must be made on the issue, with notice of the decision to the City Council, by July 11, 2025. This standard is met.

39 - USE CATEGORIES

Section 39.100 - Use Classifications – General Principles.

(1) **Purpose.** Land uses are classified into use categories based on common functional, product or physical characteristics, including the type and intensity of activity typical of impact, type(s) of customers or residents, typical off-site impacts, and building type. The basis for allowing or prohibiting the use categories in the various zones is in the goals and policies of the Comprehensive Plan.

(2) **Organization and Guidelines.** Each use category is organized into the following sections:

(a) **Characteristics.** A description of the qualities and attributes, essential features, nature of operation, and impacts generally associated with a specific use.

(b) **Examples of Uses.** An illustrative, not exhaustive, list of activities or land uses that possess the characteristics of the use category.

(3) **Multiple Uses on a Site.** Uses may be regulated differently depending on the nature of the use on a site, in accordance with this section.

(a) **Multiple Primary Uses.** When all primary uses on a site fall within one use category, then the development falls within that use category. When the primary uses on a site fall within different use categories, each primary use is classified in the applicable use category and is subject to the regulations for that use category.

(b) **Limited Uses.** Limited uses are uses or activities that are allowed and may be subject to additional regulations beyond those required of the primary use.

(c) **Accessory Uses.** Accessory uses are uses or activities that are subordinate and incidental to a primary use on a site. Accessory uses are allowed in all zones in conjunction with the primary use and subject to the same regulations as the primary use, unless stated otherwise in this code.

(4) **Considerations in Classifying Uses.** The following items are used to determine the use category of a particular use or activity, and whether the activities constitute primary or accessory uses:

(a) The description of the activity(ies) in relationship to the characteristics of each use category;

(b) The relative amount of site or floor space and equipment devoted to the activity;

(c) Relative amount or type of sales from each activity;

(d) The customer type for each activity;

(e) The relative number of employees in each activity;

(f) Hours of operation;

(g) Building and site arrangement;

(h) Type of vehicle used with the activity;

(i) The relative number of vehicle trips generated by the activity;

(j) How the use advertises itself; and

(k) Whether the activity would be likely to be found independent of the other activities on the site.

Section 39.110 – Uses Not Specifically Addressed. Uses not specifically addressed in this code may be classified into a use category through the process of a Code Interpretation application, pursuant to Section 31.070 (Interpretation of Code Provisions).

[...]

Finding:

As proposed, there are multiple primary uses for the Site. Honey Bucket operates a business at the Site, storing portable restrooms and other job site equipment that is ultimately rented to industrial and construction customers as a business-to-business operation. Honey Bucket's offerings include portable restrooms, ranging from standard units to high-end luxury models; shower units; temporary fence panels (fencing); temporary metal storage containers; and ground-level office units. As noted in the Application narrative, previous discussions between city staff and Honey Bucket have focused on the portable restroom units and an associated temporary waste holding tank. In describing this aspect of its business, Honey Bucket asserts the following:

- *Honey Bucket's business typically operates between 4 AM and 7PM- but may operate seven days a week with extended hours to accommodate demand surges or peak season events;*
- *After use by commercial and industrial customers, waste is pumped out of all units offsite before the restrooms are retrieved for cleaning and storage at the Site;*
- *Trucks that empty the restrooms of waste offsite return to the Site, where the pumped waste is stored temporarily in a holding tank;*
- *An additional truck empties the tank and delivers the waste to a final offsite destination for disposal*
- *Once at the Site, employees service the restrooms by washing units inside and outside via a closed loop wash water reuse station that reclaims and recycles water into a private reclamation system;*
- *Honey Bucket pumps the recycled water with one of its delivery trucks and disposes of it in an approved wastewater facility;*
- *Employees stock and load clean restrooms with necessary supplies and store them onsite.*

The Applicant states that the primary onsite activity is the loading/unloading, washing and storing of portable restrooms and other industrial equipment rented from the Site. While the Applicant does not provide specific information as to how much of its primary onsite operation is dedicated to restrooms (as opposed to other industrial equipment) or sales derived from its restroom operations, the Applicant does maintain that approximately 1750 restroom units are stored on the Site during peak times.

As discussed below, Honey Bucket's primary use most closely aligns with the Solid Waste Treatment and Recycling use category. Whether or not the applicant is also conducting or proposes to conduct separate and distinct primary uses that are appropriately classified as Wholesale Sales, those uses are subject to the limitations of the ML zone and are discussed further below under Section 39.450.

Section 39.420 - Solid Waste Treatment and Recycling.

(1) Characteristics. Solid Waste Treatment and Recycling uses receive, process and/or recycle solid waste materials.

(2) Examples of Uses.

- **Energy recovery plants.**
- **Portable toilet collection, storage and pumping.**
- **Recycling-Collection Center (as defined in TDC 39.115).**
- **Commercial waste composting and/or compost production.**

(3) Exceptions.

- **The following related uses are prohibited in all zones: vehicle and heavy machinery salvage and wrecking; hazardous-waste collection and processing; rendering plants; and junk or salvage yards**

- **Uses listed above in the Examples of Uses are not allowed in the Special Commercial Setback 60.035 (1-3)**
 - **Community recycling or composting facilities at a community garden are classified as Community Services.**
- [...]

Finding:

The Applicant asserts that its primary use at the Site (rental of portable restrooms and other industrial equipment to other businesses) is best characterized as a Wholesale Sales use, and that the waste-related components of the use are ancillary and accessory to the primary use.

First, the City disagrees with Honey Bucket's proposition that the waste-related components of the stated primary use constitute an accessory use. After a review of the record and text and context of TDC 39.100(3)(c) and (4), it is sufficiently clear that Honey Bucket's waste-related activities at the Site are not subordinate and incidental to the stated primary use but part and parcel of and an important, essential component of that use.

The record reflects the following:

- *During operating hours, pick-up and delivery trucks leave the Site in the morning with clean and stocked restrooms and return to the Site with empty ones;*
- *During demand surges, this activity can occur several times a day;*
- *Waste from the restrooms rented to customers is pumped into trucks offsite, then transported to the Site and temporarily stored in the holding tank onsite;*
- *That waste is then emptied by one truck and delivered to a disposal site- and this can occur either once or twice per day;*
- *When the restrooms are returned to the Site, Honey Bucket employees service them, which includes washing them on the inside and outside with a washing system that reclaims and recycles the water in a private reclamation system;*
- *That recycled water is then pumped into a delivery truck and delivered to a wastewater facility.*

TDC 39.100(3)(c) defines the term "Accessory Uses" as uses or activities that are subordinate and incidental to a primary use on a site. The terms "subordinate" and "incidental" are not defined in the TDC. Per Webster's Third New Intl Dictionary (unabridged ed 2002), the term "subordinate" (when used as an adjective) means "placed in a lower order, class, or rank," and "Incidental" (when used as an adjective) means "subordinate, nonessential, or attendant in position or significance."

In support of its argument that the waste-related components of the stated primary use are accessory uses, the Applicant argues those components are merely activities necessary to support its primary activity- the rental of industrial equipment to third parties. For example, the Applicant states that after use by customers, all restroom units are returned to the Site empty- and waste processing and disposal occurs offsite. While the Applicant can claim the restrooms come back to the Site empty, they cannot assert that they come back clean- necessitating the need to thoroughly wash every restroom and capture their wastewater onsite. Additionally, trucks that empty waste from the restrooms offsite then return to the Site with that waste, where it is temporarily stored in a holding tank. This aspect of its operation necessitates the need to employ charcoal filters to capture odors emanating during the transfer between the tank and trucks emptying or depositing into the holding tank. The record

indicates that these waste-related activities do not constitute a minor aspect of Honey Bucket's operation, but an extremely important and essential aspect of Honey Bucket's operation at the Site.

Turning to the appropriate classification of Honey Bucket's primary use, the record indicates it most closely aligns with the Solid Waste Treatment and Recycling Use Category. In its Application, Honey Bucket acknowledges that if it did engage in onsite waste processing and disposal as part of its operation, its use would have characteristics associated with the Solid Waste Treatment and Recycling Use category. After review, the City finds that the applicant's proposed rental of portable restroom units and the associated temporary waste holding tank is most similar to the Solid Waste Treatment and Recycling use category. In the ML zone, Table 60-1 (below) limits a Solid Waste Treatment and Recycling use to be a recycling collection center. Furthermore, TDC39.420(2), lists "portable toilet collection, storage and pumping" as an example of the specific subtype of uses within that category.

The Applicant disagrees that its use fits within the example set out at TDC 39.420(2) ("portable toilet storage, collection and pumping"), asserting that such an interpretation is contrary to its plain text. The Applicant argues that had the Council intended to include as an example a portable toilet operation that engages in less than all of the three listed activities, it would have used the conjunction "and/or." However, the record indicates that the TDC appears to use the conjunctions "and," "or," and "and/or" interchangeably within the specific examples set out in the Commercial Use Categories within TDC Chapter 39. For example, TDC Chapter 39 contains the Commercial Use Category Durable Goods Sales, which is set out below (underlining of conjunctions added):

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 furniture and large appliances.
- New and used sales of motorcycles, boats, recreational vehicles, or trailers.
- Retail nurseries or greenhouses.
- ***

Given the stated characteristics of Durable Goods Sales, it would be implausible to read TDC 39.320(2) to exclude a business operation that engaged only in the retail sale of furniture, as opposed to one that engaged in both the retail sale of furniture and large appliances. Likewise, given the stated characteristics for a Solid Waste Treatment and Recycling use ("receive, process and/or recycle solid waste materials"), the City interprets TDC 39.420 to include only a portable toilet operation that engages in toilet collection, storage and pumping.

Even if that were not the case, TDC 39.100(2) makes clear that use category characteristics contain a "description of the qualities and attributes, essential features, nature of operation, and impacts generally associated with a specific use," and the associated examples for each use are an "illustrative, not exhaustive, list of activities or land uses that possess the characteristics of the use category." Based on the record, the Applicant's activities on the Site include many of the characteristics associated with Solid Waste Treatment and Recycling use. As explained above, Honey Bucket receives solid waste materials, which is a listed characteristic that defines the Solid Waste Treatment and

Recycling use classification. Additionally, portable toilet collection, storage and pumping are listed as examples of the use. While the use in question does not pump the portable toilets on site, it does collect, store and wash the toilets on site as well as temporary store the waste from those toilets onsite. As such, the proposed rental of portable restroom units contains many of the characteristics associated with a Solid Waste Treatment and Recycling use and is properly classified as Solid Waste Treatment and Recycling. Finally, Honey Bucket's use cannot be reasonably construed to be a Recycling-Collection Center (as defined in TDC 39.115) as "A permanent facility for the collection, storage, repair, processing or distribution of repairable or reusable household goods or materials, when housed in a fully enclosed building. In this context, the term "materials" is specifically intended to include empty bottles, jars, cans, boxes or similar containers, as well as newspaper, magazines and other printed matter."

Therefore, the proposed rental of portable restroom units as well as the temporary waste holding tank, as it is associated with the use, are both prohibited in the ML zone.

TDC 39.450. - Wholesale Sales.

(1) Characteristics. Wholesale Sales are the sale, lease, and/or rental of products primarily to businesses. On-site sales to the general public are limited.

(2) Examples of Uses.

- Wholesale sales of industrial hand tools and industrial supplies such as safety equipment and welding equipment.
- Wholesale sales, service and rental of construction and industrial equipment, such as tractors, loaders, hoes, lifts, cranes, and utility trucks, to contractors and industrial firms.
- Wholesale sales and service of machines and tools primarily for industrial and commercial firms including machine tools, fabrication, processing and packaging machinery, hoists, conveyors, racking systems and forklifts.
- Wholesale sales of building materials and supplies, including, but not limited to, electrical supplies; fencing materials; building insulation; lumber; prefabricated trusses and structural frames; structural metal materials; masonry supplies; ceramic & stone tile and pavers; painting supplies; plumbing supplies; plywood and wood panel materials; roofing; siding; flooring; window materials; door materials; and tools (handheld and table or stand mounted).

(3) Exceptions.

- Companies that engage primarily in sales to the general public are classified as Retail Sales and Services.
- Companies that engage in sales on a membership basis are classified as either Retail Sales and Services or Wholesale Sales, based on the characteristics of the use.
- Companies that are primarily storing goods with little on-site business activity are classified as Warehouse and Freight Movement.
- Storage, transfer, or processing of hazardous, toxic, or radioactive waste.

Finding:

On the question of whether the proposed rental of portable restroom units and the associated temporary waste holding tank could be considered Wholesale Sales, it is first important to distinguish that in the ML zone, Table 60-1 (below), further limits this use category to sales of industrial hand tools, industrial supplies such as safety equipment and welding equipment, that are products primarily sold wholesale to other industrial firms or industrial workers; and sale, service and rental of construction and industrial equipment to contractors and industrial firms only; and further that a conditional use is required for wholesale sales of building materials and supplies. Because Honey

Bucket rents rather than sells its product, it is only necessary to examine whether its proposed use could be considered “service and rental of construction and industrial equipment to contractors and industrial firms only.”

In staff’s view, portable toilets, which are used in a variety of settings, do not appear to be “construction or industrial equipment.” Given the applicable examples of uses set out for Wholesale Sales and relevant rules of statutory construction, staff’s position is that “construction and industrial equipment” is limited to the machinery and tools used to perform construction or industrial tasks.

The Applicant disagrees with this staff interpretation, asserting that it is unnecessarily narrow, and works to exclude business operations based upon how construction or industrial equipment is used and whether the goods being sold are exclusively used in construction and industrial activities. While the term “construction and industrial equipment” is not defined in the TDC, examples of these types of equipment are set out at TDC 39.450(2), and includes tractors, loaders, hoes, lifts, cranes, and utility trucks. Given this list and applicable maxim of statutory construction, the portable toilets rented to third parties by the Applicant do not share the same common characteristics as the listed examples set out in the TDC. Given the plain and ordinary meaning of the term “construction and industrial equipment” and the context of how that term is described in the TDC, the City agrees that staff’s interpretation of the term “construction and industrial equipment” is limited to the machinery and tools used to perform construction or industrial tasks.

Even if the City were to conclude otherwise, the Applicant’s operation includes activity (receiving solid waste materials) that is not permitted in the Wholesale Sales Industrial Use Category. Accordingly, the existing portable toilet collection business is plausibly understood to be a Solid Waste Treatment and Recycling use and is therefore prohibited.

On the secondary question of whether other uses proposed by Honey Bucket (e.g., rental of shower units, temporary fence panels, temporary metal storage containers and ground-level office units) constitute “construction and industrial equipment,” the City finds that those activities cannot be plausibly characterized as a Wholesale Sales use. Given the applicable examples of uses set out for Wholesale Sales and relevant rules of statutory construction, it is the City’s position that “construction and industrial equipment” is limited to the machinery and tools used to perform construction or industrial tasks.

As such, Honey Bucket’s other uses do not appear to be “construction or industrial equipment.” Therefore, the proposed rental of shower units; temporary fence panels (fencing); temporary metal storage containers; and ground-level office units do not satisfy the limitation on Wholesale Sales in the ML zone that requires said rentals to be construction or industrial equipment- and is therefore prohibited.

Finally, the Honey Bucket argues that staff’s interpretation that storage, pumping, and cleaning of portable restroom units that are rented and the associated temporary waste holding tank as well as of rental of shower units, temporary fence panels, temporary metal storage containers and ground-level office units a portable restroom, when taken to its logical conclusion, would also preclude any business dealing with waste in any zone. Honey Bucket correctly notes that the TDC only specifies one sub-category of waste uses (recycling collection centers) in the ML zone, which is allowed Conditionally. Additionally, three sub-categories of waste uses are allowed in the MG zone (recycling collection centers, waste transfer stations and resource recovery facilities) that can be Conditionally

allowed. Although the Permitted or Conditional uses in the MG zone are not at issue in the subject interpretation which only applies to the ML zone, staff finds it plausible that a portable toilet collection facility, which involves the transfer of human waste from portable toilets to a holding tank, to be transferred from the site for ultimate disposal could be appropriately classified as a waste transfer station, and could be allowed Conditionally in the MG zone. Regarding the remaining proposed uses which Honey Bucket argues are appropriately classified as Wholesale Sales, staff concurs that the TDC provides apparent limitations on the nature of the uses such that uses that are not listed as prohibited in the ML zone and appear to be similarly prohibited in the MG zone.

In response to Honey Bucket's contention that "we do not believe that implicitly prohibiting portable toilet storage and rental businesses in Tualatin was the City Council's intent in enacting relevant provisions of the TDC. This result contradicts the City's goal of fostering urban growth and a pro-business environment," there are a variety of business activities that are not permitted in the City of Tualatin. Further, the record does not reflect any evidence that the Council did not intend to prohibit certain uses. Further, the purpose statement for the ML zone indicates that the Council did intend to place limitations on certain uses – while still fostering a pro-business environment, particularly those industrial uses that might be considered incompatible with other uses, or industrial uses like wholesale sales which are commercial in nature. "The purpose of this zone is to provide areas of the City that are suitable for industrial uses and compatible with adjacent commercial and residential uses. The zone serves to buffer heavy manufacturing uses from commercial and residential areas. Industrial uses that are environmentally adverse or pose a hazard to life and safety are prohibited. The zone is suitable for warehousing, wholesaling, and light manufacturing processes that are not hazardous and do not create undue amounts of noise, dust, odor, vibration, or smoke. The purpose is also to allow a limited amount of commercial uses and services and other support uses, including office uses in limited locations in close proximity to the Commercial Office (CO) district. Commercial uses are not permitted in the Limited Commercial Setback."

CHAPTER 60 – LIGHT MANUFACTURING (ML) ZONE

TDC 60.100. - Purpose.

The purpose of this zone is to provide areas of the City that are suitable for industrial uses and compatible with adjacent commercial and residential uses. The zone serves to buffer heavy manufacturing uses from commercial and residential areas. Industrial uses that are environmentally adverse or pose a hazard to life and safety are prohibited. The zone is suitable for warehousing, wholesaling, and light manufacturing processes that are not hazardous and do not create undue amounts of noise, dust, odor, vibration, or smoke. The purpose is also to allow a limited amount of commercial uses and services and other support uses, including office uses in limited locations in close proximity to the Commercial Office (CO) district. Commercial uses are not permitted in the Limited Commercial Setback.

TDC 60.200. - Use Categories.

(1) Use Categories. Table 60-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the ML zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 60-1 and restrictions identified in TDC 60.210. 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](#).

[...]

Table 60-1
Use Categories in the ML Zone

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
INDUSTRIAL USE CATEGORIES		
<i>Solid Waste Treatment and Recycling</i>	<i>C (L)</i>	<i>Conditional uses limited to recycling collection center.</i>
<i>Wholesale Sales</i>	<i>P/C (L)</i>	<p><i>Permitted uses limited to:</i></p> <ul style="list-style-type: none"> • <i>Sales of industrial hand tools, industrial supplies such as safety equipment and welding equipment, that are products primarily sold wholesale to other industrial firms or industrial workers; and</i> • <i>Sale, service and rental of construction and industrial equipment to contractors and industrial firms only.</i> <p><i>Conditional use required for wholesale sales of building materials and supplies</i></p>

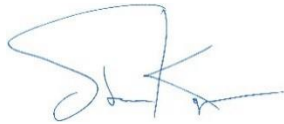
CONCLUSION

The above findings of fact, based upon applicable criteria, support a determination that both (a) the proposed portable toilet collection and associated holding tank, and (b) the proposed rental of shower units; temporary fence panels (fencing); temporary metal storage containers; and ground-level office units are both prohibited uses within the ML Zone.

APPEAL

This interpretation will be final after 14 calendar days **unless a written appeal is received** by the Community Development Department, Planning Division at 10699 SW Herman Road, Tualatin, Oregon 97062-7092 **before 5 p.m. on July 25, 2025. The appeal must be submitted on the City appeal form** with all the information requested provided thereon and signed by the appellant and accompanied by the applicable appeal fee. The appeal forms are available at the Planning Division office. The City Council reviews appeals of interpretations pursuant to Tualatin Development Code (TDC) 31.070(4).

Submitted by:

A handwritten signature in blue ink, appearing to read 'SK', is written over a faint, illegible background.

Steve Koper, AICP
Assistant Community Development Director

Attachments:

A. Application Materials

File: INT 25-0001



AFFIDAVIT OF MAILING

STATE OF OREGON)

) ss

COUNTY OF WASHINGTON)

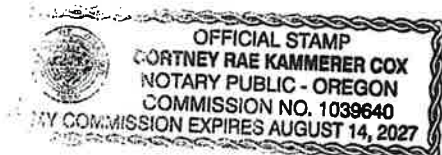
I, Lindsey Hagerman being first duly sworn, depose and say:

That on the August day of 25, I served upon the persons shown on Exhibit A, attached hereto and by this reference incorporated herein, a copy of a Notice of Hearing/Application/Decision marked Exhibit B, attached hereto and by this reference incorporated herein, by mailing to them a true and correct copy of the original hereof. I further certify that the addresses reflect information received from the relevant party or agency, and that said envelopes were placed in the United States Mail at Tualatin, Oregon, prepared to receive postage administered by city staff.

Dated this August 25 of, 2025


Signature

SUBSCRIBED AND SWORN to before me this 25th of August, 2025





Notary Public for Oregon

My commission expires: August 14, 2027

RE: IMP24-0001 Notice of Decision, INT25-0001 Notice of Application

TLID	OWNER1	OWNERADDR	OWNERCITY	OWNERSTATE	OWNERZIP
2S122AD00600	WILLY LUMP LUMP LLC	4500 SW ADVANCE RD	WILSONVILLE	OR	97070
2S122AD00700	WILLY LUMP LUMP LLC	4500 SW ADVANCE RD	WILSONVILLE	OR	97070
2S122AD00800	WILLY LUMP LUMP LLC	4500 SW ADVANCE RD	WILSONVILLE	OR	97070
2S122DA00200	WETLANDS CONSERVANCY INC	4640 SW MACADAM AVE #50	PORTLAND	OR	97239
2S122DA00300	WETLANDS CONSERVANCY INC	4640 SW MACADAM AVE #50	PORTLAND	OR	97239
2S1220000500	WASHINGTON COUNTY FACILITIES MGMT	169 N 1ST AVE #42	HILLSBORO	OR	97124
2S122D000501	WALGRAEVE GARY & WALGRAEVE RICKY	11345 SW HERMAN RD	TUALATIN	OR	97062
2S122D001150	WALGRAEVE GARY & WALGRAEVE RICKY	11345 SW HERMAN RD	TUALATIN	OR	97062
2S122D001151	WALGRAEVE GARY & WALGRAEVE RICKY	11345 SW HERMAN RD	TUALATIN	OR	97062
2S1220000600	TUALATIN CITY OF	18880 SW MARTINAZZI AVE	TUALATIN	OR	97062
2S1220000700	TUALATIN CITY OF	18880 SW MARTINAZZI AVE	TUALATIN	OR	97062
2S1220000800	TUALATIN CITY OF	18880 SW MARTINAZZI AVE	TUALATIN	OR	97062
2S122AD00200	TUALATIN CITY OF	PO BOX 723597	ATLANTA	GA	31139
2S123B000602	TUALATIN TETON LLC	621 SW ALDER ST STE 800	PORTLAND	OR	97205
2S122AD01200	TERESA HOLDINGS LLC & LAURENCE HOLDINGS LLC ET AL	10120 SW NORTH DAKOTA	TIGARD	OR	97223
2S1220000300	PHIGHT LLC	ONE BOWERMAN DR	BEAVERTON	OR	97005
2S122DA00900	PACIFIC METAL COMPANY	10700 SW MANHASSET DR	TUALATIN	OR	97062
2S122DA00100	METRO	600 NE GRAND AVE	PORTLAND	OR	97232
2S122AD01000	MARSHALL ASSOCIATED LLC	PO BOX 278	TUALATIN	OR	97062
2S123BC01000	MARSHALL ASSOCIATED LLC	PO BOX 278	TUALATIN	OR	97062
2S122DA01100	MANHASSET BUSINESS CENTER OWNERS ASSOC	1498 SE TECH CENTER PL #150	VANCOUVER	WA	98683
2S122DA01200	MANHASSET BUSINESS CENTER OWNERS ASSOC	1498 SE TECH CENTER PL #150	VANCOUVER	WA	98683
2S122DA01300	MANHASSET BUSINESS CENTER OWNERS ASSOC	1498 SE TECH CENTER PL #150	VANCOUVER	WA	98683
2S122DA01400	MANHASSET BUSINESS CENTER OWNERS ASSOC	1498 SE TECH CENTER PL #150	VANCOUVER	WA	98683
2S122DA01500	MANHASSET BUSINESS CENTER OWNERS ASSOC	1498 SE TECH CENTER PL #150	VANCOUVER	WA	98683
2S122DA01900	MANHASSET BUSINESS CENTER OWNERS ASSOC	1498 SE TECH CENTER PL #150	VANCOUVER	WA	98683
2S122AA00700	LUMBER FAMILY CO LLC	PO BOX 1427	TUALATIN	OR	97062
2S122AA00500	LAM RESEARCH CORPORATION	2025 GATEWAY PL #228	SAN JOSE	CA	95110
2S122AA00600	LAM RESEARCH CORPORATION	ATTN TAX DEPT, BLDG CA-10	FREMONT	CA	94538
2S122AA00800	LAM RESEARCH CORPORATION	2025 GATEWAY PL #228	SAN JOSE	CA	95110
2S122AB00100	LAM RESEARCH CORPORATION	2025 GATEWAY PL #228	SAN JOSE	CA	95110
2S123BC01100	JUBITZ CORPORATION	33 NE MIDDLEFIELD RD	PORTLAND	OR	97211
2S123CB01700	GNT LEASING LLC	PO BOX 2687	TUALATIN	OR	97062
2S122AD01100	GARSKE TRAVIS W	PO BOX 729	COLBERT	WA	99005
2S1220000400	FUJIMI CORPORATION	11200 SW LEVETON DR	TUALATIN	OR	97062
2S122AD00900	FRANKLINIA LLC	6107 SW MURRAY BLVD #175	BEAVERTON	OR	97008
2S122DA00600	EVE LAND INVESTMENTS LLC	PO BOX 2893	TUALATIN	OR	97062
2S122AD00100	EGC TUALATIN LLC & OSWALD BO & OSWALD KRISTA	6040 SW MERIDIAN WAY	TUALATIN	OR	97062
2S123B000600	CHAMBERLAIN HUSSA PROPERTIES	18755 SW TETON AVE	TUALATIN	OR	97062
2S122AD00400	CALMAX TECHNOLOGY INC	3491 LAFAYETTE ST	SANTA CLARA	CA	95054
2S122AA00400	ASCENTEC ENGINEERING LLC	18500 SW 108TH AVE	TUALATIN	OR	97062
2S122AD01300	ABBOTT TUALATIN LLC	3030 BRIDGEWAY	SAUSALITO	CA	94965
		PO BOX 73399	PUYALLUP	WA	98373



NOTICE OF PUBLIC HEARING AND OPPORTUNITY TO COMMENT

NOTICE IS HEREBY GIVEN that a public hearing before the City Council will be held:

Monday, September 22, 2025 at 7 pm
Tualatin City Services Building
10699 SW Herman Road

To view the application materials visit:
www.tualatinoregon.gov/projects

Request for Review of INT25-0001 – “Honey Bucket Interpretation”

TO PROVIDE COMMENTS:

Email: mnelson@tualatin.gov

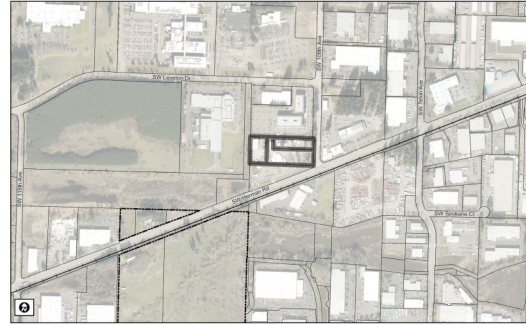
Mail: Planning Division
Attn: Madeleine Nelson
10699 SW Herman Road
Tualatin, OR 97062

To attend the hearing, there are two options:

- **Attend in person at the Tualatin City Services Building.**
- **Zoom Teleconference.** Details at: www.tualatinoregon.gov/citycouncil/council-meetings

A Request for Review of the July 11, 2025 “Honey Bucket Interpretation” decision issued by the City to identify if the proposed uses of “a portable restroom and industrial equipment rental business” are permitted uses within the Light Manufacturing (ML) Zone. The review request was submitted by Northwest Cascade, Inc. DBA Honey Bucket (c/o Greg Potts); cc: Merissa Moeller (Stoel Rives LLP).

- **Site Address: 18805 SW 108th Avenue (Tax Lots: 2S122AD 600, 700 and 800).**



- **Criteria:** Tualatin Development Code (TDC) Chapters 31, 32, 39, 60 and 63.
- **Application materials** are public record and are available for review. Copies can be viewed online or obtained at a reasonable cost, by contacting the Planning Division.
- **Staff report materials** will be available for inspection at no cost, at least seven days prior to the hearing. Copies can be obtained for a reasonable



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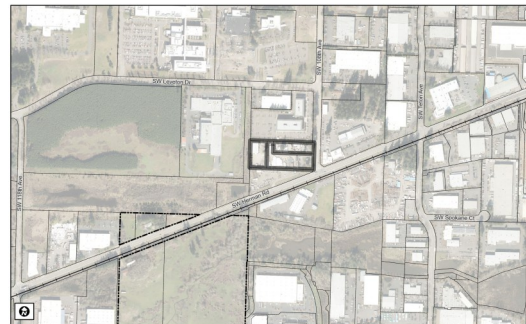
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- **The public hearing process** begins with a staff presentation, followed by testimony by proponents, testimony by opponents, and rebuttal. Individual testimony may be limited. At the conclusion of the hearing, the City Council will deliberate and make a decision based on the facts and arguments in the public record. Before the hearing is closed, a participant may request that the record remain open for at least seven days after the hearing.
- **Everyone is invited to attend the hearing and comment** on the application's approval criteria. Failure of an issue to be raised in the hearing, in person, or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals (LUBA) based on that issue. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to the decision maker to respond to the issue precludes an action for damages in circuit court.
- A copy of the staff report, exhibits, and findings will be available one week before the hearing at: <https://www.tualatinoregon.gov/citycouncil>.

For additional information contact:

Madeleine Nelson, Associate Planner: mnelson@tualatin.gov

«OWNER1»
 «OWNERADDR»
 «OWNERCITY», «OWNERSTATE»
 «OWNERZIP»

10699 SW Herman Rd, Tualatin, Oregon 97062 TualatinOregon.gov



cost.

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10699 SW Herman Rd, Tualatin, Oregon 97062 TualatinOregon.gov



Notice of Hearing: INT25-0001 Decision

From Madeleine Nelson <mnelson@tualatin.gov>

Date Mon 8/25/2025 1:42 PM

To Riverparkcio@gmail.com <riverparkcio@gmail.com>; jasuw7@gmail.com <jasuw7@gmail.com>; christine@newmountaingroup.com <christine@newmountaingroup.com>; rockybixby@hotmail.com <rockybixby@hotmail.com>; katepinamonti@hotmail.com <katepinamonti@hotmail.com>; cynmartz12@gmail.com <cynmartz12@gmail.com>; cio.East.west@gmail.com <cio.east.west@gmail.com>; doug_ulmer@comcast.net <doug_ulmer@comcast.net>; keenanwoods7@gmail.com <keenanwoods7@gmail.com>; keenanwoods7@gmail.com <keenanwoods7@gmail.com>; dana476@gmail.com <dana476@gmail.com>; jvanetten59@gmail.com <jvanetten59@gmail.com>; tualatinmidwestcio@gmail.com <tualatinmidwestcio@gmail.com>; tmpgarden@comcast.net <tmpgarden@comcast.net>; sixgill@comcast.net <sixgill@comcast.net>; jdrs80@gmail.com <jdrs80@gmail.com>; snoelluwcwle@yahoo.com <snoelluwcwle@yahoo.com>; theawood48@gmail.com <theawood48@gmail.com>; MartinazziWoodsCIO@gmail.com <martinazziwoodscio@gmail.com>; solson.1827@gmail.com <solson.1827@gmail.com>

Cc Megan George <mgeorge@tualatin.gov>; Betsy Ruef <bruef@tualatin.gov>; Aquilla Hurd-Ravich <ahurd-ravich@tualatin.gov>

 1 attachment (501 KB)

INT25-0001 Notice.pdf;



NOTICE OF HEARING AND OPPORTUNITY TO COMMENT

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You may view the application materials on our Projects web page: <https://www.tualatinoregon.gov/planning/int25-0001-request-review-interpretation-decision>

Comments due for staff report: **September 8, 2025**. Comments made after that date but prior to the close of the written record will be included in the written record but may not be included in the staff report to

the City Council.

Criteria: Tualatin Development Code (TDC) Chapters 31, 32, 39, 60 and 63.

Individuals wishing to comment may do so in writing to the Planning Division prior to the hearing and/or present written and/or verbal testimony to the City Council at the hearing.

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Outlook

Notice of Hearing: INT25-0001 Decision

From Madeleine Nelson <mnelson@tualatin.gov>

Date Mon 8/25/2025 1:40 PM

To gregpotts@nwcascade.com <gregpotts@nwcascade.com>; merissa.moeller@stoel.com <merissa.moeller@stoel.com>

Cc Aquilla Hurd-Ravich <ahurd-ravich@tualatin.gov>

 1 attachment (501 KB)

INT25-0001 Notice.pdf;



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Notice of Hearing: INT25-001 Decision

From Madeleine Nelson <mnelson@tualatin.gov>

Date Mon 8/25/2025 1:41 PM

To Sherilyn Lombos <slombos@tualatin.gov>; Don Hudson <dudson@tualatin.gov>; Kevin McConnell <Kmcconnell@tualatin.gov>; Heather Heidel <hheidel@tualatin.gov>; Mike McCarthy <mmccarthy@tualatin.gov>; Tony Doran <TDORAN@tualatin.gov>; Hayden Ausland <hausland@tualatin.gov>; Sidaro Sin <ssin@tualatin.gov>; Rich Mueller <rmueller@tualatin.gov>; Tom Steiger <TSteiger@tualatin.gov>; Terrance Leahy <t Leahy@tualatin.gov>; Ernie Castro <ECASTRO@tualatin.gov>; Tom Scott <tscott@tualatin.gov>; Martin Loring <mloring@tualatin.gov>; Lindsey Hagerman <lhagerman@tualatin.gov>; Erin Engman <eengman@tualatin.gov>; Keith Leonard <kleonard@tualatin.gov>; Aquilla Hurd-Ravich <ahurd-ravich@tualatin.gov>

Cc 'schuylw@tigard-or.gov' <schuylw@tigard-or.gov>; planning@sherwoodoregon.gov <planning@sherwoodoregon.gov>; Dyami_Valentine@washingtoncountyor.gov <dyami_valentine@washingtoncountyor.gov>; theresa_cherniak@co.washington.or.us <theresa_cherniak@co.washington.or.us>; deqinfo@deq.state.or.us <deqinfo@deq.state.or.us>; 'landusenotifications@oregonmetro.gov' <landusenotifications@oregonmetro.gov>; 'ODOT_R1_DevRev@odot.oregon.gov' <odot_r1_devrev@odot.oregon.gov>; baldwinb@trimet.org <baldwinb@trimet.org>; LUComments@cleanwaterservices.org <lucomments@cleanwaterservices.org>; McGladrey, Alexander M. <alexander.mcgladrey@tvfr.com>; KHerrod@republicservices.com <kherrod@republicservices.com>; Alexander Pulaski <apulaski@ttsd.k12.or.us>; lburton@ttsd.k12.or.us <lburton@ttsd.k12.or.us>; gbennett@sherwood.k12.or.us <gbennett@sherwood.k12.or.us>; info@theintertwine.org <info@theintertwine.org>; Anneleah@tualatinchamber.com <anneleah@tualatinchamber.com>; OR.METRO.ENGINEERING@ZIPLY.COM <or.metro.engineering@ziply.com>; tod.shattuck@pgn.com <tod.shattuck@pgn.com>; brandon.fleming@pgn.com <brandon.fleming@pgn.com>; kenneth.spencer@pgn.com <kenneth.spencer@pgn.com>

📎 1 attachment (501 KB)

INT25-0001 Notice.pdf;



NOTICE OF HEARING AND OPPORTUNITY TO COMMENT

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Tualatin City Council at 7:00 p.m., **Monday, September 22, 2025**, held at the Tualatin City Services Building (10699 SW Herman Road).

A Request for Review of the July 11, 2025, "Honey Bucket Interpretation" decision issued by the City to identify if the proposed uses of "a portable restroom and industrial equipment rental business" are permitted uses within the Light Manufacturing (ML) Zone. The review request was submitted by Northwest Cascade, Inc. DBA Honey Bucket (c/o Greg Potts); cc: Merissa Moeller (Stoel Rives LLP). The

site is located at 18805 SW 108th Avenue (Tax Lots: 2S122AD 600, 700, and 800 in the Light Manufacturing (ML) Planning District.

You may view the application materials on our Projects web page: <https://www.tualatinoregon.gov/planning/int25-0001-request-review-interpretation-decision>

Comments due for staff report: **September 8, 2025**. Comments made after that date but prior to the close of the written record will be included in the written record but may not be included in the staff report to the City Council.

Criteria: Tualatin Development Code (TDC) Chapters 31, 32, 39, 60 and 63.

Individuals wishing to comment may do so in writing to the Planning Division prior to the hearing and/or present written and/or verbal testimony to the City Council at the hearing.

The public hearing process begins with a staff presentation, followed by testimony by proponents, testimony by opponents, and rebuttal. Individual testimony may be limited. At the conclusion of the hearing, the City Council will deliberate and make a decision based on the facts and arguments in the public record. Before the hearing is closed, a participant may request that the record remain open for at least seven days after the hearing.

Everyone is invited to attend the hearing and comment on the application's approval criteria. Failure of an issue to be raised in the hearing, in person, or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals (LUBA) based on that issue. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to the decision maker to respond to the issue precludes an action for damages in circuit court.

A copy of the staff report and findings will be available one week before the hearing at: <https://www.tualatinoregon.gov/citycouncil>.

Application materials are public record and are available for review. Copies can be viewed online or obtained at a reasonable cost, by contacting the Planning Division (503-691-3026 or planning@tualatin.gov)



September 18, 2025

Merissa Moeller
760 SW Ninth Avenue, Suite 3000
Portland, OR 97205
D. 503.294.9455
merissa.moeller@stoel.com

VIA EMAIL (council@tualatin.gov)

Members of the Tualatin City Council
City of Tualatin
10699 SW Herman Road
Tualatin, OR 97062

RE: Appeal of Code Interpretation Decision INT 25-0001

Dear Mayor Bubenik, Council President Pratt, and Councilors:

This office represents Northwest Cascade, Inc., doing business as Honey Bucket (“Honey Bucket”), which operates the portable restroom and industrial equipment rental business at issue in this appeal. Honey Bucket operates its business at 18805 SW 108th Ave., Tualatin, Oregon (the “Site”)— directly across 108th Avenue from the new Tualatin City Services Building and the Community Development offices. The Site is within the Light Manufacturing (“ML”) zone.

At the Site, Honey Bucket stores portable restrooms, shower units, temporary fencing, temporary metal storage containers, and ground-level office units for rental to offsite construction and industrial clients—mainly local developers. Honey Bucket transports and delivers its rental equipment to offsite customers rather than serving customers onsite. Empty restrooms are returned to the Site to be rinsed and sanitized. Honey Bucket has operated at this location since August 2023 without incident and without complaint from neighbors or City staff.

In late 2024, City planning staff issued a code enforcement order, claiming for the first time ever that Honey Bucket’s business is a “Solid Waste Treatment and Recycling” use not permitted in the ML zone. To avoid being forced to close its business, Honey Bucket filed a formal code interpretation request, explaining Honey Bucket’s position that Honey Bucket’s business is more appropriately considered a “Wholesale Sales” use which is permitted in the ML zone.

Unfortunately, the formal code interpretation decision issued by City staff not only reaffirmed staff’s initial position, but went further than the original enforcement order, concluding that none of Honey Bucket’s other rental activities (including rental of shower units, temporary fencing, and other job-site equipment) are allowed in the ML zone either. Staff’s new decision jeopardizes Honey Bucket’s ability to continue operating in Tualatin. It threatens similar local businesses as well.

Honey Bucket is asking this Council to exercise its judgment and discretion and adopt a different interpretation of its code. As explained further below, correctly classifying Honey Bucket’s business as a Wholesale Sales use is more in line with the text and intent of the Tualatin Development Code (“TDC”). It is also the correct policy choice. Consider who needs portable

restrooms in Tualatin: Residential developers attempting to meet the City’s urgent housing demand, community organizations holding civic events like fairs or parades, and anyone in the City who lacks a permanent building with plumbing. Staff’s interpretation threatens these basic community needs, without any clear mandate in the City’s code.

For the following reasons, we urge the City Council to support, not discourage, these essential activities in Tualatin by reversing staff’s decision.

1. The City Council has discretion to reach a different interpretation of its code.

Honey Bucket requests that this Council correct two legal conclusions in staff’s decision:

1. Honey Bucket’s “rental of portable restroom units as well as the temporary waste holding tank associated with the use” can only be classified as a Solid Waste Treatment and Recycling Use and, therefore, must be prohibited in the ML zone.
2. Honey Bucket’s other industrial rental activities (rental of shower units, temporary fence panels, temporary metal storage containers, and ground-level office units) “cannot be plausibly characterized as a Wholesale Sales use” and, therefore, must be prohibited in the ML zone.

Honey Bucket believes that neither conclusion correctly interprets the TDC, as detailed in Honey Bucket’s original code interpretation request. *See* City Council Packet, at 171. But, even more importantly, neither conclusion is the only possible interpretation of the TDC.

The City Council has the final say to interpret the City code. This Council is not bound by staff’s view unless that view is the only reasonable interpretation of the code. Instead, the Council has discretion to interpret its code in any way that is “plausible,” meaning that it does not clearly conflict with the code’s text and policies.¹ The Council can and should consider whether staff’s interpretation is the right policy result for Tualatin when deciding this appeal.

2. The definition of “Wholesale Sales” captures portable toilet rentals.

Honey Bucket rents portable restrooms and other equipment to industrial and construction customers. These activities fall squarely within the definition of “Wholesale Sales,” which is the “sale, lease, and/or rental of products primarily to businesses.” TDC 39.450(1). One listed example of a Wholesale Sales use is the “service and rental of construction and industrial equipment,” which perfectly describes Honey Bucket’s business. (Emphasis added.)

Meanwhile, a “Solid Waste Treatment and Recycling” use is one that “receive[s], process[es] and/or recycle[s] solid waste materials.” TDC 39.420. Although Honey Bucket stores empty portable restrooms at the Site, Honey Bucket is not in the business of collecting, treating, or disposing of human waste at the Site. The nature of Honey Bucket’s rental equipment means that Honey Bucket—obviously—must sanitize restroom units before they are stored and re-

¹ *See Siporen v. City of Medford*, 349 Or 247, 261 (2010); *Kaplowitz v. Lane Cnty.*, 285 Or App 764, 775 (2017).

rented. The waste from those units must be temporarily stored somewhere before being properly disposed of offsite. But that does not mean that Honey Bucket is in the business of “receiving,” “processing,” or “recycling” “solid waste.”

3. The definition of “Wholesale Sales” captures other equipment not used to “perform” construction.

City staff have also concluded that none of Honey Bucket’s rental equipment qualifies as “construction or industrial equipment” because that equipment is not used to “perform” construction.² However, the TDC includes no such requirement, and the word “perform” does not appear anywhere in the Wholesale Sales use category.

It should go without saying that portable restrooms, temporary fencing, and wash stations are essential to most construction sites, which, by their nature, generally lack permanent infrastructure. A tour of Tualatin’s construction sites demonstrates the necessity of this equipment to contractors. Thus, reading the Wholesale Sales use category to include construction and industrial equipment not explicitly listed—including portable toilets—is not only “plausible”; it is more consistent with the reality of construction work occurring in Tualatin.

4. Staff’s interpretation may prevent Honey Bucket from operating in Tualatin.

Staff’s interpretation leads to an illogical and extremely punitive result.

First, limiting Honey Bucket’s rental activities to the “Solid Waste Treatment and Recycling” use category forces Honey Bucket into a use category allowed in only two zones. Under the Site’s current ML zoning, the only permissible Solid Waste Treatment and Recycling use is a “recycling collection center,” which does not apply to Honey Bucket’s business, meaning that Honey Bucket’s business cannot be authorized at the Site under its current zoning. As an alternative, staff have suggested that Honey Bucket’s portable toilet rentals could maybe be permitted as a conditional use in the General Manufacturing (“MG”) zone. But that position is not binding and, for that alternative to pan out, Honey Bucket would need to persuade future planning staff and the Planning Commission that Honey Bucket’s business is a “waste transfer station.” It is not at all certain that Honey Bucket could rezone the Site or find another site with MG zoning, and it is not at all certain that a conditional use permit would even be issued.

Second, and even more concerningly, staff concluded that none of Honey Bucket’s other equipment rentals can be allowed as Wholesale Sales, without identifying another use category where they might fit. This means that, under staff’s interpretation, it is unclear whether any of Honey Bucket’s business activities could continue in any zone or at any property in Tualatin.

To what end? Honey Bucket is a business that (1) employs Tualatin residents, (2) generates City tax revenue, (3) supports housing and other development, and (4) is not a nuisance affecting the

² See INT 25-0001, at *8 (June 6, 2025) (“[S]taff’s position is that ‘construction and industrial equipment’ is limited to the machinery and tools used to perform construction or industrial tasks.”).

City's habitability. Forcing Honey Bucket to leave the City would only harm Tualatin's residents, without any clear basis in the City's code.

5. Staff's interpretation treats Honey Bucket differently from similar businesses.

Just a few blocks down SW Herman Road, United Site Services ("USS") is permitted as a "portable restroom business." USS was not required to secure any land use approval, because City planning staff previously concluded that USS's rental activities were allowed outright, based on reasoning that directly contradicts the current staff's interpretation.

In 1992, the City determined that USS's "portable restroom business" was allowed outright because "[a] portable rest room business that distributes, maintains, and stores portable rest rooms is similar to the following permitted activities in the MG District: Contractors shop and equipment storage * * * ; Tool and equipment rental * * * ; Sales of industrial supplies * * * ." See Attachment A (emphasis added).

Read together, these two decisions effectively state that USS—a nationally owned non-unionized company—can operate a portable restroom rental business as a Wholesale Sales use, while Honey Bucket—a locally owned unionized company—cannot operate the same business model less than three-quarters of a mile away on the same road.

It's a great sign that Tualatin now has enough economic activity to support two separate portable restroom rental businesses. There is no need to undermine that success by effectively granting one company a monopoly.

6. Under staff's interpretation, code amendments and/or a rezone would be needed.

Honey Bucket has invested more than a quarter of a million dollars moving its business to this Site. Affirming staff's interpretation would mean that Honey Bucket will need to attempt to rezone the Site, relocate to another Site, or leave Tualatin altogether. Our question to the Council is: why? Honey Bucket is invested in Tualatin and would like to remain in the community, if the City will have them. There is no need to require either Honey Bucket or City planning staff to participate in further expensive and time-consuming land use processes, when the City's code is already broad enough for Honey Bucket to stay at the Site.

The decision before the Council impacts other businesses as well. Setting aside portable toilet rentals, other businesses renting construction and industrial equipment not used to directly "perform" construction work will need further support from the City to ensure that these essential business activities can continue. It is possible—perhaps even likely—that other similarly situated businesses are operating in the City, based on the understanding that their sales or rentals of equipment used to support construction and industrial activities qualify as a "Wholesale Sales" use. If the Council concludes that the City's code truly limits Wholesale Sales to tools used directly to construct buildings, as staff have concluded, then the Code may well need to be amended to protect other businesses engaged in these essential business activities.

7. Conclusion

As the letters of support submitted by Honey Bucket customers, employees' union representatives, the Site's owner, and numerous Honey Bucket employees attest, Honey Bucket is a valued member of the Tualatin business community. If Honey Bucket is forced to leave the City, Tualatin will be left with only one portable restroom rental provider—favoring a nationally owned company over a local, unionized business, and reducing community choice. This outcome is unnecessary and avoidable.

Staff have offered one possible way to read the City's code. Honey Bucket has offered an alternative reading that is at least as reasonable—if not more so. In cases like these, the law requires the City Council to exercise its discretion and make a decision based on what is best for Tualatin.

We urge the City Council to use its discretion to interpret the Code to allow Honey Bucket's continued operation at this Site as a Wholesale Sales use. Thank you for your consideration.

Sincerely,



Merissa A. Moeller

cc: Greg Potts, President and Chief Executive Officer
Matteo G. Crow

Encl:

Attachment A: Letter from City of Tualatin to Roy Lumber, Oct. 2, 1992.

Attachment B: Letters of Support



CITY OF TUALATIN

PO BOX 369
TUALATIN, OREGON 97062-0369
(503) 692-2000

October 2, 1992

Mr. Roy Lumber
Schultz-Clearwater Sanitation Inc.
PO Box 1404
Tualatin, OR 97062

Dear Mr. Lumber:

RE: PORTABLE RESTROOM BUSINESS IN AN MG PLANNING DISTRICT
AT 11505 SW HERMAN ROAD (2S1 22C, TAX LOT 200)

Thank you for your letter asking if the Shultz-Clearwater portable restroom business is an allowed use at 11505 SW Herman Road (Map 2S1 22C, TL200). This property is currently outside the City. When annexed the property will be in the City's General Manufacturing (MG) Planning District.

Based on information provided in your letter dated September 22, 1992, (Attachment 1) and on your meeting with Mr. Ed Emerson and me on September 23, we have determined that it is a permitted use in the MG Planning District. A portable rest room business that distributes, maintains, and stores portable rest rooms is similar to the following permitted activities in the MG District:

Contractors shop and equipment storage [61.020 (2)(f),
Tualatin Development Code (TDC)]

Tool and equipment rental [61.020(1), TDC]

Sales of industrial supplies [61.020(1), TDC]

You have also indicated that the operation intends to store the units outdoors. Outdoor storage of materials and products related to permitted uses is allowed in the MG District [61.020(2), TDC]. Chapter 73 of the TDC requires that outdoor storage areas shall be screened from view by a sight-obscuring wall or fence or by a dense evergreen buffer [73.160(3)(b), TDC]. The portion of the property adjoining the Manufacturing Park (MP) Planning District adjoining the property on north shall be screened with a dense evergreen buffer.

As you know, the property is currently outside the City. Annexation approval must be obtained from the Boundary Commission prior to the City's issuance of development approvals. If the property is to be divided to create a 4-acre parcel to purchase, a

Schulz - Clearwater

SANITATION, INC.
P.O. Box 1404 • Tualatin, OR 97062

City of Tualatin
Planning Dept
P.O. Box 369
Tualatin, Ore. 97062
attn: Will Harper

September 22, 1992

Subject: Purchase of Walgrove
Property - Tax lot 200
4 acres - Norman Road

Dear Mr. Harper:

Our company has an option on the subject property with the intent to systematically phase out our present operation at 18745 SW 108th to the new property. We have totally outgrown our present site.

We are engaged in the portable restroom business employing 14 people.

Tualatin
503-692-9009

Portland
503-253-7586

Vancouver
206-694-4944



To Whom It May Concern:
RE: Honey Bucket

As we start to see an upswing in the local economy, it is being, gratefully, followed by a corresponding upswing in local construction.

This is incredibly important to the furthering economic growth as this leads directly and indirectly to creating many new job opportunities, adding even more to the local economy.

This critical service (construction) is supported by a service provided by Honey Bucket which is not only equally critical but required by law in order for construction to work efficiently and safely.

It would be a blow to the construction industry and, thus, directly to the local economy if the service that Honey Bucket provides was not readily available. It would, literally, halt the start of the projects and, likely also, slow them down dramatically.

It is important that this service remains local and readily available to support the important economic recovery work being performed by the construction industry.

Sincerely,

Rick Shandy, President
BnK Construction



JOINT COUNCIL OF TEAMSTERS NO. 37

Affiliated with the International Brotherhood of Teamsters

September _11_, 2025

Members of the Tualatin City Council
City of Tualatin
10699 SW Herman Road
Tualatin, OR 97062

Dear Mayor Bubenik and Councilors:

On behalf of the International Brotherhood of Teamsters Joint Council 37, which represents Thousands of workers in Tualatin, Portland Metro and the state of Oregon, we'd like to offer our full support for Honey Bucket's zoning interpretation request and ask the City of Tualatin to continue allowing them to operate at the SW 108th Avenue location.

Honey Bucket is the only unionized portable toilet company in the State of Oregon. **As such, Honey Bucket's SW 108th Avenue location is the only unionized portable toilet rental location in the Portland Metro region.** It's hard to urge our family, friends, and colleagues to support pro-union businesses if these businesses do not exist.

Allowing Honey Bucket to operate as a Wholesale Sales use supports the City's broader goals of economic development, job creation and revitalization. Honey Bucket has demonstrated its commitment to the community and local labor source and supports the City's Economic Development Strategic Plan goal of "growing family wage jobs." Pushing Honey Bucket out of Tualatin benefits no one other than their immediate competitors in Tualatin and the surrounding area, none of whom employ union workers.

We respectfully urge the City Council to approve Honey Bucket's requested interpretation of the Tualatin Development Code and let them stay at their current location.

Thank you for your consideration.

Sincerely,

Steve Konopa
Director of Legislative Affairs
JC 37 Teamsters

Mark Davison - President

1872 N.E. 162nd Avenue, Portland, Oregon 97230

Phone 503-251-2337 Fax 503-251-2303

150354355.1 0084063-00001



Willy Lump LLC

4500 SW Advance Road
Wilsonville, OR 97070

September 11, 2025

Members of Tualatin City Council
10699 SW Herman Road
Tualatin, OR 97062

Re: Support for Honey Bucket at 18805 SW 108th Avenue

Dear Council Members,

I am the daughter of the owner of three adjacent properties in Tualatin through my company, Willy Lump LLC, including 18805 SW 108th Avenue, which is currently leased to Honey Bucket.

For more than twenty years, the neighboring property at 18745 SW 108th Avenue was occupied and operated by Schultz-Clearwater, a portable sanitation company. Their operations were long established at that site before they relocated just eight blocks away to Herman Road, where United Site Services continues to operate their portable toilet rental business.

Since Honey Bucket became my tenant at 18805 SW 108th Avenue, they have been an outstanding operator. They are responsible, take great care of the property, and are known for being supportive members of the community. Honey Bucket's professionalism and commitment to service make them a tenant I am proud to have.

Given the history of similar operations in this immediate area and the precedent established with Schulz-Clearwater, I respectfully request the Council's favorable consideration of Honey Bucket's continued operations at 18805 SW 108th Avenue.

Thank you for your time and thoughtful consideration.

Sincerely,



Annette Neely
Willy Lump LLC

Letter for zoning issue.



Jared Pena <JaredPena@honeybucket.com>
To: Jaime Poppleton

[Reply](#) [Reply All](#) [Forward](#) [...](#)

Mon 9/8/2025 4:00 PM

09/08/2025

To Whom It May Concern,

My name is Jared Pena, and I have been employed with Honey Bucket as a Quality Control Inspector for nearly two years.

As a resident of Tualatin, the Honey Bucket location here has been a tremendous benefit to me. Its proximity to my home makes commuting easier and more efficient, allowing me to balance work and personal life while staying connected to the community I live in.

Honey Bucket is a great place to work because of its supportive environment, reliable operations, and the opportunities it provides for growth and stability. I am proud to be part of a team that values both its employees and the community.

If Honey Bucket were no longer located in Tualatin, it would have a significant negative impact on me. A longer commute would create more stress and reduce the time I can spend with my family and community. The absence of Honey Bucket from Tualatin would also weaken the strong local connections and support that benefit both employees and residents.

I sincerely appreciate your consideration and strongly encourage keeping Honey Bucket's location in Tualatin.

Sincerely,

Jared Pena

Quality Control Inspector

Honey Bucket

Jacob Mullen

(503) 718-4283

9101 SW Sweek Dr,

Tualatin OR, 97062

Re: Support for Honey Bucket's Current Yard Location

Dear whom it may concern,

I am writing to express my concern about the possible relocation of Honey Bucket's yard from Tualatin. I live nearby and have even prior to my employment for 30 years. I currently work for Honey Bucket as a Route Supervisor, where I have been employed for the past four months. Moving the yard would negatively impact me both personally and professionally.

Honey Bucket has been a great neighbor and a positive influence in the community. The company provides secure and sanitary toilets that help reduce litter and other issues that come with the lack of suitable facilities. In addition, Honey Bucket supports local families by creating jobs and contributing to the local economy.

As both an employee and a neighbor, I have not seen any negative impact caused by the company's presence in the city. On the contrary, Honey Bucket has been responsible, respectful, and beneficial to the community.

For these reasons, I strongly encourage the city to allow Honey Bucket to remain at its current location.

Thank you for your time and consideration.

Sincerely,

Jacob Mullen

From: Michael Antrim <michaelwantrim@gmail.com>
Sent: Tuesday, September 9, 2025 9:40 PM
To: Jaime Poppleton <JaimePoppleton@HoneyBucket.com>
Subject: impact statement

You don't often get email from michaelwantrim@gmail.com. [Learn why this is important](#)

Hi, I'm Michael Antrim I have worked for Honey Bucket for just over 8 Months now and I've enjoyed my time there. Living in Tualatin and only having a 10-minute commute was a big deal breaker for me getting this job. Along with my great co-workers, medical benefits, pay, and being unionized. Waking up every day at 4:40 AM and working 12-14 hours a day can be a challenge. But knowing I'm only a short drive from home makes it a little easier. If Honey Bucket was forced to move out of Tualatin it would only make my life more challenging and take more time out of the little, I have at home. I really don't want to have to find a new job, but I've had long commutes in the past and they are very draining, and I don't know if I'd last long doing that.

Michael Wayne Antrim
503-560-9560
6885 Sw Nyberg St, Apt M106 Tualatin, OR 97062

Seth Dowler

09/05/2025

My name is Seth,

I've lived in Tualatin for several years now, my wife and I are about to have our first child and can't wait to raise her in this beautiful community we call home. I originally took this job to be closer to home about 2 years ago as I was driving an hour plus each day to and from my last job. This company offers me stability and a great union career which offers me the chance to provide for my family with great benefits like medical dental and vision for my whole family that we do not have to pay for as well as great pay, if i were to work else where i would have to make a lot more than i currently am to make ends meet as most companies i would have to pay out of pocket for medical dental and vision which is not cheap.

If Honey Bucket were forced to move it would put hardship on my family and more than likely would force me to have to look for employment elsewhere or have to move which is not cheap. I would love to be able to stay in Tualatin as I love this community. Losing Honey Bucket in Tualatin would be a disservice to the community.

We here at Honey Bucket have a set of core values that we live day in day out, commitment, can do attitude, customer focus and be accountable, we don't just live by these values, we also change expectations by providing exceptional portable sanitation and site services to our community.

We provide under-credentialed overachievers an opportunity to earn more than just a paycheck.



CITY OF TUALATIN

Staff Report

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Aquilla Hurd-Ravich, Community Development Director
Erin Engman, AICP, Senior Planner

DATE: September 22, 2025

SUBJECT:

Continued conversation on Tualatin's draft code amendments to comply with state-mandated Climate Friendly and Equitable Communities (CFEC) rulemaking for walkable communities.

BACKGROUND:

The City of Tualatin is updating its Development Code to meet state requirements and further the goals of the Climate-Friendly and Equitable Communities (CFEC) program. Requirements in Oregon Administrative Rules (OAR) 660-012-0330 (referred to as "Rule 0330") will support compact, pedestrian-friendly, mixed-use land use development patterns in urban areas, as well as support access by people using pedestrian, bicycle, and public transportation networks.

Successful outcomes of walkable design standards would include:

- **Comfortable, direct, and convenient access** for pedestrians, cyclists, and transit riders equitably provided throughout areas, and reduced reliance on the automobile;
- **Neighborhoods that are comfortable** for families (people young and old), inclusive, sociable, and that offer safe, direct connections to surrounding destinations; and
- **Mixed-use districts that orient activity and entrances to the pedestrian realm** and that are designed for climate resilience and better health outcomes.

During the May 27, 2025 work session presentation, City Council reviewed code concepts provided in DLCD's *Climate-Friendly and Equitable Communities Walkable Design Standards Guidebook* (Exhibit 1). As part of the conversation, staff sought Council direction regarding how drive-through facilities should be treated in the Mixed-Use Commercial (MUC) zone. At the time, staff presented two options for Council to consider:

- **Option 1:** Prohibit new drive-through facilities in the MUC zone.
- **Option 2:** Allow drive-through facilities with new standards and restrictions as required by the state mandate to ensure these uses provide safe and convenient access for people walking, using a mobility device, or riding a bicycle.

After some consideration, Council directed staff to return at a later date with additional context on the Mixed-Use District's location and redevelopment potential to aid the discussion. Staff is returning to continue the discussion with additional context and policy options for consideration.

EXECUTIVE SUMMARY:

The Walkable Design Standards code concepts draw on examples and code language provided in DLCD's *Climate-Friendly and Equitable Communities Walkable Design Standards Guidebook*, and the accompanying *Model Code*. While tonight's conversation is focused on auto-oriented uses, the project includes additional code concepts that were presented to Council on May 27th and are summarized below:

- ***Neighborhood Connectivity***
This section of Rule 0330 applies to neighborhood-scale development (i.e., land divisions which include new streets) and calls for pedestrian-friendly and connected neighborhoods. The rule requires maximum block length and block perimeter standards in residential neighborhoods.
- ***Residential Neighborhoods***
This section of Rule 0330 applies to new residential construction in residential and mixed-use zoning districts and call for "efficient and sociable development patterns." The rules specifically require local regulations to address building setbacks, lot size and coverage, building orientation, and access.
- ***Site Design Standards for Commercial and Mixed-use Districts***
This section of Rule 0330 applies to new development in commercial and mixed-use districts and calls for compact development patterns, easy ability to walk or use mobility devices, and direct access to pedestrian, bicycle, and public transportation networks.

Auto Oriented Uses

This section of Rule 0330 applies to auto oriented uses, which includes drive-through facilities and other uses that allow drivers to remain in their vehicles before and during an activity on the site. The rules ensure auto-oriented uses are compatible with walkability and the use of mobility devices.

What's in the Oregon Administrative Rules:

Cities shall have land use regulations that ensure auto-oriented land uses provide safe and convenient access opportunities for people walking, using a mobility device, or riding a bicycle. The rule also requires pedestrian access to goods and services that is equivalent to or better than access for people driving a motor vehicle.

Auto-oriented land uses include uses related to the operation, sale, maintenance, or fueling of motor vehicles, and uses where the use of a motor vehicle is accessory to the primary use, including drive-through uses.

What's in the Walkable Design Standards Model Code:

While not required under state rules, the model code calls for prohibiting drive-throughs in pedestrian-oriented zones. The model code also includes standards for pedestrian service areas, vehicle service areas, and stacking lanes.

The model code defines drive-throughs as a facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site. Examples of such uses include but are not limited to: drive-through restaurants, gas stations, car wash facilities, quick-oil change facilities, and drive-in theaters.

What's in the Tualatin Development Code:

Tualatin has two zoning districts that promote pedestrian activity – The Central Commercial (CC) and Mixed-Use Commercial (MUC) Zone.

The purpose of the CC zone 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. Within the CC zone, the code prohibits restaurant drive-through uses and quick vehicle servicing uses in Tualatin's downtown. Bank drive-throughs may be considered under a conditional use permit in this area.

The purpose of the MUC zone is to provide areas 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 in the district. Within the MUC zone, the code allows drive-through uses. A gas station may be considered under a conditional use permit in this area.

The TDC also includes design standards for vehicle stacking lanes that are associated with drive-through uses. This project will include additional standards to improve access and safety for pedestrians, as recommended in the model code.

As the model code recommends prohibiting new drive-throughs in pedestrian-oriented districts, which includes the Mixed-Use Commercial district, staff is seeking direction from City Council on this policy question.

Four options have been identified to address drive-through facilities in the MUC zone:

- **Option 1:** Prohibit new drive-through facilities in the MUC zone.
- **Option 2:** Allow drive-through facilities in the MUC zone with new standards and restrictions as required by Rule 0330.
- **Option 3:** Consider new drive-through and gas station facilities in the MUC zone under a Conditional Use Permit, subject to new standards and restrictions as required by Rule 0330.
- **Option 4:** A combination of the above options. An example may include allowing some drive-through facilities, such as bank teller uses with new standards and restrictions while considering drive-through restaurants and gas stations under a Conditional Use Permit.

Additionally, this program is a part of the Transportation Planning Rule (TPR) that regulates Transportation System Plan (TSP) requirements. The TPR requires that -0330 Walkable Design Standards be adopted as part of a TSP update. As the 2045 TSP update was adopted on August 11, 2025, staff had requested an alternative date to adopt the Walkable Design Project standards from DLCD. The approved request is included in the packet as Exhibit 2 which extends the adoption deadline to December 2025.

OUTCOMES OF DECISION:

The state rulemaking provides development regulations for pedestrian-friendly and connected neighborhoods. An urban form that focuses on walkability reduces dependence on driving, lowers transportation pollution, and promotes more active lifestyles.

ALTERNATIVES TO RECOMMENDATION:

The state rulemaking is mandatory for metropolitan areas in Oregon.

FINANCIAL IMPLICATIONS:

The City was awarded direct assistance for this work by DLCD under an Intergovernmental Agreement authorized by Resolution No. 5813-24. No direct financial expenditures will be incurred.

ATTACHMENTS:

- A. Presentation

EXHIBITS:

- 1. Walkable Design Standards Guidebook and Model Code
- 2. DLCD Alternative Date Approval -0330



CFEC Walkable Design Standards

September 22, 2025 – Work Session



Agenda



- Project purpose & background
- Revisit mandated code concepts
- Review existing land use conditions
- Policy discussion for auto-oriented uses
- Council direction



CITY of
TUALATIN

CFEC Summary

Climate-Friendly and Equitable Communities

State mandate to reduce greenhouse gas emissions from transportation

CFEC Components

- ✓ Designate Climate-Friendly Areas – Metro 2040 Growth Concept
- ✓ Parking Reform – Ordinance No. 1486-24
- ✓ Transportation System Plan Update
 - ↳ Walkable Design Standards



The CFEC program applies to regions with populations over 50,000 people.

Walkable Design Standards



Oregon Administrative Rules 660-012-0330 ("Rule 0330")

Project Purpose: Implement land use regulations that support compact, pedestrian-friendly, mixed-use land use development patterns in urban areas, as well as support access by people using pedestrian, bicycle, and public transportation networks.



PEDESTRIAN-
ORIENTED
DEVELOPMENT



CONNECTIVITY
AND ACCESS



COMPACT
DEVELOPMENT

Mandated Code Amendments



Respond to:

- Rule 0330
- Direction and examples of code language provided in DLCD's *CFEC Walkable Design Standards Guidebook and Model Code*
- Input from community stakeholders
- Input from City Council work sessions in February and May

Key Topic Areas:

- Neighborhood connectivity
 - Adopted under Ordinance 1451-25 (2045 TSP)
- Residential neighborhoods
 - Reduce front yard setback requirements for residential development
 - Building orientation standards for multi-family development
- Commercial and mixed-use districts
 - Include maximum setback provisions
- Auto oriented uses
 - Continued policy discussion...

Auto Oriented Uses



Drive-through facilities can create uncomfortable spaces for pedestrians and can make it difficult to access businesses' services without a vehicle.



Auto Oriented Uses



Rules apply to drive-through facilities and other uses that allow drivers to remain in their vehicles before and during an activity on the site. Intended to ensure auto-oriented uses are compatible with walkability and the use of mobility devices.

STATE RULE-MAKING

- Auto-oriented uses must provide safe and convenient access for people walking, using a mobility device, or riding a bicycle.
- Access to goods and services must be equivalent to or better than access for people driving a vehicle.



Auto Oriented Uses



MODEL CODE GUIDANCE

- New drive-through facilities should be prohibited in pedestrian-oriented districts (like downtown or the mixed-use district).

When drive-throughs are allowed:

- Require drive-through facilities to provide one walk-up service area or window.
- Prohibit service areas and stacking lanes between the building and a street lot line.
- Stacking lanes designed so that they do not prevent access to parking stalls.
- Require driveway entrances and stacking lane entrances to be at least 50 feet from any street intersection.



Auto Oriented Uses

MODEL CODE GUIDANCE

- Drive-throughs are defined as a facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site.
- Examples of such uses include but are not limited to:
 - Drive-through restaurants and bank tellers,
 - Gas stations,
 - Car wash facilities,
 - Quick-oil change facilities, and
 - Drive-in theaters.



Auto Oriented Uses



CURRENT CODE REQUIREMENTS – PEDESTRIAN ORIENTED ZONES

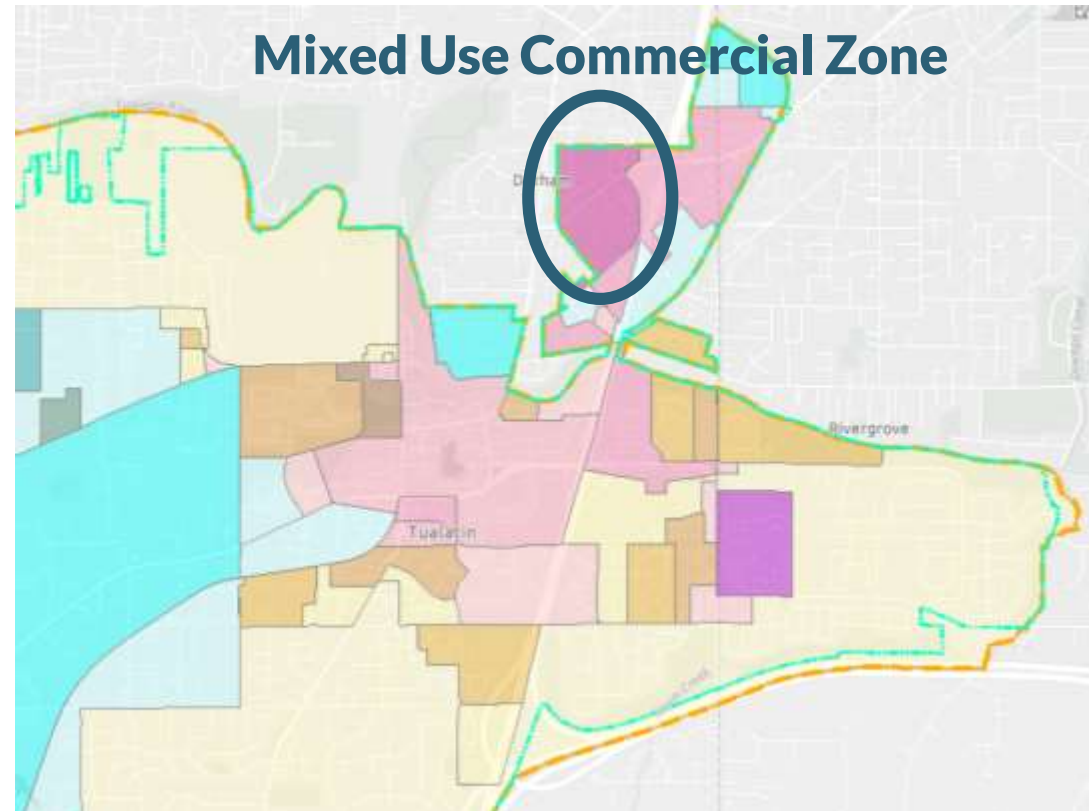


Auto Oriented Uses	Central Overlay (Downtown)	Mixed Use Commercial (MUC)
Drive-throughs	Prohibited (restaurant)	Allowed (restaurant/bank)
Quick Vehicle Servicing	Prohibited	Prohibited
Conditionally Permitted	Bank drive-through	Gas station

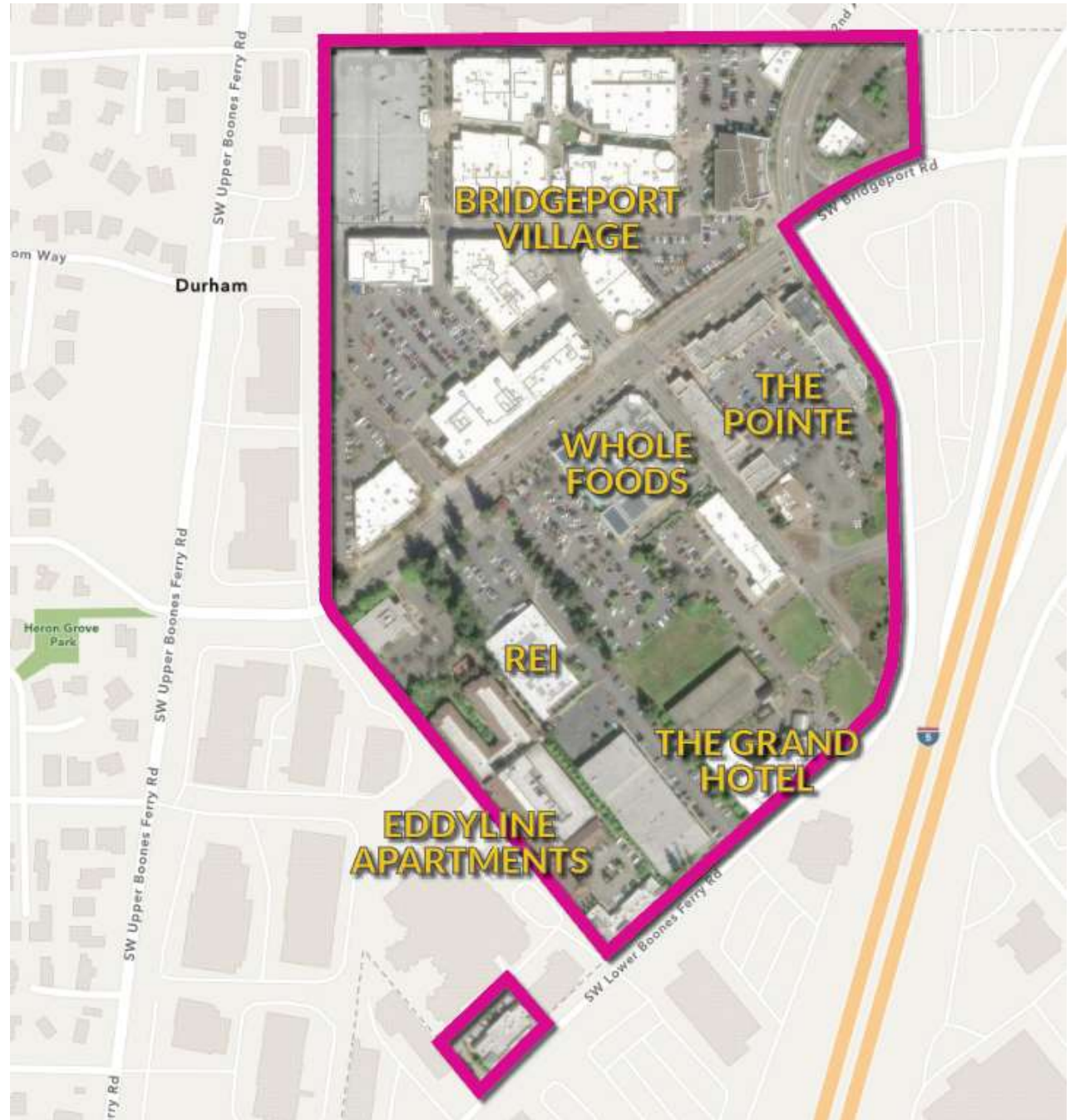
Policy Question

How should drive-through facilities be treated in the MUC zone?

- *Walkable Design Standards Model Code* prohibits new drive-through facilities in the “downtown” and “main street” districts – i.e., the priority pedestrian districts.
- Drive-throughs are already restricted in the Central Tualatin Overlay Zone. Should they also be restricted in MUC?



MUC Zone



MUC Zone



MUC Zone



Auto Oriented Uses



Typical lot size need to accommodate a drive-through use varies

McDonalds

- 8395 SW Tonka St – 1.12 Acres

Wells Fargo

- 18975 SW Martinazzi Ave – 0.8 Acres

Dutch Brothers

- 8675 SW Old Tualatin-Sherwood Rd – 0.38 Acres



Policy Question

OPTIONS FOR CONSIDERATION:

- **Option 1:** Prohibit new drive-through facilities in the MUC zone.
- **Option 2:** Allow drive-through in the MUC zone with new standards and restrictions as required by Rule 0330.
- **Option 3:** Consider new drive-through and gas station facilities in the MUC zone under a Conditional Use Permit, subject to new standards and restrictions as required by Rule 0330.
- **Option 4:** A combination of the above options. An example may include allowing some drive-through facilities, such as bank teller uses with new standards and restrictions while considering drive-through restaurants and gas stations under a Conditional Use Permit.



Conclusion



Any other questions or discussion?

Next Steps

- Revised, adoption-ready draft code amendments
- Planning Commission recommendation – October 15
- Council consideration of ordinance adoption later this year ~ November 24





CITY *of*
TUALATIN



CLIMATE-FRIENDLY AND EQUITABLE COMMUNITIES WALKABLE DESIGN STANDARDS GUIDEBOOK

January 2025



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Department of
Land Conservation
& Development

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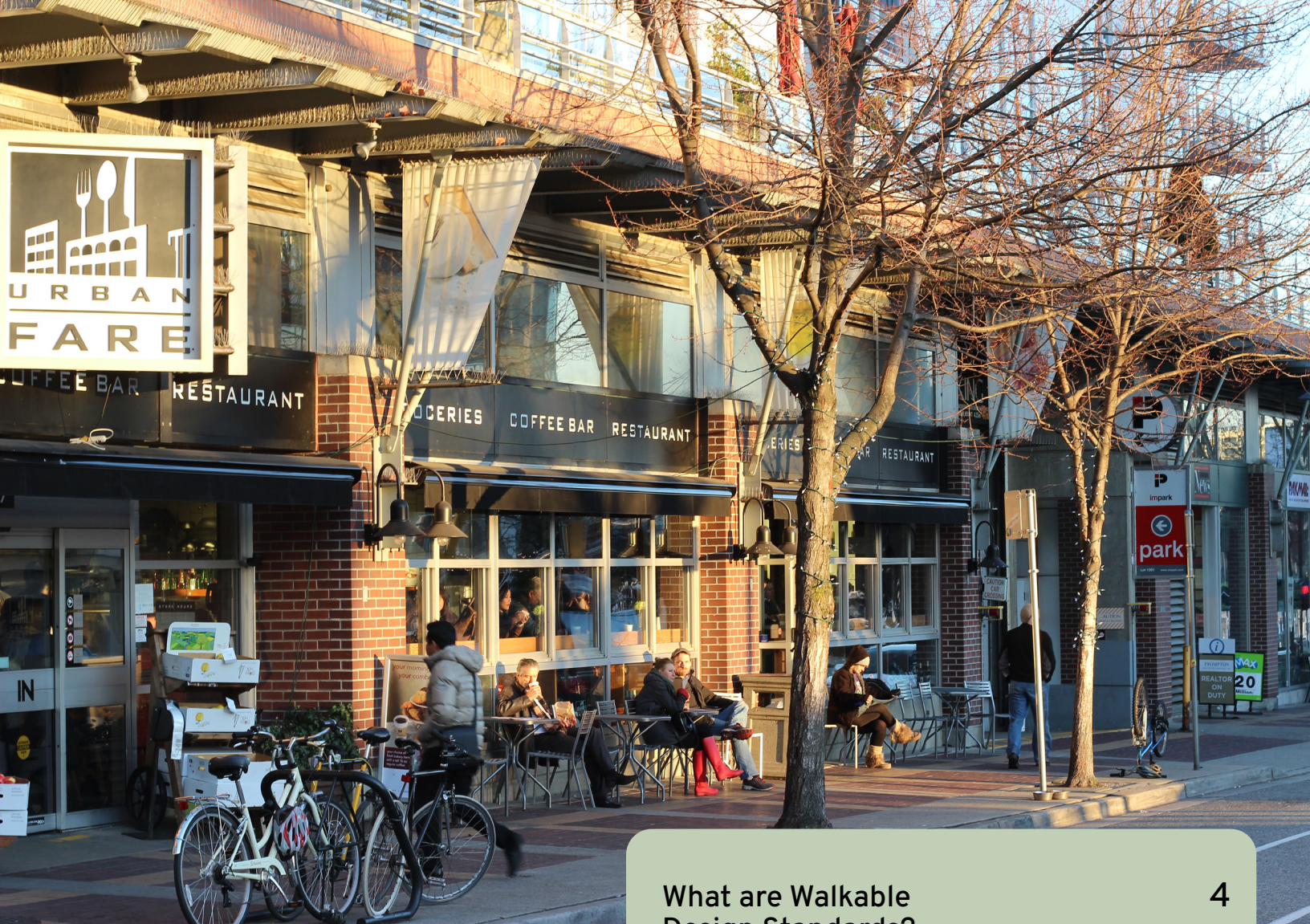


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What are Walkable Design Standards?

WALKABLE LAND USE STANDARDS

Cities – their form and function—are one of the most significant opportunity areas for achieving climate goals. The Climate-Friendly and Equitable Communities (CFEC) program is a coordinated set of planning initiatives and requirements designed to accelerate the creation of more sustainable and equitable communities. Critical to these efforts is advancing walkable design.

Many cities have taken the first steps required by the CFEC program and have designated infill growth areas known as climate-friendly-areas (CFAs). The requirements in OAR 660-012-0330 (rule 0330) are intended to strengthen walkability in those areas and for the rest of the city – specifically the main streets and neighborhoods surrounding CFAs that will support these growing centers of activity. True climate friendliness requires improving the walkability of the entire city, not just creating islands of walkability within each CFA.

The Walkable Design Standards Guidebook is a resource to help local communities across Oregon implement more walkable development and site design standards. As used in this Guidebook “walking” is an inclusive term that includes all forms of mobility devices, including using a wheelchair, cane, walker, or other mobility device that allows people to travel at human speed.

This Guidebook provides local jurisdictions with a recommended process for evaluating walkability in their zoning code and guidance on standards and approaches in a variety of contexts. Contained within this Guidebook are a series of tools and resources to help planners better understand the goals of CFEC and think critically about existing land use regulations. These tools are a valuable resource both for cities required to update land use regulations to meet rule 0330 and those not subject to that rule. When adopted, walkable design standards will advance a healthier, more equitable, less resource-intensive development pattern.

GOALS OF CLIMATE-FRIENDLY AND EQUITABLE COMMUNITIES PROGRAM

- Compact, pedestrian-friendly, mixed-use development patterns
- Comfortable, direct, and convenient access for people walking, biking, and riding transit
- Neighborhoods that are comfortable for families (people young and old), inclusive, sociable, and healthy
- Engaging, vibrant, mixed-use districts with an active street life

GOALS OF THIS GUIDEBOOK

- Provide resources and guidance to update land use regulations for jurisdictions required to comply with OAR 660-012-0330
- Clarify the process and steps for compliance

HOW IS WALKABLE DESIGN DEFINED?

Walkable land uses are pedestrian oriented, connected, and compact. The presence of these characteristics enhance climate and equity goals. Land use regulations related to these topics are the primary focus of OAR 660-012-0330. The resources in this Guidebook are organized into these three priority topic areas.

1

PEDESTRIAN ORIENTATION

A pedestrian oriented environment prioritizes the experience and safety of those on foot by creating an engaging, accessible, and walkable public space. This outcome includes elements such as building entrances facing the street, ground floor windows, and features that encourage foot traffic such as sidewalks and benches. Design that focuses on pedestrians reduces dependence on driving, which in turn lowers transportation pollution and promotes more active lifestyles. Pedestrian-oriented design supports diverse housing options close to essential services, making it easier for people of all income levels to live without depending on driving for every trip, thereby improving access to jobs, education, and healthcare.

2

CONNECTIVITY AND ACCESS

Connectivity and access focus on integrating multiple transportation modes to enhance the ease with which people can move from one place to another. This includes well-connected street networks, pedestrian paths, bike lanes, and public transit options. Better connectivity reduces travel times and encourages walking, bicycling, and transit use. As travel distances shrink and more useful and convenient travel options become available, emissions from personal vehicles decline, contributing to lower overall greenhouse gas emissions. Improved connectivity means households of all incomes have better access to opportunities and supports the development of affordable housing near transit hubs. By making transit a viable option for more people, connected communities can significantly reduce the environmental impact of daily commutes.

3

COMPACT DEVELOPMENT

Compact development refers to the efficient use of land by concentrating development and involves higher-density housing, mixed-use development, and the preservation of open space. Compact development reduces distances between homes, workplaces, shops, and services, and lessens the need for long car trips. Compact development supports more affordable housing options by making better use of available land, which can help reduce housing costs. Compact development also makes more efficient use of land and infrastructure, preserving natural landscapes that help sequester carbon and maintain biodiversity. By reducing land consumption, compact communities can support more sustainable lifestyles that contribute to climate resilience.

SUMMARY OF WALKABLE DESIGN STANDARDS

Below is a summary of the standards provided for the three priority topics that together support compact, walkable, pedestrian-friendly communities.



PEDESTRIAN-ORIENTED DEVELOPMENT

Building Orientation and Frontage Design. How to place and design buildings to provide context-appropriate transitions between the building and the public realm.

Ground Floor Design for Nonresidential and Mixed-Use Buildings. How to design the ground floor of nonresidential and mixed-use buildings to engage with the public realm.

Ground Floor Design for Residential Buildings. How to design the ground floor of residential buildings to engage with the public realm.

Driveways and Garages. How to minimize the visual impacts of garages, driveways, and parking areas to support a pedestrian-oriented and sociable street environment.

Drive-Through Facilities. How to design drive-through facilities that support pedestrian-oriented site design and limit the negative impact of facilities oriented to vehicles.



CONNECTIVITY AND ACCESS

Street Connectivity, Blocks, and Accessways. How to facilitate safe, convenient, and efficient movement of people that are walking, biking, using transit, or driving.

Pedestrian and Bicycle Circulation. How to provide connections that minimize out-of-direction travel between buildings and existing public rights-of-way, pedestrian/bicycle accessways, and other on-site pedestrian facilities.

Transit Facilities. How to orient developments and sites to transit corridors to make it easier and more comfortable to access and use transit.

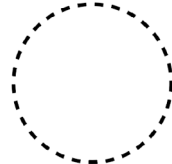







COMPACT DEVELOPMENT

Building Types. How to calibrate zoning standards based on desired built outcomes and compact building types.

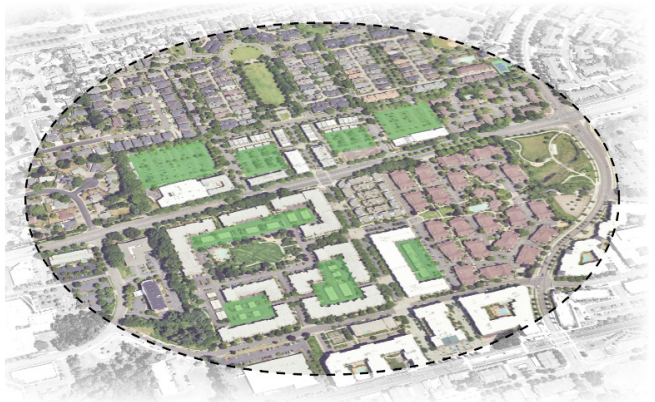
WHAT DOES A WALKABLE COMMUNITY LOOK LIKE?



-  1/4 Mile Walk Radius
-  Multi-Modal Connections
-  Connected Street Grid
-  Compact Development
-  Parking Oriented Behind Buildings
-  Public Transportation

Compact Development
promotes efficient land use

Parking Behind Buildings
reinforces active, engaging streets



Multi-Modal Connections
provide equitable, safe access

A Connected Grid
presents choices and improves access

Transit
reduces pollution and advances equity



THREE SCALES OF WALKABILITY

Walkable design standards influence development patterns at different scales. Some standards, like street connectivity, influence the district or neighborhood scale. Other standards, like access and driveway spacing, influence blocks. Finally, other standards, like building orientation, influence individual lots and their buildings. These three scales - the district, the block, and the lot - are helpful to keep in mind when considering which standards are relevant to walkable communities. The standards that influence walkability can be in different parts of your code depending on the scale at which they are relevant. Pedestrian orientation, connectivity, and compact development come together at all three scales to create more climate friendly outcomes.

Communities that are more compact, walkable, and connected offer many benefits:

- reduced greenhouse gas pollution
- cleaner air
- better health outcomes
- more equitable access
- increased quality housing supply
- more transportation choices

Chapter 1: CFEC Overview

WHAT IS CFEC?

The Climate-Friendly and Equitable Communities (CFEC) program, launched in 2020, aims to meet Oregon's climate policy and goals, provide more transportation and housing options, and promote more equitable land use planning outcomes. Oregon set a policy and goal in law to lower greenhouse emissions by 75% by 2050. CFEC actions are a key element of Oregon's Statewide Transportation Strategy. By strengthening Oregon's transportation and housing planning in regions with populations over 50,000, the state is targeting changes in transportation and land use planning to further reduce climate pollution.

Transportation-related climate pollution has increased; today it accounts for roughly 38% of the state's climate pollution. Reducing driving is an important way to reduce pollution. By bringing land uses closer together, increasing the walkability of the built environment, and mixing land uses, communities can reduce the number and length

of driving trips and have a meaningful impact on climate goals. If current land use patterns and vehicle use trends continue, Oregon will fall short of its 2050 climate goals.

In response, the Department of Land Conservation and Development (DLCD) drafted updates to transportation and land use planning rules. The Land Conservation and Development Commission adopted the updated Oregon Administrative Rules (OARs) related to the CFEC program on July 21, 2022.

Oregon's land use planning system is a partnership between the state and local governments. The updated rules guide how local governments conduct land use and transportation planning to meet the state's climate and equity objectives. The updated rules underscore the commitment to increasing equity in land use and transportation planning decisions while increasing housing choices, employment options, and creating more equitable outcomes for all Oregonians.



Climate-Friendly and Equitable Communities prioritize use of facilities for all ages and ability.

CFEC LAND USE

The rules related to land use planning can be broken down into major task groups that advance the state's transportation and land use planning goals

1

CLIMATE-FRIENDLY-AREAS

Designated areas that allow for dense, urban mixed-use centers with jobs, homes, and services and high-quality pedestrian, bicycle and transit infrastructure. Support with comprehensive plan, zoning map, and code changes to implement (OAR 660-012-0310 through 0320).

2

PARKING REFORM

Reduce required parking near frequent transit and for certain development types. Reform how parking is regulated to reduce impact of parking on climate, housing, and equity outcomes (OAR 660-012-0400 through 0660-012-0450).

3

LAND USE REGULATIONS

Implement land use regulations and bicycle parking requirements in commercial and residential zones to support walkable, climate-friendly communities (OAR 660-012-0330).

The OARs instruct regions with populations over 50,000 people (Albany, Bend, Corvallis, Eugene/Springfield, Grants Pass, Medford/Ashland, Portland Metro, and Salem/Keizer) to implement land use and transportation planning that supports compact, pedestrian-friendly, mixed-use land use development patterns in urban areas. Areas outside of these designated areas are not impacted.

Within the OARs related to CFEC there are numerous rules related to:

- Meeting climate policy and goals
- Increasing housing and employment options
- Fostering vibrant downtowns and centers
- Improving transportation options
- Promoting equitable outcomes

There are also portions of the OARs that address key aspects of transportation planning. Local governments will prioritize system performance measures that achieve community livability goals; prioritize investments in transit, biking, and walking; let parking be determined by market demand; and plan for needed electric vehicle charging infrastructure. To learn more about the other elements of the CFEC program and relevant tools, visit the [DLCD CFEC website](#).

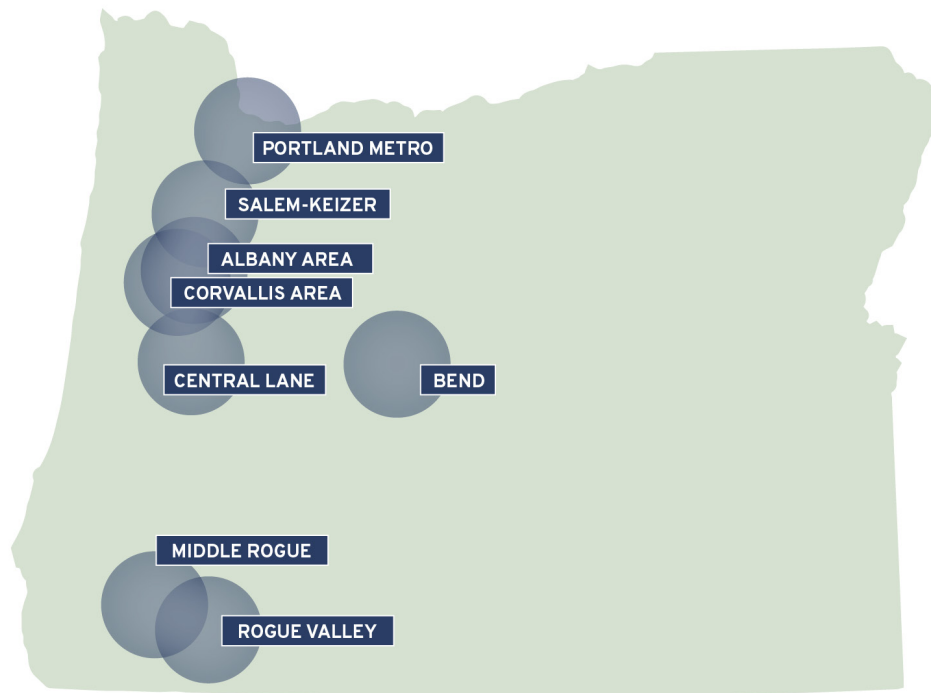
WHERE DOES RULE 0330 APPLY?

Land use regulations required by OAR 660-12-0330 apply to the entire planning area of a jurisdiction within the urban growth boundary. This includes all commercial and residential zone districts. Cities are not required to update site design regulations in zones with a predominantly industrial or rural character (OAR 660-012-0330 (4)(h)).

Walkable design standards apply both within and outside of climate-friendly areas (CFAs). There will be some overlap between land use regulations changes related to OAR 660-012-0330 and those related to land use requirements in CFAs as required by 660-012-0320. The intent is that CFEC standards cover additional areas that are not designated as CFAs, for example a highway commercial zone or small area of neighborhood commercial and/or downtowns or corridors.

Adopted or amended land use regulations will apply to new development and not impact existing development, therefore, the impact of these changes will be incremental over time.

The focus of OAR 660-012-0330, and this Guidebook, are land use regulations related to the private lot. While regulations governing the public realm are highly consequential for outcomes, this Guidebook does not include guidance on regulations related to the public realm, e.g. the right-of-way. This will be covered under guidance issued related to Transportation System Plans. For walkable design to be successful, cities will need to collaborate with other agencies and transit authorities to advance shared vision and common policies advancing walkable design.



The CFEC program applies to regions with populations over 50,000 people.



HOUSING



TRANSPORTATION



EQUITY

CFEC SUPPORTS OREGON'S OTHER PLANNING GOALS

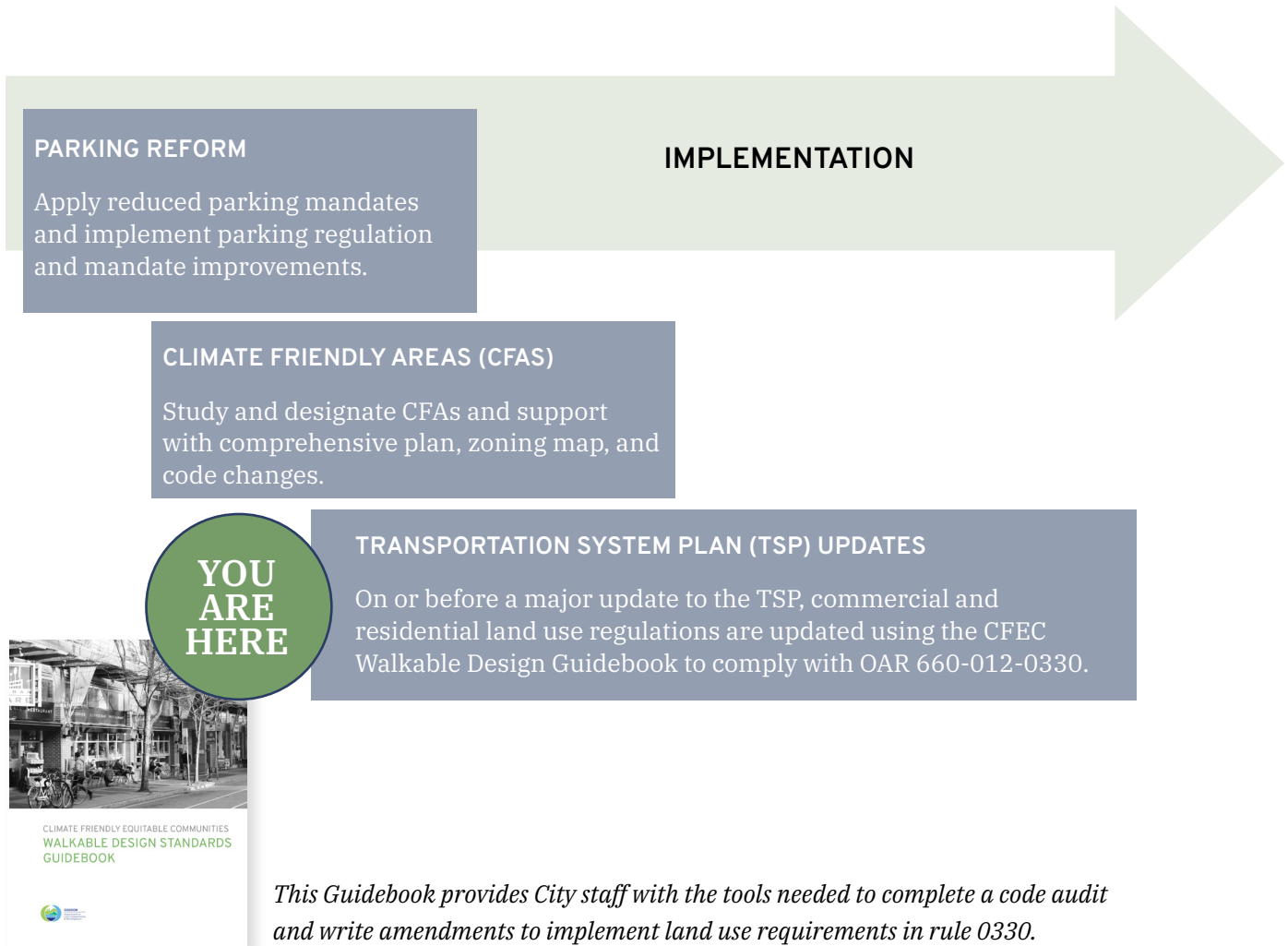
By updating local land use regulations, cities can advance key climate objectives, while also advancing **housing, transportation, and equity** goals. Changes in zoning enable development of more housing units, expand transportation options, and increase access to services and community amenities. These outcomes will improve greater housing and transportation options for all residents. Standards will reduce barriers to development in walkable, mixed-use areas, where essential services and amenities are more accessible. Focusing housing development in these areas promotes equitable access to opportunities by lowering transportation costs and providing diverse housing options. Residents benefit from living closer to employment centers, schools, and community resources, enhancing both quality of life and economic mobility. Easy access to these essential community elements will also reduce household spending on transportation and support growing transit use. By prioritizing walkable, amenity-rich areas, these outcomes support inclusive growth and sustainable communities, advancing broader goals of equity, affordability, and accessibility in housing.

The core of this work aims to both reduce climate pollution and increase equity by reducing driving, improving transportation choices, and creating communities where daily needs can be met by walking, biking, remote access, or taking transit.

HOW TO MEET WALKABLE DESIGN STANDARDS

To help communities to implement these requirements, DLCD developed the CFEC Walkable Design Standards Guidebook. **This Guidebook focuses on the site design requirements portion of the CFEC program related to land use regulations**, which is implemented through Oregon Administrative Rule 660-012-0330. This Guidebook can assist in the interpretation of an administrative rule but does not itself have the force of rule. This document includes recommendations that may go beyond the minimum necessary to comply with the rule.

Contained within this Guidebook are standards that comply with portions of rule 0330. The Guidebook also includes recommendations related to rule 660-012-0405(4)(c) about improved pedestrian connections through large parking lots. Not addressed in this Guidebook are how to meet OAR 660-012-0330(7) Low-Car Districts, which applies to cities over 100,000 in population, and OAR 660-012-0330(8) related to transportation facilities, corridors, and sites. For the full text of rule 0330 see Appendix 1.



WHEN DO YOU NEED TO COMPLY?

Jurisdictions must adopt walkable land use regulations (consistent with OAR 660-12-0330) with or before a major update to their Transportation System Plans (TSP). The objective of this timing is to coordinate land use and transportation planning efforts. This Guidebook is a resource for jurisdictions to audit and/or update their regulations. The resources within the Guidebook will help planners review their code to identify relevant sections, determine whether or not they are in compliance with CFEC standards, and provide insights and tools for how to update them.

At a minimum, when updating a TSP, jurisdictions must conduct a critical thinking exercise to evaluate all commercial, residential, and mixed-use zones within their urban growth boundary (UGB) and demonstrate how current regulations support OAR intent or will be amended to do so.

There is flexibility for how communities meet CFEC OAR requirements and support from DLCD to make updates to come into compliance:

- **Timeline:** Cities and counties can propose alternative dates to meet the updated requirements.
- **Support options:** Jurisdictions can either receive support from consultants or manage work internally.
- **Local values:** Jurisdictions can implement the requirement to best suit their local values. Rules such as 0330 are outcome oriented, providing for flexibility in local implementation.

A FLEXIBLE PROCESS

The land use requirements in the rules are designed to be flexible, allowing city staff to adapt to local conditions and make context-specific amendments. Rule 0330 applies broadly across multiple priority topic standards in this Guidebook, and there is no direct crosswalk between each rule section and each design standard, as some standards apply to multiple sections of the rule.

GETTING STARTED

The recommended pathway to compliance is laid out in the figure on Page 16. The process involves the following steps:

- **Step 1: Gather** – Collect all Municipal Code sections which the CFEC rules are applicable to.
- **Step 2: Flag** – Use the summary table on Page 15 to identify the standards within these code sections that address each of the sections within rule 0330.
- **Step 3: Assess** – Perform a code audit to determine if existing standards and approaches align with the intent detailed under the priority topics (Pedestrian Orientation, Connectivity and Access, Compact Development) found in this Guidebook in Chapters 2, 3, and 4.
- **Step 4: Consider** – Compare existing standards and approaches to the Model Code and Compact Building Types. Consider possible modifications to existing standards that better support walkable design outcomes.
- **Step 5: Solicit** – Seek input from impacted stakeholders and conduct an equity analysis of proposed code and plan amendments.
- **Step 6: Prepare** – Draft final amendments, including findings demonstrating how the city is meeting the intent of the standards in rule 0330.

HOW WILL THE MODEL CODE ADDRESS RULE REQUIREMENTS?

See below for a reference detailing which standards covered in the Guidebook address OAR 600-012-0330.

OAR Section	Related Guidebook Standards
660-012-0330(3) Cities and counties shall have land use regulations that provide for pedestrian-friendly and connected neighborhoods.	
660-012-0330(3)(a)	3.1 Street Connectivity, Blocks, and Accessways 3.2 Pedestrian and Bicycle Circulation
660-012-0330(3)(b)	
660-012-0330(3)(c)	
660-012-0330(3)(d)	
660-012-0330(4) Cities and counties shall have land use regulations in commercial and mixed-use districts that provide for a compact development pattern, easy ability to walk or use mobility devices, and allow direct access on the pedestrian, bicycle, and public transportation networks.	
660-012-0330(4)(a)	2.1 Building Orientation and Frontage Design
660-012-0330(4)(b)	2.3 Ground Floor Design (Residential)
660-012-0330(4)(c)	
660-012-0330(4)(d)	2.4 Driveways and Garages
660-012-0330(4)(e)	3.1 Street Connectivity, Blocks, and Accessways
660-012-0330(4)(f)	3.2 Pedestrian and Bicycle Circulation
660-012-0330(4)(g)	
660-012-0330(4)(h)	Chapter 3. Compact Development
660-012-0330(6) Cities and counties shall have land use regulations that ensure auto-oriented land uses are compatible with a community where it is easy to walk or use a mobility device. Auto-oriented land uses include uses related to the operation, sale, maintenance, or fueling of motor vehicles, and uses where the use of a motor vehicle is accessory to the primary use, including drive-through uses.	
660-012-0330(6)(a)	2.5 Drive Through Standards
660-012-0330(6)(b)	3.2 Pedestrian and Bicycle Circulation
660-012-0405(4)(c) Developments must provide pedestrian connections throughout the parking lot.	
660-012-0405(4)(c)	3.2 Pedestrian and Bicycle Circulation

BEST PRACTICES

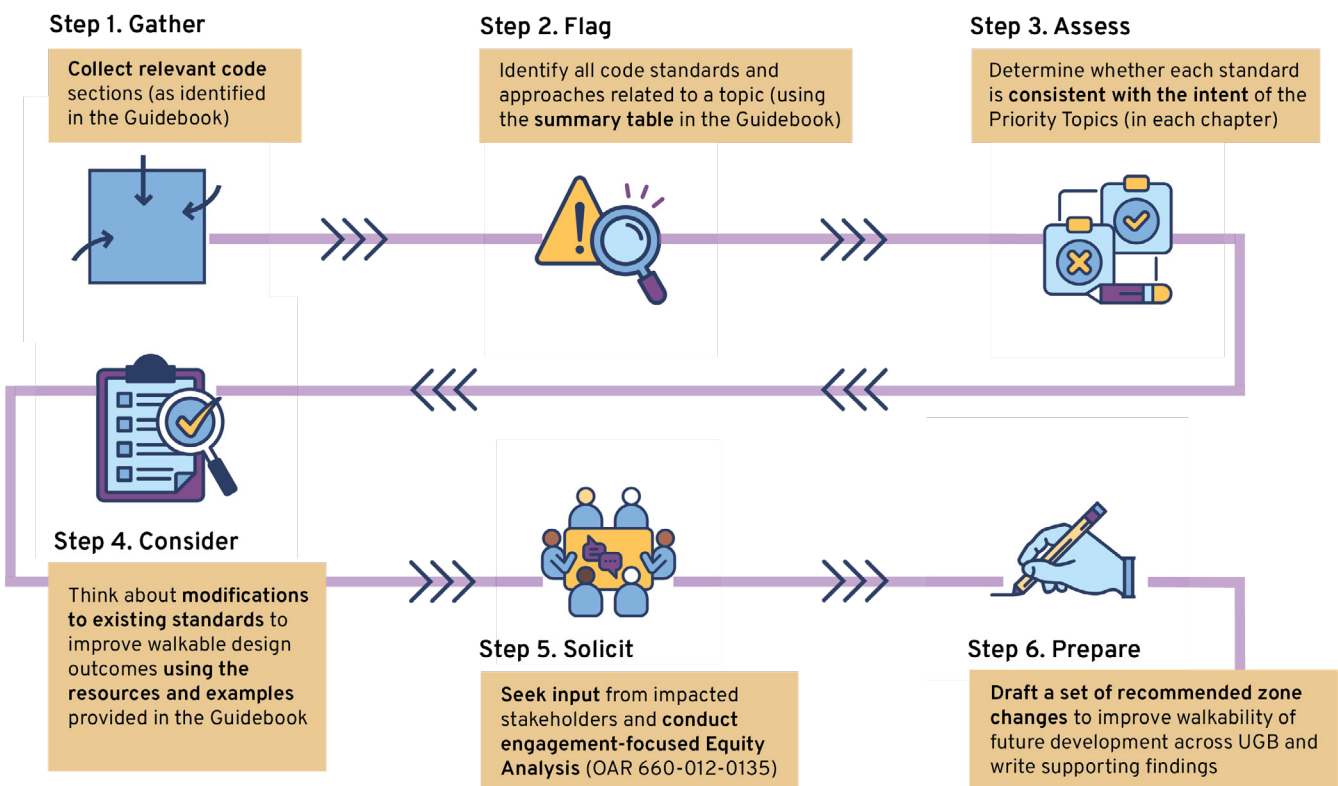
When using the process and resources laid out in the Guidebook, cities should consider the following best practices. These are helpful to consider whether conducting the audit, outreach, or preparing amendments in-house or when putting together a scope and managing a process to be run by consultants.

As part of Steps 1 and 2 (Gather and Flag), planning staff should collect all existing relevant standards across multiple areas of the code. This may include portions of code that are typically not found in land use zoning regulations but in public works or engineering design standards. This may also include related sections of the comprehensive plan, climate-friendly-area plans, transportation system plans, specific area plans, engineering and public works design standards, and transit agency design guidelines. Part of the challenge is compiling all these related standards and policies to allow for a comparison of existing standards to recommended approaches and standards.

Specific land use zones are not identified in the Guidebook. Instead district types are used as proxy for land use zones. When compiling relevant standards, if you need help to clarify which zones are most important to assess, review the explanation of district types and how to use them found on Page 19.

As part of Steps 3 and 4 (Assess and Consider), planning staff should make use of the Guidebook tools to evaluate how well current standards and approaches are meeting the objectives of rule 0330. As an initial step, relevant standards should be carefully reviewed to determine if they are consistent with the intent statements of both the priority topics and for each design standard in the Model Code. If an existing standard is consistent with this intent, staff may still evaluate opportunities to improve it to better support walkable design outcomes.

To inform this assessment, cities should convene a broader group of city planning staff who administer the code, including representatives across relevant



city bureaus or departments, to facilitate a discussion about existing requirements of the code that are barriers to compact, pedestrian-oriented, walkable places.

It is critical to undertake this analysis with input from a variety of disciplines to build support for code updates that cut across various agency purviews. For example, a city cannot determine if it will be possible to require alleys without identifying any concerns that may arise from the fire marshal. Likewise when evaluating driveway spacing standards, input should be sought from city engineers.

This cross-discipline coordination should be included in the initial stages of analysis and discussion. This approach will facilitate collaboration across different land use and transportation departments. To advance walkable design standards and to implement land use requirements in rule 0330 it will take coordination and working in tandem.

After identifying and assessing relevant barriers and gaps within the existing code, planners should use several important tools presented in the Guidebook to develop concepts for potential modifications to existing standards or adoption of new standards. These include:

- **Compare** existing city zoning standards to Model Code language. This comparison should include the applicability of standards (both in terms of thresholds and in terms of applicability to certain use types), the exceptions and discretionary review option, key definitions, and individual design standards contained within each set of Model Code standards.
- **Review** key considerations in the Guidebook to determine potential modifications to the Model Code standards that may be important given local conditions and specific context(s), e.g.,



EQUITY IN OUTREACH TIPS FOR SUCCESS

As part of the implementation process, communities need to think through how to underscore equity both in terms of their analysis of land use regulations but also in working with impacted communities. When conducting community engagement, keep in mind the following tips.

- **Prioritize Accessibility and Inclusivity:** Ensure all materials and events are accessible to everyone, including people with disabilities. This can include offering translations, accessible venues, and alternative formats like Braille or large print, but also means translating the complexities of zoning code for a general audience. The planner's role is to translate the desired outcomes of the community into the regulations that will help achieve this outcome.
- **Build Long-Term Relationships:** Engage with community members beyond one-time events. Appoint trusted community liaisons, offer staff time to volunteer at culturally significant events, and foster partnerships with local organizations. This helps build trust and encourages sustained participation.
- **Offer Multiple Ways to Engage:** Use a variety of engagement methods, from interactive in-person activities to virtual platforms. Options like tabling at community events, online surveys, or focus groups can help reach a wider audience. Tailor activities to different learning styles and cultural preferences for deeper, more meaningful engagement.
- **Compensate Participants:** Acknowledge the time and expertise of community members by providing compensation. This can be through stipends for event participation, transportation, or honoraria for guest speakers and community leaders. Compensation shows respect and encourages diverse participation.
- **Ensure Continuous Feedback Loops:** Make engagement a two-way street by regularly seeking feedback and sharing how input influences decisions. Ongoing updates and transparent reporting build accountability and demonstrate that community voices are valued throughout the process.

additional design standard elements to add, not include, make optional, and/or variations in the numerical values.

- **Consider** the best practices included in the Guidebook and debate the potential for new approaches as relevant.
- **Explore** compact building types to determine if any are desired in key zones. If so, compare and contrast the desired building characteristics against existing development standards in those zones to assess what changes would be needed to permit these desired outcomes.

Key to concluding Step 4 (Consider) is to continue to engage across various city departments to resolve potentially conflicting viewpoints and document a clear record of input and resolution.

When considering Step 5 (Solicit), planning staff should consider how to clearly and simply distill the key objectives of the 0330 rule and communicate code changes in terms of tangible, physical changes to the city environment. Staff can use the design principles, images, and intent as laid out in the Guidebook to communicate what walkable design looks and feels like, rather than presenting more abstract concepts of reductions in greenhouse gas emissions and shifts in travel mode. Language and graphics from the guidebook can be used to communicate the land use requirements in rule 0330 and the intent of code changes into clear language and graphics. Also important is to be aware of any engagement fatigue. Staff should coordinate outreach with other related planning processes, including updates to the TSP or on-going CFA work or other related code updates. See additional tips for success in the sidebar Equity in Outreach.

As part of Steps 5 and 6 (Solicit and Prepare), staff should work closely with the Planning Commission and City Council to reconcile what is feasible to pursue in terms of land use code updates identified for consideration during Step 4. Given the latitude to adopt a broad range of standards that meet 0330 rule requirements within the existing structure of local codes and land use districts, progress will look

different within each community. The important part of the process is building support and working collaboratively to incrementally advancing climate, transportation, and housing goals.

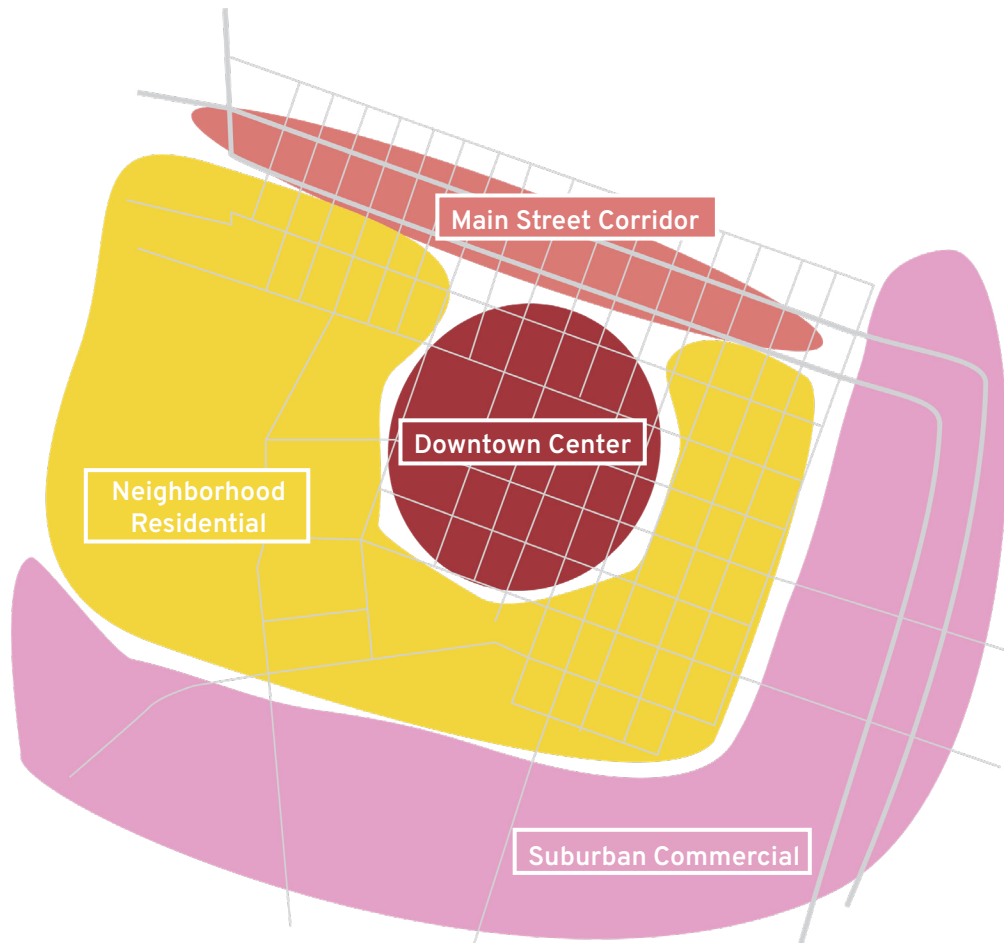
WHAT DOES SUCCESS LOOK LIKE?

Cities have broad latitude to adopt standards as they meet the existing structure of local codes and land use districts and their intent. The code update process is an opportunity for jurisdictions to continue making progress toward larger goals related to climate, transportation, housing, and equity. How this is implemented will vary across cities, but these efforts will advance Oregon's goals related to compact, walkable places. Compliance ultimately will be determined by the findings, which justify proposed amendments or existing standards as compliant.

The requirements in rule 0330 allow local governments to decide how exactly to calibrate their development and site design standards to achieve walkability. Given the wide range of contexts that exist from city to city, and even within each city, there are not one size fits all answers to how to achieve walkable outcomes.

This Guidebook is intended as a resource rather than a prescribed set of approaches.

For each of the code topic areas discussed, the Guidebook provides ideas, inspiration, examples, and model code language. The next step is for local communities to do the work of evaluating their existing standards to identify where modifications may be necessary to achieve more walkable outcomes using this Guidebook as a helpful resource.



OAR 660-012-0330 land use regulation updates will need to be applied across the different districts and land use zones of jurisdictions. There will be variation in the standards across zones based on their intended urban form and pedestrian-orientation.

WHAT ARE DISTRICT TYPES?

District types represent various kinds of physical settings within a city or region that have distinct characteristics, functions, and challenges. District types are often categorized based on their land use but also have distinct built forms, densities, etc. Because the guidance in the Walkable Design Standards is for a wide range of places with varying degrees of these characteristics, using district types can help a planner to narrow in on standards that can be applied appropriately in different districts.

The district types included in this Guidebook were identified by looking at the form of buildings, the scale of blocks, land use, lot size, and transit access in applicable Oregon cities. The four district types that are significant for achieving community walkability goals are:

- Suburban Commercial
- Neighborhood Residential
- Main Street Corridor
- Downtown Center

HOW TO USE DISTRICT TYPES?

This Guidebook provides guidance based on several common districts found in cities across Oregon. Rule 0330 applies to nearly all zones within the urban growth boundaries of the eight metropolitan areas of the state. Together, these communities have dozens of different zone districts. District types are used as a proxy for the many different zoning districts. The district types are broad enough to be applicable to both small and large cities. For instance, a Main Street district type might represent a downtown scale in a small community or a neighborhood commercial street in a larger community. There may be some zones in your jurisdiction that do not have every characteristic nor may require every standard from a particular district type, but the district types serve as a way to find standards that align with the intents of your zoning districts.

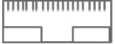





















































Zone districts have intent statements that describe the types of places that they intend to create. Users of this Guidebook can cross reference the intent of their zone districts with the district type-specific resources in this Guidebook to assess walkability. In this way, the specific standards in a zone can be calibrated to respond to the different conditions, use mixes, and intensities found in different parts of each community.

To use district types as a framework for applying rule 0330 to your jurisdiction:

- Review the overview of district types;
- Pick one that is representative of the zone or district type in your jurisdiction for which you are amending the code;
- Review the Table of Relevant Standards (page 16) and the Table of Standards by District Types (page 21) to identify the relevant set of standards to consider; and
- Read the guidance for each standard contained in Chapters 2 and 3 of the Guidebook. Review the Walkable Design Standards and take a closer look at the tips and tricks to understand how to apply the standard to a specific context.




TABLE OF STANDARDS BY DISTRICT TYPE

The table below will help planners understand which standards are relevant to flag when reviewing their code. It serves as a reference for the types of standards and the types of zones that may be relevant for assessment with the Walkable Design Standards.

Standards		District Types					
		 Suburban Commercial	 Neighborhood Residential	 Main Street	 Downtown / Center / CFA	 Industrial*	 Agricultural*
1.1	Building Orientation and Frontage Design						
1.2	Ground Floor Design for Non-Residential/Mixed-Use						
1.3	Ground Floor Design for Residential						
1.4	Driveways and Garages						
1.5	Drive-Throughs						
2.1	Street Connectivity, Blocks, and Accessways						
2.2	Pedestrian and Bicycle Circulation						
2.3	Transit Facilities						

* OAR 660-012-0330 (4) (h)

“These site design land use regulations need not apply to districts with a predominantly industrial or agricultural character.”

Legend	
	Applies (all uses)
	Applies (most uses)
	Not Applicable

Suburban Commercial

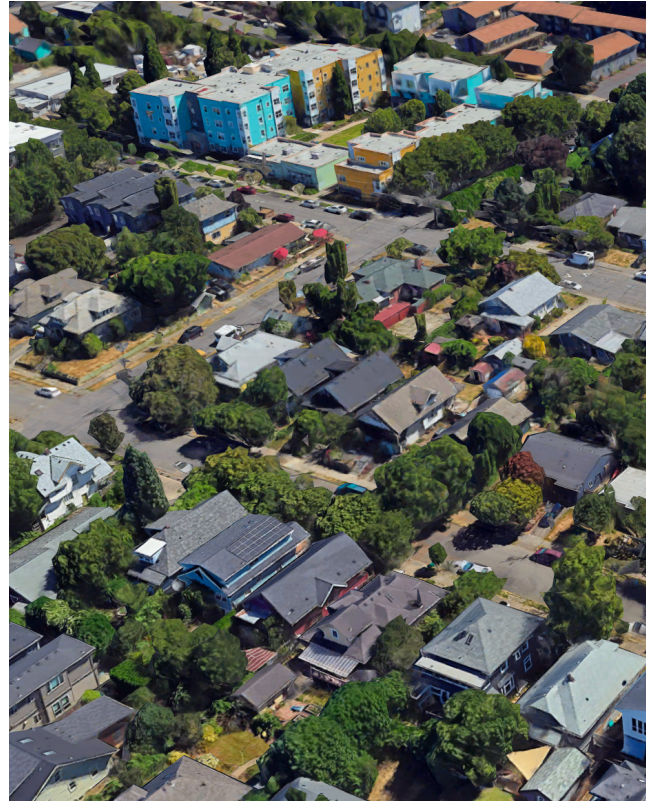
LOW TO MEDIUM INTENSITY AREAS WITH
LARGE LOTS AND SINGLE USES



- Large blocks (800 - 1,200 feet in length)
- Large lot sizes often with lot size being the same as block size
- Commonly lack connected grid of blocks and/or may include dead-end streets
- Typically along highways, arterials, and collectors
- Primarily commercial uses with little to no mixed-use
- Residential only in multi-unit buildings served by surface parking
- Detached buildings
- Building height 1 to 2 stories
- Limited transit service or access to pedestrian/bicycle facilities, incomplete sidewalk connections

Neighborhood Residential

PRIMARILY RESIDENTIAL WITH A RANGE
OF INTENSITIES AND SMALLER LOTS



- Variety of block sizes (200 - 600 feet in length)
- Range of lot sizes ranging from 25 to 75 feet in width
- Combination of connected grid pattern of streets and cul-de-sacs
- Primarily residential uses with a mix of housing types including middle housing
- May include small pockets of commercial and mixed-use
- Mostly detached buildings, some attached
- Building heights 1 to 3 stories
- Limited transit supportiveness; access to bus and/or light rail lines, some bike lanes/paths, range of complete sidewalk network

Main Street Corridor

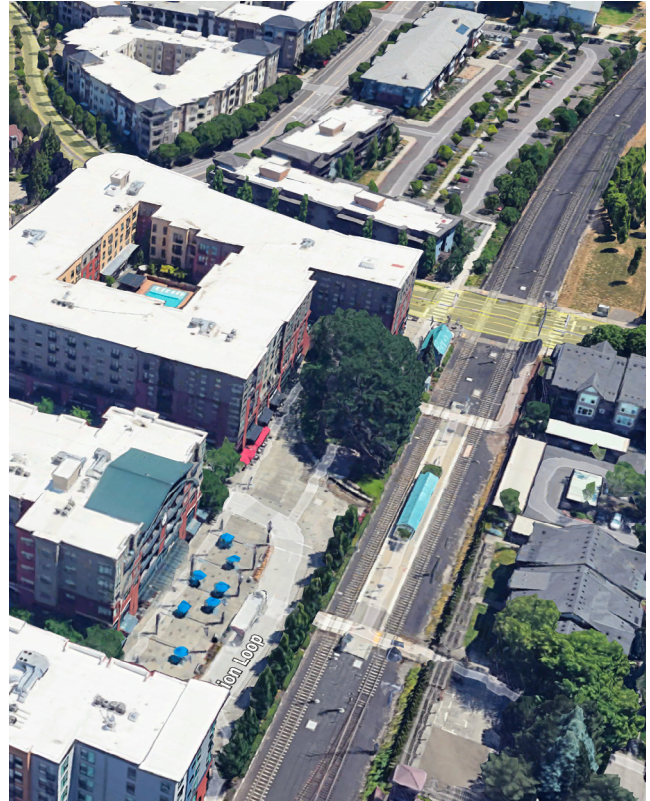
MEDIUM TO HIGH INTENSITY TRANSIT-FRIENDLY AREAS WITH A MIX OF USES



- Walkable block sizes (200 - 300 feet in length)
- Range of lot sizes, some half block to whole block development
- Grid of regularly spaced streets
- Mix of uses including ground floor commercial and upper story residential uses
- May include mix of uses and intensities on a single block and transition to adjacent lower density residential use
- Mostly attached buildings, some detached
- Building height 2 to 6 stories, older single story buildings
- Transit supportive, bicycle infrastructure available, connected sidewalks/pedestrian and transit amenities

Downtown Center

HIGH INTENSITY AREAS WITH A MIX OF USES (CFAS)



- Walkable block sizes (200 - 400 feet in length)
- Range of lot sizes, frequent half block to whole block development
- Grid of regularly spaced streets
- Mix of uses including ground floor commercial and upper story residential uses
- Primarily attached buildings
- Building height 4+ stories
- Very well served by transit
- Highly transit supportive, light-rail and/or street car, bus lines, bicycle infrastructure available, connected sidewalks/pedestrian and transit amenities

HOW TO USE THE GUIDEBOOK

The Walkable Design Standards Guidebook is a resource to support a critical thinking exercise by local communities. It is flexibly designed to support planners exploring a wide range of topics and different zones across the entire city.

Tools within the Guidebook include:

- Identification of priority topics and relevant standards to evaluate
- Model code language for relevant design standards
- Guidance on key considerations for jurisdictions including where to adopt standards, how to go further, and relevant exceptions
- Concepts for different approaches and best practices for compact, walkable, urban development

ORGANIZATION OF CHAPTERS

The Guidebook provides three chapters of guidance for priority topics related to walkable design standards. These topics are further detailed in the following pages. Each chapter addresses key standards identified as essential to the objectives of the updated rules. Chapters provide resources to planners seeking to assess and update local land use regulations to meet rule 0330. An overview of the CFEC program and the compliance process is provided in the Introduction.

Each chapter includes the following sections:

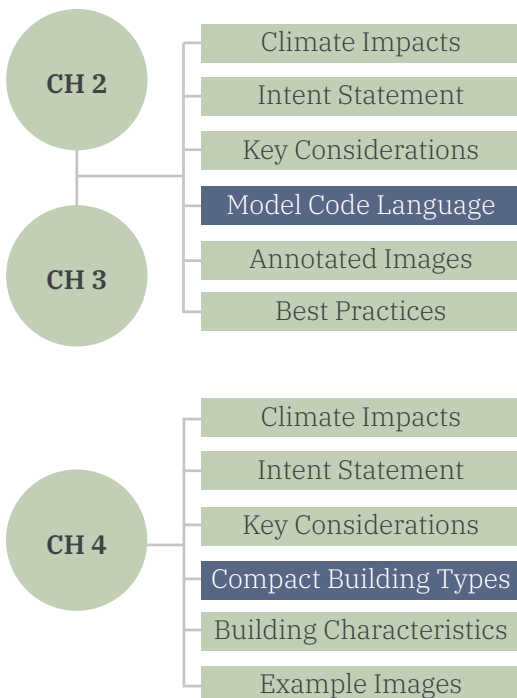
- **Introduction:** An overview of the importance of the topic and how it relates to achieving more compact, walkable, climate-friendly outcomes. This includes qualitative discussion of the intent and principles related to the objectives of the updated rules and what is achieved by regulating the topic.
- **Guidance:** Insights on key aspects to consider when preparing related standards including issues of applicability and how and when to scale a standard up or down and why.
- **Best Practices:** Focused case studies of different locally and nationally used approaches that represent a new and different way than current commonly used practices to achieve walkable, compact outcomes for planners to consider.

Chapters 2 and Chapters 3 include:

- **Model Code Standards:** Recommended standards including clear and objective language and a range of dimensional standards and supporting diagrams and annotated images provide guidance on how to meet the intent of OAR 660-012-0330.

Chapter 4 includes:

- **Compact Development Building Types:** Models of building types that represent how the market has provided compact forms in walkable areas across the state including a range of physical built outcomes as a benchmark to compare to a jurisdiction's



HOW TO USE THE MODEL CODE?

Given the wide range of zone district types and existing conditions across the cities, the Model Code is provided as a reference tool for jurisdictions as they seek to meet the provisions of rule 0330. The Model Code provides users with a clear benchmark for how to address the essential elements necessary to comply with rule 0330. It is not required that communities adopt all parts of the Model Code, rather the Model Code is a measuring stick against which planners can compare their existing code standards.

Some key information about the Model Code:

- The Model Code matches the structure and format of the TGM Model Code for Small Cities.
- Definitions are included for certain terms but not for terms commonly found in zoning codes so as not to contradict existing city regulations.
- Numeric values are captured as a range in brackets that can be adjusted up or down. Jurisdictions should consider values within this range and adjust as is necessary to match local goals and context. Some discussion of these values is included in key considerations for planners' review.
- Also captured in brackets are references that will need to be made to other existing code sections. Jurisdictions should fill in the appropriate references and terms within the brackets to ensure any amendments are comprehensive across the whole code and include references.
- All standards for residential uses must be clear and objective ((ORS) 197.307(4)). Every attempt was made to write standards applying to non-residential uses as clear and objective for ease of use by reviewers and applicants.

GUIDE TO NAVIGATING MODEL CODE STANDARDS

Below is an explanation of how to navigate the Walkable Design Standards in Chapters 2 and 3 of the Guidebook. Each standard contains several key sources of information for jurisdictions to consider as they examine their existing land use regulations. Model Code language is provided as an example of one pathway to comply with rule 0330. The Model Code language does not represent the only way to meet the intent of rule 0330 but,

rather, a benchmark for the types of standards to consider. Planners will need to determine which standards to adopt, how to tailor them to their local context, the specific numerical values that best fit their community, and relevant zones to apply the standards to based on the critical thinking process outlined in Chapter 1 of this Guidebook. See the annotations below for an orientation on how to use the guidebook content.

This number indicates the Design Standard Priority Topic and Specific Standard. See summary of all priority topic standards on page 6.

This is the title of the standard.

Intent statements capture the key objective for a standard and how it relates to updated rules for climate-friendly and equitable communities.

Photographs capture built outcomes that do or do not achieve key objectives. Annotation helps the viewer understand key dimensions or details.

2.1 Building Orientation + Frontage Design

CLIMATE BENEFITS

Encourages walking, biking, and transit use, lowering greenhouse gas emissions from personal vehicles

Improves air quality and health outcomes by decreasing emissions



DO
Establish a higher percentage of frontage along key corridors to promote a highly walkable pedestrian environment.

INTENT

To create a pedestrian-friendly streetscape that encourages walking as an alternative to driving by requiring buildings be oriented to the front of lots facing the street instead of vehicle circulation or parking areas. The siting of buildings and entrances along the front lot line promotes a sense of enclosure and a more comfortable walking environment that is welcoming and more visually interesting. More engaging and attractive streets encourage pedestrian and other forms of non-automotive transportation.

KEY CONSIDERATIONS

- Jurisdictions may want to consider allowing exceptions to the maximum setback upwards of 12 - 15 feet if they want to encourage a wider public realm and generous sidewalk that supports outdoor cafes, seating, etc.
- While it may be more complicated to administer, jurisdictions may want to consider using an averaging approach along corridors with historic development patterns. A setback can be required that is an average of the front yard setbacks on the block, or even a series of blocks. This approach may address concerns about the compatibility of new construction with existing built historic patterns.
- This maximum setback standard when applied to larger lots with large retail buildings allows for deeper street setbacks for some buildings while still requiring that some buildings be placed close to the street.
- Consider either allowing no parking in front of a use and keeping smaller front setback values or increasing the front setback to 20 feet to allow a car to park in front of the building without hanging over the sidewalk.

30

Climate benefits that may result from adopting this standard and future development and redevelopment that is compliant.

Additional thoughts are provided to help planners think through the ins and outs of where and how to apply a standard.

2.1 Building Orientation + Frontage Design

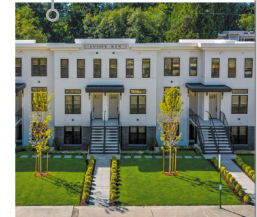
MODEL CODE LANGUAGE

Maximum Setback. The standards apply to nonresidential and mixed-use developments and all residential developments except accessory dwelling units. The required maximum setback standard is stated in Table 2-1. At least [50-75%] of the length of the ground-level, street-facing façade must meet the maximum setback standard of the zone district.

1. Applying the standard.
 - a. Projections such as eaves, chimneys, bay windows, overhangs, cornices, awnings, canopies, porches, decks, pergolas, and similar architectural features on the façade do not count toward meeting the maximum setback standard.
 - b. Where there is more than one building on the site, the standards apply to the combined ground level, street-facing façades of all the buildings.
 - c. Where an existing building is being altered, the standards apply to the ground level, street-facing façade of the entire building. Expansions or additions to buildings in zones subject to the maximum setback standard must not increase the length of street-facing façade that does not conform to the standard and must reduce the area dedicated to parking and vehicular circulation between the building and the street.
2. Where the site is adjacent to two or more streets, these standards must be met on the frontage of the street with the [higher transit classification]. If both streets have the same classification, the applicant may choose on which street to meet the standard.

Table 2-1: Maximum Setback Standards

Use Category	Neighborhood	Suburban Commercial	Main Arterial	Community Center	Dispersed Center
Residential Developments	[0-30]	[0-15]	[0-10]	[0-10]	[0-10]
Nonresidential and Mixed-Use Developments	[5-10]	[5-10]	[0-10]	[0-10]	[0-10]



DON'T
Allowing a higher front setback (10 feet or greater) for residential uses that do not have vehicle areas in the front façade is not compatible in placetypes promoting the highest level of pedestrian activity. Buildings with a setback greater than 10 feet tend to lose the relationship between the sidewalk and the building.



DO
Allowing a higher maximum setback can encourage a more generous public realm along key corridors and also support sidewalk cafes and focused areas of higher pedestrian activity.

31

Model code language presents an example of one way jurisdictions could meet the provisions of rule 0330. Numerical ranges are highlighted and offered as a choice point for planners.

GUIDE TO NAVIGATING COMPACT DEVELOPMENT BUILDING TYPES

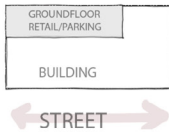
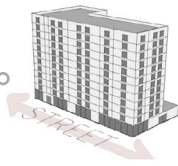
Below is an explanation of how to navigate the Compact Development Building Types in Chapter 4 of the Guidebook. Each building type contains key information for jurisdictions to consider as they evaluate their existing development standards. A summary of each building type is provided, detailing the key characteristics of the building type including uses, dimensions, and construction types. To further illustrate the look, feel, and form

of each building type, 3D models and images are also provided. Each building type also includes a building characteristics table that outlines site characteristics and ranges of values that capture how the market delivers this building type. This table will help planners assess whether the compact building type align with current zoning standards or if adjustments are needed to better accommodate desired forms of compact development.

3D massing model visualizes the dimensions of the building and lot and aspects including lot coverage, setbacks, location of parking, etc.

This is the name of the building type

3.1 Major Center



SUMMARY

Residential above commercial buildings that are often located in downtown or mixed-use center zones. These are high-rise buildings constructed with concrete, steel, and/or mass timber. These buildings are primarily found along prominent streets well-served by transit near the city center.

- Height: 8 - 12 stories
- Lot Coverage: high
- Uses: Mixed use - residential and commercial
- Construction: concrete, steel, and/or mass timber

BUILT OUTCOMES

Zoning standards would need to fall within the following ranges to allow this building type.

Average Lot Size (square feet)	20,000
Unit Count	100 - 150
FAR	6 - 8
Density (dwelling units/acre)	280 - 320
Setbacks	0 - 3 (front) 0 - 3 (side) 0 - 3 (rear)
Landscaping (percent of lot)	0 - 5
Lot Coverage (percent of lot)	95 - 100
Height (stories)	10 - 12
Groundfloor Height (feet)	14.5 - 16.5
Parking Ratio (per unit)	0 - 0.20

A summary captures an overview of the key characteristics of this building type including uses, building and lot dimensions, and construction type



2

3

Plan view visualizes the building type as seen from above to visualize how the building sits on the lot.

A range of values are provided that capture how the market delivers this building type if they were only limited by the building code and not the zoning development standards. These are a useful benchmark to compare existing standards to so a jurisdiction can see if they could or could not permit this desired building type.

Photographs capture built outcomes to help users understand the scale and character of the building type.

Pedestrian-Oriented Development

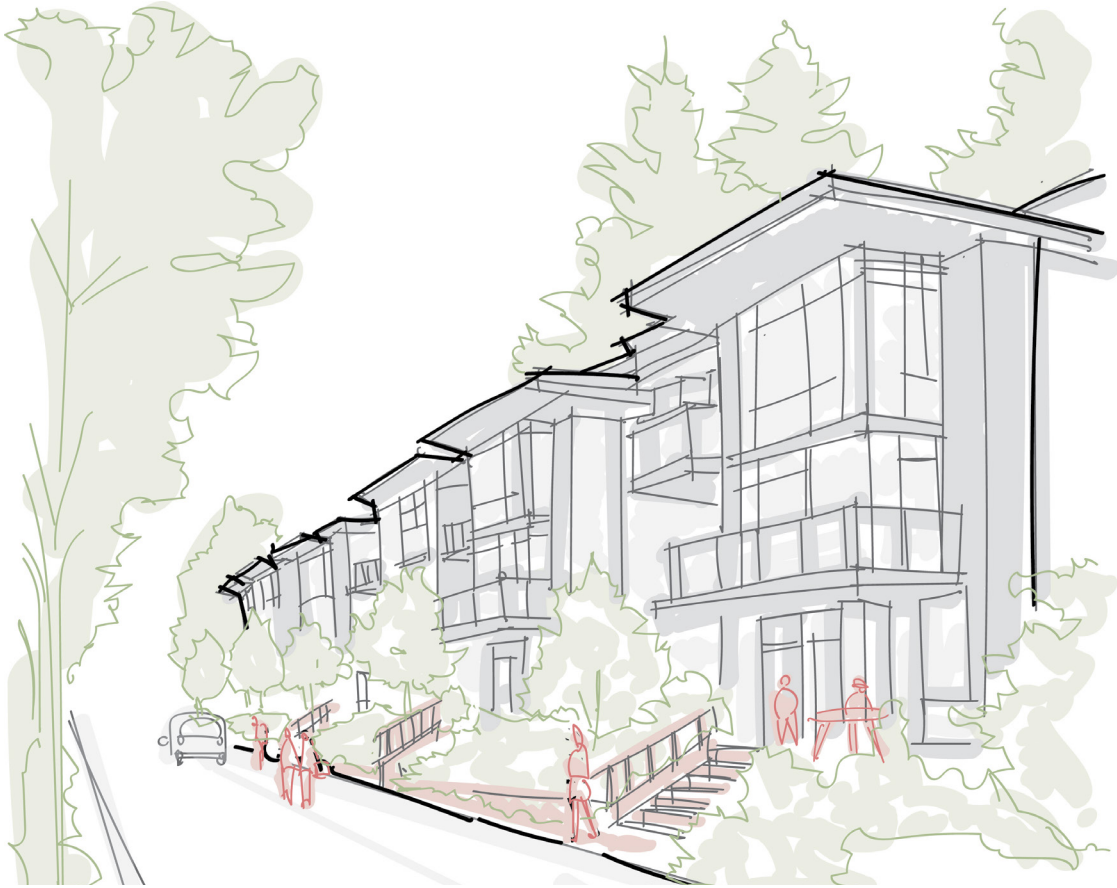


Sites and buildings are organized to frame welcoming, comfortable, safe and attractive spaces that promote sociability and encourage people to walk.

WHY PEDESTRIAN ORIENTATION MATTERS

A pedestrian-oriented built environment prioritizes the experience and safety of those on foot or wheels by creating engaging, accessible, and walkable public spaces. Design that focuses on pedestrians reduces dependence on driving, which in turn lowers greenhouse gas emissions and promotes more active lifestyles. Pedestrian-oriented design supports diverse housing options close to essential services, making it easier for people of all income levels to live without depending on driving long distances for all trips, thereby improving access to jobs, education, and healthcare.

The placement of buildings, building features, and uses promote an engaging and vibrant environment. Site design prioritizes comfort, ease of use, and accessibility. Buildings are oriented toward the street and engage people walking and rolling by through human-scale design details including building entries, storefront windows, open spaces, and stoops, porches, or other semi-public spaces. Buildings and public spaces foster a dynamic street life and sociable development patterns that support economic vitality and enlivens mixed-use districts.



PEDESTRIAN-ORIENTED DESIGN PRINCIPLES

Prioritize People Over Cars

Buildings, sites, and streets should prioritize use and access by people rather than cars.

Vibrant Streets as Public Spaces

Streets are an important part of the public space of the city and are designed to provide a stage for the vibrant life of communities.

Human-Scale Design

Human-scale design details regularly spaced along a lot, building, and block, add to the vibrancy of a neighborhood, encouraging and inviting walking and rolling.

Activated and Engaging Buildings

Activated spaces within buildings have entries and windows allowing for interaction and intrigue between the buildings and the street, so that what happens inside the building spills out and enlivens the public space.

Streets as Public and Private Spaces

Engaging private spaces in front of buildings connect and demarcate the public and private realms, adding benefit to the public experience while preserving a sense of privacy for the residents.

2.1

Building Orientation + Frontage Design

CLIMATE BENEFITS

Encourages walking, biking, and transit use, lowering greenhouse gas emissions from driving

Improves air quality and health outcomes

INTENT

To create a pedestrian-friendly streetscape that encourages walking by requiring buildings to be oriented to the front of lots facing the street instead of vehicle circulation or parking areas. The siting of buildings and entrances along the front lot line promotes a sense of enclosure and a more comfortable walking environment that is welcoming and more visually interesting. More engaging and attractive streets encourage walking, biking, and riding transit.

KEY CONSIDERATIONS

- Jurisdictions may want to consider allowing exceptions to the maximum setback upwards of 12 - 15 feet if they want to encourage a wider public realm and generous sidewalk that supports outdoor cafes, seating, and adequately size transit facilities.
- While it may be more complicated to administer, jurisdictions may want to consider using an averaging approach along corridors with historic development patterns. A setback can be required that is an average of the front yard setbacks on the block, or even a series of blocks. This approach may address concerns about the compatibility of new construction with existing built historic patterns.
- This maximum setback standard when applied to larger lots with large retail buildings allows for deeper street setbacks for some buildings while still requiring that some buildings be placed close to the street.
- Consider either allowing no parking in front of a use and keeping smaller front setback values or increasing the front setback to 20 feet to allow a car to park in front of the building without hanging over the sidewalk.



DO

Establish a higher percentage of frontage along key corridors to promote a highly walkable

2.1 Building Orientation + Frontage Design

Model Code Language

Maximum Setback. The maximum setback standards apply to nonresidential and mixed-use developments and all residential developments except accessory dwelling units. Unless otherwise specified, the maximum a building can be set back from a street lot line is indicated in Table 2-1. At least [50-75%] of the length of the ground-level, street-facing façade of the building must meet the maximum setback standard of the zone district.

Use Category	Neighborhood	Suburban Commercial	Main Street	Corridor /CFA	Downtown/ Center
Residential Developments	[10-20]'	[10-15]'	[5-10]'	[5-10]'	[5-10]'
Nonresidential and Mixed-Use Developments	[5-15]'	[5-15]'	[0-10]'	[0-10]'	[0-10]'

- Applying the standard.
 - Projections such as eaves, chimneys, bay windows, overhangs, cornices, awnings, canopies, porches, decks, and pergolas do not count toward meeting the maximum setback standard.
 - Where there is more than one building on the site, the standards apply to the combined ground level, street-facing façades of all the buildings along the site's frontage. Once the buildings provided within the maximum setback area cumulatively provide [50-75%] of the linear site's frontage dimension along the primary frontage street, other buildings on the site may be located outside the maximum setback area.
 - Where an existing building is being altered, the standards apply to the ground level, street-facing façade of the entire building. Expansions or additions to buildings in zones subject to the maximum setback standard must not increase the length of street-facing façade that does not conform to the standard and may not increase the area dedicated to parking and vehicular circulation between the building and the street.
- Where the site is adjacent to two or more streets, these standards must be met on the frontage of the street with the [higher transit classification]. If both streets have the same classification, the applicant may choose on which street to meet the standard.



DON'T

Do not allow a higher front setback (10 feet or greater) for residential uses that do not have vehicle areas in the front façade. Buildings with a setback greater than 10 feet tend to lose the relationship between the sidewalk and the building.



DO

Consider allowing a higher maximum setback to encourage a more generous public realm along key corridors and also support sidewalk cafes, transit

**DON'T**

Do not allow areas of vehicle parking and circulation between the building and the sidewalk. This promotes an unsafe and unenjoyable

**DO**

Require any parking and vehicle circulation to be located behind, or to the side, of buildings to emphasize a cohesive, safe, and enjoyable walking experience.

2.1 Building Orientation + Frontage Design

Model Code Language

Frontage Design. The frontage design standards apply to nonresidential and mixed-use developments and any portion of a residential development that includes a multi-unit dwelling, congregate housing facility, or residential facility.

1. Standards for all sites.
 - a. No area between the portion of a building that meets the maximum setback standard and the street lot line can be used for vehicle parking or circulation. Vehicle access is allowed through the setback area if it accesses a parking area or structured parking that does not conflict with the maximum setback or frontage design standards.
 - b. Vehicle parking and circulation areas within [20 feet] of the street lot line must be limited to no more than [50 percent] of the length of the street lot line.
 - c. Any areas within [20 feet] of the street lot line that are not occupied by a building or vehicle area must be landscaped to the [local planting standard] or hardscaped for pedestrian use.
2. Additional standards for sites [adjacent to transit street or in a Main Street, Corridor/CFA, or Downtown district].
 - a. No area between the building and the street lot line may be used for vehicle parking or circulation.
 - b. If a portion of the building does not meet the maximum setback standard, at least one pedestrian amenity space must be provided between the building and the street lot line. One pedestrian amenity space is required for every 500 square feet of area between the portion building not meeting the maximum setback and the street lot line. The pedestrian amenity space must meet the following standards:
 - i. The space must abut the sidewalk of a public street and must be hardscaped for pedestrian use.
 - ii. The minimum area of the space must be [5%] of the overall site area with a minimum dimension of [10-15 feet].

2.1 Building Orientation + Frontage Design

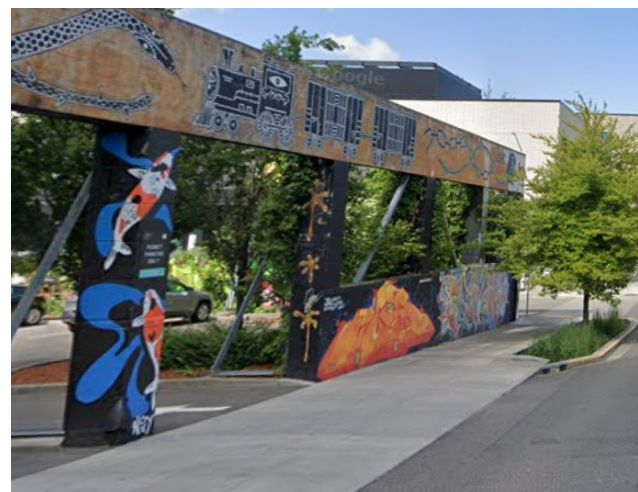
Model Code Language

- iii. The space must include benches or seating that provide at least [5-10] linear feet of seats. The seating surface must be at least 15 inches deep and between 16 and 24 inches above the grade upon which the seating or bench sits.
 - iv. A minimum of [10-20%] of the pedestrian amenity space must be landscaped.
 - v. A minimum of one tree is required for each [500 square feet] of pedestrian space.
 - c. All other areas between the building and the street lot line not in the pedestrian amenity space must be landscaped. Landscaping must meet the standards [local minimum planting requirements].
3. Screening of surface parking areas. Surface parking must be screened from view of the street at a minimum as follows:
- a. Evergreen shrubs that will grow to a minimum height of 30 inches within two years and form continuous screening. Areas within the vision clearance triangle must include plantings that do not exceed 3 feet; and
 - b. One tree for every 30 linear feet; and
 - c. Evergreen ground cover must cover the remaining landscape area.
 - d. A minimum 30 inch tall architecturally treated wall may be substituted for evergreen shrubs.
4. Sites with multiple street frontages. Where the site is adjacent to two or more streets, these standards must be met on the frontage of the street with the [higher transit classification]. If both streets have the same classification, the applicant may choose on which street to meet the standard.
5. Exceptions. Residential facilities, residential treatment homes, residential training homes, and congregate housing facilities may have one driveway located between the main entrance and an adjacent street as required to serve as a drop-off or loading zone, provided the main building entrance must connect to an adjacent street by a pedestrian walkway.



DO

To ensure that spaces in front of buildings that meet the maximum setback contribute to the public realm, provide a menu of clear and objective design treatments and minimum dimensions for these spaces.



DO

Require parking that is adjacent to the sidewalk to be shielded with landscaping or architectural treatments that contribute to an engaging and comfortable pedestrian environment.

In strong markets, active ground floor uses enliven the public realm and create dynamic districts.....



but if the market for retail is not as strong, ground floor spaces can sit empty, detracting from the pedestrian environment



A CLOSER LOOK | SHOULD ACTIVE USES BE REQUIRED?

While design standards address the size, scale, and key elements of building frontages, jurisdictions should also consider the permitted uses. Frequently cities will require active ground floor uses, which may or may not be supported in the short term by the local market. Other strategies to consider include:

- **Residential.** Cities often disallow ground floor residential uses along corridors as they are not perceived as being “active” in use. However if cities adopt design standards for residential uses that require entries for ground floor units (and do not permit driveway access) and/or require that the more active spaces within multi-unit buildings be located along the primary frontage, residential uses may be both market viable and positively contribute to the pedestrian environment.
- **Targeted Activity Areas.** Cities should at a minimum consider a more limited geographic area where active ground floor uses are required. This is preferable to vacant ground floor retail spaces.
- **Flexible Requirements.** Requirements for active uses on the ground floor can also be flexible. Establishing minimum ground floor heights and requiring spaces be built to a commercial standard ensures “retail ready” spaces that can be used for other uses until the market is more supportive. These types of requirements do add cost to development however.
- **Code Users.** Developers, builders, and architects point out that meeting ground floor commercial requirements can be very challenging and support regulations that provide flexibility both in terms of the location and size, e.g., depth, height, etc. of required commercial spaces.
- **Incentives.** The requirement for ground floor commercial uses can also be offset by offering density bonuses. For this to be effective, development standards need to be set to allow for the potential offering of additional density, height, etc.

2.1 Building Orientation + Frontage Design

Model Code Language

Building Entrance. The building entrance standards apply to nonresidential and mixed-use developments and all residential developments except accessory dwelling units. The standards apply as follows:

1. Single-unit-dwellings, manufactured dwellings, residential training homes, and residential treatment homes. At least one main entrance for each building must meet the standards.
2. Middle housing dwelling.
 - a. At least one main entrance for each duplex, triplex, or quadplex building must meet the standard.
 - b. At least one main entrance for each townhouse must meet the standard.
 - c. The standard does not apply to cottage cluster housing. Cottage cluster housing must meet [local cottage cluster design standards].
3. Multi-unit dwelling.
 - a. At least one main entrance for each building must meet the standards.
 - b. A minimum of [25-50%] of dwelling units on the ground floor must have at least one main entrance that meets the standards.
4. Nonresidential or mixed-use building. Each entrance that meets the definition of a main entrance must meet the standard.
5. Sites with multiple street frontages. Where the site is adjacent to two or more streets, the standards must be met on the frontage of the street with the [higher transit classification].



DO

Require main entrances to face the street to encourage sociable development patterns and add to an interesting and engaging pedestrian



DO

Middle housing building types such as duplexes, triplexes, and quadplexes only need to meet the

2.1 Building Orientation + Frontage Design

Model Code Language

6. Entry orientation. All buildings within 40 feet of a street lot line must meet one of the following standards:
 - a. The main entrance must be within 8 feet of the longest street-facing façade of the building and must either face the street; be at an angle of up to 45 degrees from the street; or open onto a covered porch that must be at least 25 square feet in area. If the site fronts on more than one street, the building façade containing the main entrance must be located consistent with Section 2.1.D.2.b below. Where abutting streets receive the same level of transit service, the applicant may choose the street-facing façade that will contain the main entrance.
 - b. The main entrance must face a courtyard that abuts the street and must be no less than 15 feet in width.

KEY CONSIDERATIONS

- Even if a jurisdiction defines “Main Entrance” and adopts associated standards, there likely will still be businesses that prioritize entries facing parking lots. This, however, is an enforcement issue that requires coordination with other city departments.
- If a city is interested in going further in requiring design elements that more clearly define a “main entrance,” they may consider incorporating a clear and objective menu of options including the use of canopies, porticos, wall recesses or projections, arches or columns, decorative moldings or trims, covered patio or plaza space, architectural details, or lighting, and/or landscaping planters or seating. Applicants would be required to provide a certain minimum number of these elements for a main entrance.
- Rather than allowing it as an option, jurisdictions could require buildings located on a corner lot to provide a main entrance at a 45-degree angle. A corner entry is oriented to multiple streets. These types of entries can create a dynamic gathering space where different pathways intersect.



DO

Require ground floor units to have individual entries fronting the public realm to add to the urban life of cities. When concerns exist about privacy, this requirement may not be applied,



DON'T

If multi-unit buildings are not required to have individual entries, privacy concerns are not addressed and buildings do little to activate the street



2.1 Building Orientation + Frontage Design

Model Code Language

7. Entry orientation on [higher transit classification] streets. In addition to the general entry orientation standards, nonresidential and mixed-use buildings and multi-dwelling buildings adjacent to one or more [higher transit classification] streets served by transit must have at least one main entrance that is within [25] feet of the [higher transit classification] street. Access to the main entrance must comply with ADA standards.
8. Unlocked during business hours. Each main entrance to a nonresidential use that is open to the public, which meets the standard, must be unlocked during business hours.
9. Walkways. At least one main entrance and all dwelling unit entrances on the ground floor must be connected to the street by walkways, as required by Pedestrian and Bicycle Circulation Standards (Section 3.2).



DO

Require buildings on higher transit classification streets to have one entrance that is within 25 feet of the street with transit to support walking, bicycling, and transit.

KEY CONSIDERATIONS

- Key to activating the sidewalk and creating a fine-grained built environment is to have individual entries for residential units connected to the public right-of-way. Ground floor retail is not the only means to activate a street and great human-scale details.
- Individual entries may pose privacy concerns. If applying standards to residential units along busy streets with minimal set-backs, consider requiring units to meet the ground-floor entry requirements of up to 50% of units being accessed directly from the sidewalk, but allow for inset spaces that meet a minimum depth of at least 3 feet.
- Grade changes and screening or landscaping can also effectively address privacy concerns.
- Another option is consider only requiring entries to units on specific corridors where there is a desire to concentrate pedestrian activity.



DON'T

Require buildings located on corner lots to provide entries oriented to the corner, to strengthen pedestrian-oriented environments.

Best Practice:

FORM-BASED APPROACH TO FRONTAGE



Requiring a certain amount of street wall and active ground floor uses does not guarantee a lively or adequately sized public realm and can be difficult to achieve.

Instead allow a range of creative designs that create welcoming, comfortable, safe, and attractive spaces on the ground-floor level.



A CLOSER LOOK

When considering downtowns, corridors, or other designated districts focused on promoting compact development and pedestrian friendly streetscapes, consider a form-based approach. The intent of these requirements is to promote a continuous street wall and limit gaps in pedestrian interest along key corridors. **A form-based frontage standard focuses required building frontages along key designated corridors as identified in a street typology or regulating plan.**

- Use a form-based code element that links site frontage and active use standards to specific street typologies.
- These street types do not replace or supersede the functional classifications described in the TSP; they are a classification tool to regulate primary frontages, parking location, required uses, etc.
- Streets with the highest priority for pedestrian activity are identified on the street typology map. Development on these highest priority streets should provide the largest percentage of building frontage (closer to 100% as opposed to 75% - 50% on lower designated streets) between a minimum and maximum setback.
- Buildings may be set back beyond maximum setbacks to accommodate plazas, outdoor dining, entry forecourts, etc. provided that clear and objective standards are met.
- Active use requirements can also be focused on these higher priority streets, emphasizing uses that are customer-serving with people coming and going.
- **Dig Deeper:** The City of Beaverton applies this approach in its designated [Downtown Design District](#).

Best Practice:

MORE FLEXIBLE APPROACH TO FRONTAGE



Add flexibility to support buildings that frame public spaces and create engaging points of interaction along the ground floor.



A CLOSER LOOK

Another challenge jurisdictions may face is a market that is not strong enough to meet frontage requirements. For example, along a more auto-oriented corridor that is redeveloping over time, a frontage standard can be a hurdle for new development. **When seeking to promote a concentration of retail and commercial destinations, consider targeting a more defined storefront district and permit flexibility in meeting frontage standards.**

- Rather than set frontage standards as a blanket approach across commercial zones, define a more focused storefront area to promote pedestrian-oriented development.
- New projects within this designated storefront district are then required to include non-residential uses to activate ground floors, e.g., residential uses are only permitted when part of a mixed-use project.
- While 50% of the ground floor may be required to be commercial uses, additional flexibility is defined for the types and configuration of uses that can meet this requirement. For example, a food cart or micro-retail pod adjacent to the building can be used to meet the 50% requirement even if not within the building footprint.
- Despite concerns about empty spaces, the potential to activate a space sooner and at lower cost outweighs this fear. Vacant retail spaces lining sidewalks detract from a jurisdiction's goals.
- Flexibility in frontage requirements can be supported with elevated design standards that ensure key locations go over and above in their design of pedestrian-focused design elements along the frontage.
- **Dig Deeper:** The City of Fairview has adopted a [Town Center Commercial District](#) with flexible frontage requirements and a system of design standards with base requirements and additional points-based elements.

2.2 Ground Floor Design of Nonresidential and Mixed-Use Buildings

CLIMATE BENEFITS

Encourages walking, biking, and transit use, lowering greenhouse gas emissions from driving

Facilitates energy-efficiency by maximizing daylighting, reducing the need for artificial lighting

Weather protection shelters people from adverse weather and improves energy efficiency of buildings



DO

Adopt transparency requirements to promote a sense of interaction between the interior of

INTENT

To promote a comfortable and interesting public realm that supports and encourages pedestrian use. The ground floor is where people on the street interact and experience a building. Ground floor design that promotes an active and transparent interface between the interior uses and the street supports an engaging, human-scale experience and connects the building to the street life of the city. Building elements that improve the comfort of pedestrians in a range of weather conditions – from shade in the summer to cover from rain in the winter – encourage people to use active forms of transportation.

KEY CONSIDERATIONS

- Transparency requirements create an interface between the interior and exterior of buildings, which is engaging for pedestrians and provides a sense of safety for pedestrians as they move along longer street-walls. Any percentage requirement between 50 - 75% promotes this goal, as do limitations on maximum building length.
- Be aware that a higher transparency requirement, 75% and above, will increase project costs, but may be desired along certain corridors targeted for higher levels of pedestrian activity.
- Some jurisdictions may consider requiring a transparency percentage for upper story windows as well. This standard can add to the complexity and overall costs of a project, however. If not having a blank expanse on upper stories is a concern, standards that address the orientation and rhythm of windows may be more important.

2.2 Ground Floor Design (Nonresidential/Mixed-Use Buildings)

Model Code Language

Transparency. The transparency standards apply to nonresidential uses on the ground floor of a nonresidential or mixed-use building. The standards apply to ground level, street-facing façades that are within 20 feet of a street lot line or pedestrian amenity space. A minimum of [50-75%] of the area of the ground-level, street-facing façade between [2 and 8 feet] above sidewalk grade must be transparent (a minimum visible transmittance of at least [0.60]).

1. Windows and/or glass within doors may be used to meet this standard. Window area is the aggregate area of the glass within each window, including any interior grids, mullions, or transoms.
2. Required windows must not be mirrored, frosted, reflective, or treated in such a way to block visibility into the building. The following uses are exempt from this standard in order to preserve privacy or meet applicable state or federal laws: [add local use categories for medical office, marijuana dispensary, etc.]
3. Windows into storage areas, vehicle parking areas, mechanical and utility areas, and garbage and recycling areas do not qualify.

KEY CONSIDERATIONS

- Be aware there may be cultural sensitivities around transparency requirements. For example, some spaces may be designated for use by women and privacy is desirable; or some groceries may want to use window space for advertisements.
- While these are primarily issues of compliance, if this is of concern in your jurisdiction, you may want to consider allowing exceptions (to be reviewed with any change in use) or allowing glazing that allows light transmission while preserving privacy but no higher than 42 inches from the sidewalk.



DON'T

Do not allow long expanses of blank walls on ground level, street-facing façades as they significantly detract from the quality of the pedestrian environment and can negatively affect the sense of safety.



DO

Allow for exceptions for certain uses that require more privacy that allow limited transparency but only up to 42 inches in height from the sidewalk. Transparency standards should take into account grade changes.

**DO**

Require weather protection to extend out a minimum depth to provide comfortable coverage that can accommodate higher amounts of foot

2.2 Ground Floor Design (Nonresidential/Mixed-Use Buildings)

Model Code Language

Weather Protection. Weather protection (e.g., permanent awnings, canopies, overhangs, or architectural features providing protection from the rain or shade during periods of hot weather) must be provided along [50-75%] of the length of the ground level façade that is within [5] feet of a public right-of-way or the hardscaped area within a pedestrian amenity space.

1. The weather protection must project out at least [4 feet] from the adjoining wall.
2. The height of the weather protection must be between [9 feet and 15 feet] above the grade underneath it.

KEY CONSIDERATIONS

- Weather protection should be required to be designed so that it can accommodate blade signs.
- Given that weather protection extends out over the public right of way, coordination will often be necessary between building owners and occupants and public works staff or utility providers. Consider the benefits of offering an encroachment permit to allow overhangs into the public right-of-way.
- Cities should reserve the right to reduce weather protection standards where existing right-of-way dimensions, easements, or other building code requirements preclude them.

**DO**

Account for blade signs and the extension of weather protection over the public right-of-way in weather protection requirements.

2.3 Ground Floor Design of Residential Buildings

CLIMATE BENEFITS

Encourages walking, biking, and transit use, lowering greenhouse gas emissions from driving

Facilitates energy-efficiency by maximizing daylighting, reducing the need for artificial lighting

Increases area for landscaping and contributes to tree canopy and carbon sequestration

Increases urban biodiversity

INTENT

To encourage walking and sociable development patterns by promoting an interesting and engaging and human-scale sidewalk experience while preserving the privacy of residents. Individual entries and resident spaces are oriented and visually connected to the public realm. Spaces such as porches, stoops, and other semi-public spaces support social interaction and provide a transition from public to private spaces. Design standards are focused both on the experience of someone passing by and someone living within the space.



**DO**

Transparency requirements provide windows and doors for residential uses that are “eyes on the street.” Transparency requirements for residential uses must balance privacy needs with the comfort and experience of pedestrians.

**DO**

Require transition elements for ground floor units. Main entrances can define a transition between the public and private realm by being set back 5 to 10 feet from the public right-of-way. Several design elements provide privacy for residents while defining this transition space and improving the sidewalk environment.

2.3 Ground Floor Design (Residential Buildings)

Model Code Language

Transparency. The transparency standards apply to the wall area of the ground-level of any street-facing façades that are within 20 feet of a street lot line or a pedestrian amenity space. A minimum of [15-25%] of the area of the ground-level, street-facing façade between [3 and 12 feet] above sidewalk grade must be transparent. The following standards must be met for an area to be considered transparent (a minimum visible transmittance of at least [0.60]).

1. Windows and/or glass within doors may be used to meet this standard. Window area is the aggregate area of the glass within each window, including any interior grids, mullions, or transoms.
2. Required windows must not be mirrored, frosted, reflective, or treated in such a way to block visibility into the building.
3. Windows into storage areas, mechanical and utility areas, and garbage and recycling areas do not qualify. Windows into garages do qualify.

KEY CONSIDERATIONS

- Be aware that higher percentage transparency requirements (above 30%), increase not only project costs but also the difficulty of designing a compliant building. Upper story transparency requirements or additional types of requirements related to the orientation of windows, rhythm, etc. also pose challenges to projects and may not result in improved designs. Think carefully about how far to go in requiring transparency for residential projects.
- Consider allowing windows in garage doors to count toward transparency calculations. They improve the ground floor experience of pedestrians without offering the same types of privacy concerns that ground floor windows into habitable space can create.

2.3 Ground Floor Design (Residential Buildings)

Model Code Language

Transitions to Residential Entrances. The following standard applies to the main entrances that provide direct access to dwelling units that are 10 feet or closer to a street lot line. The main entrance must be set back at least 5 feet from the street lot line and have at least two of the following within the setback:

1. A wall or fence that is 18 to 36 inches high;
2. Landscaping that meets the [local planting standard];
3. One small canopy tree between 1.5 and less than 6 inches in diameter per entrance; or
4. Individual private open space of at least 48 square feet designed so that a 4-foot by 6-foot dimension will fit entirely within it.

KEY CONSIDERATIONS

- Other design approaches to consider in a menu of options for defining ground-floor transitions include: raised landscape planters a minimum of 18 inches in height and a maximum of 30 inches in height with a minimum horizontal depth of 2 feet that contains landscaping; a change in grade (this change in grade could be offered by a ramp, rather than steps); or landscaping such as hedges, vines or other materials as long as they remain below the 36" maximum height.
- Also consider applying a standard for a minimum amount of transparency, e.g., at least 50% transparent, for any walls or fences to promote visibility while still retaining resident privacy.
- A setback of five feet or greater is comfortable enough to allow for a porch, patio, or landscaped area at grade (or elevated). However, buildings with a setback greater than 10 feet tend to lose the relationship between the sidewalk and the building.



DON'T

If individual entries to ground floor units are not required to provide transition elements, the limitations in human-scale elements and landscape and design features will detract from the public realm experience. Requiring transition elements will more clearly define this space.



DO

If ground floor units without individual entries offering access from the street are permitted, require a set back and a certain number of transition elements. These transition elements are still important to create a more engaging building façade if not in front of individual entries.

2.4 Driveways and Garages

CLIMATE BENEFITS

Encourages walkability by reducing interruptions to sidewalks

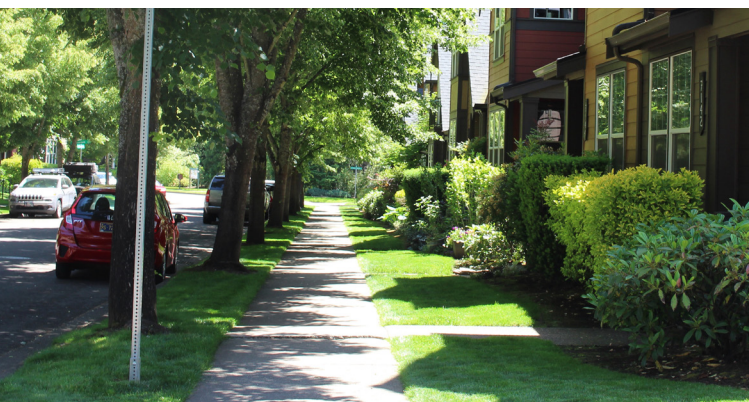
Reduces urban heat island effect by limiting paved surfaces

Supports green infrastructure by preserving space for trees, permeable surfaces, and green landscaping

Facilitates compact, energy-efficient design

INTENT

To encourage an attractive, comfortable, and safe public realm that supports pedestrian movement and social development patterns. The visual prominence of garages, parking, and vehicle circulation areas is minimized. Points of conflict between pedestrians and bicycles and vehicles are reduced. The planting strip along the street is maximized to buffer people using the sidewalk, increase the supply of on-street parking, and support planting street trees.



DO

Require larger planting strips to allow for planting street trees that provide cooling shade and a pleasant walking environment



DO

Require access via alleys to support comfortable and safe sidewalks with the main entrances of homes fronting the sidewalk.

2.4 Driveways and Garages

Model Code Language

Driveway Location.

The driveway and garage standards apply to residential, nonresidential (except for industrial), and mixed-use developments.

1. For sites with frontage on an alley, or in a zone where alleys are required, driveway access is only permitted via the alley, if the alley is improved.
2. For sites with more than one frontage not on an alley, driveway access is permitted only from the street with the lowest classification. Lots with frontages on two streets are not permitted to have a driveway on more than one frontage.



DON'T

Limit the frequency of driveway spacing to address breaks in the pedestrian walking environment and points of conflict between cars pulling in or backing out and people walking on the sidewalk.

KEY CONSIDERATIONS

- Taking access from alleys and the configuration and width of alleys will require coordination with the fire marshal. Common cross sections for alleys require 14 feet to 20 feet for access and emergency providers.
- Consider requiring alley-served garages to be slightly setback from the alley travel lane. This allows space for trash cans and other services or utility needs, and/or informal gathering and socialization spaces. An additional 2 to 5 feet of setback can improve the functionality of alleys.



DO

Require additional setbacks in alleys beyond the travel lanes to allow for adequate space to address service needs (garbage, utilities, etc.) and also provide space for residents to personalize and take ownership. This type of design facilitates social development patterns and frequent interactions.

**DON'T**

If no minimums are adopted for curb cuts in between separate lots, planting strips will not be sufficient to be planted with street trees nor will they provide on-street parking spaces.

2.4 Driveways and Garages

Model Code Language

Driveway Separation on Local Streets.

The following standards apply to driveways on local streets. Driveway separation from intersections and all driveway separations on [collector and arterial] streets are regulated by [public works/engineering standards]. Minimum spacing is measured from the end of the driving aprons.

1. A minimum [18 - 24 feet] full-height curb is required between driveways on the same lot.
2. Unless a driveway is shared between two abutting lots, a minimum [5 foot long] full-height curb is required between driveways on separate lots.

KEY CONSIDERATIONS

- The minimum spacing standard must account for driveway aprons. These portions of a driveway represent a curb-cut and are areas of the curb that cannot be used for on-street parking, where allowed. Cities may want to measure the separation between driveways from the edge of the apron that is at the same height as the curb and limit the width of wings to slow turning movement and provide more curb space for on-street parking.
- Jurisdictions looking to go further can include permissions for shared driveways. A city can consider requiring any project with more than two attached units to provide shared driveways using a taper to reduce the maximum driveway width below 20 feet, reducing the impact of the curb cut on the pedestrian environment and on-street parking supply.
- City traffic engineers may require review and approval of multiple aspects of driveways, including width, location, spacing from intersections, and access points permitted on collector or arterial streets. Requirements should be coordinated with city engineering standards.

**DON'T**

If maximum driveway widths or separation between curb cuts on the same lot are not adopted, large breaks in the sidewalk detract from the safety and comfort of pedestrians and other users.

2.4 Driveways and Garages

Driveway Width.

The following standards apply to the maximum width of driveways. Driveway width shall be measured lengthwise along the property line, and such measurement shall not include the width of wings connecting the top of the curb to the lowered curb or apron.

1. For a single-width vehicle parking area, the maximum driveway width is [10-12 feet].
2. For a double-width, or larger, vehicle parking area, the maximum driveway width is [20-24 feet].
3. For a double-width vehicle parking area that is shared by two detached units, the maximum driveway width is [10-16 feet]. For a double-width vehicle parking area that is shared by two attached units, driveways are required to be shared using a taper with a maximum driveway width of [14 feet]. There must be a recorded easement guaranteeing reciprocal access and maintenance for all affected properties.

Garage Width and Setback.

1. Garage Width.
 - a. The combined width of garage wall(s) facing the street must be less than [50%] of the width of the street-facing building façade. This standard applies only to the street-facing façade on which the main entrance is located.

KEY CONSIDERATIONS

- One of the key challenges in adopting standards related to driveway widths is how a standard applies to newly platted lots as opposed to existing lots. The intention of the Walkable Design Standards is to require new lots to provide adequate spacing between curb cuts and preserve on-street parking spaces to the extent possible. All land divisions should comply with driveway spacing standards when laying out lots and creating shared easements.
- Applying this standard in infill scenarios with existing curb cuts on abutting lots is more challenging and will require frequent exceptions. It remains important, however, to codify this important pedestrian-oriented design principle.



DO

Limit the maximum width of driveways and allow for shared driveways that are tapered to consolidate the number of curb cuts and reduce their impact on the pedestrian experience.



DO

Consider the full width of driveways, including aprons, as these portions of the planting strip along the right-of-way that cannot be used for surface parking and/or affect the total area for planting.

**DON'T**

Don't allow garages that are greater than 50% of the building façade and that project closer to the street than the main entrance. They detract from the pedestrian environment.

**DO**

Require garages to be less than 50% of the façade and not project in front of the main entrance or a porch to prioritize social development patterns.

2.4 Driveways and Garages

Model Code Language

- a. Exception. If the width of the street-facing building façade is less than [30 feet], the width of garage wall(s) may exceed [50%] of the width of the street-facing building façade if the following standards are met:
 - i. The width of the garage wall does not exceed [75%] of the street-facing building façade.
 - ii. The garage wall is recessed a minimum of [2 feet] behind the front façade that encloses living area or a covered front porch with no horizontal dimension less than [3 - 5 feet].
2. Garage Setback.
 - a. The vehicle entrance must be either [1 - 5 feet] or closer to the street lot line, or [18-20 feet] or farther from the street lot line.
 - b. A garage entrance must not be closer to the street lot line than a façade that encloses living area along the same street frontage, except the garage entrance may extend up to [2 - 5 feet] in front of a façade that encloses living area if there is a covered front porch with no horizontal dimension less than [3 - 5 feet] and the garage entrance does not extend beyond the roof of the porch.
 - c. Where three or more contiguous garage entrances face the same street, the garage opening closest to a side property line must be recessed at least [2 feet] behind the adjacent opening(s). Side-loaded garages are exempt from this requirement.

KEY CONSIDERATIONS

- Exceptions are important for homes on narrow lots, e.g., less than 30 feet wide. Given the minimum dimensions of garages, lots under 30 feet in width, will have garages that take up more than 50% of the front façade. Design standards address this unique condition. Cities can also consider requiring shared driveways for residential development on narrow lots with front loaded garages.
- For townhomes, if the garage has maximum setback of 5 feet, the portion of the building with dwelling units should not be counted toward the façade of the garage to meet the minimum 5 foot setback.

2.5 Drive-Through Facilities

CLIMATE BENEFITS

Encourages a mix of transportation modes, lowering overall greenhouse gas emissions

Improves safety, supporting a more walkable environment

INTENT

To support pedestrian-oriented site design for drive-through facilities. Buildings are oriented to the sidewalk and offer points of entry and service that can be accessed on foot. Visible, safe, and clearly defined accessible routes are provided on-site. Ease of access to goods and services is equivalent to, or better than, access for people driving a motor vehicle.

KEY CONSIDERATIONS

- Key to limiting the impact of this vehicle-oriented use is to consider where to permit and where to prohibit this use. Cities should strongly consider disallowing drive through uses in downtown, main street, and residential zones and in CFA-designated areas. Disallowing drive-throughs is a recommendation to create a better pedestrian environment, but is not required in order to be consistent with rule 0330.
- It may be desirable to prohibit additional auto-oriented uses such as auto sales or rental, fleet storage, or self-storage in these same zones.
- Jurisdictions looking to more tightly regulate where drive-through uses may locate can choose to limit them within a certain distance of a lot line abutting a residential zone or within a certain distance from other drive-through uses.
- Certain food and beverage drive-through uses could be permitted on corners provided that they have adequate space from the intersection for entry driveways. Pedestrian service areas oriented to the corner could be required to create gathering spaces.
- Minimum queueing standards on-site are intended to address situations where traffic from busy drive-throughs impacts traffic flow on surrounding streets.



DO

Put pedestrians and bicyclists on equal footing in terms of access.

**DON'T**

Allow drive through lanes and stacking facilities between the building and street lot lines.

**DO**

Require some form of pedestrian access that is separate from use by vehicles and includes additional amenities to encourage use. This is not required for vehicle-serving uses such as gas stations, auto-serving uses, or car washes.

2.5 Drive-Through Facilities

Model Code Language

Where Drive-Through Facilities are Prohibited

1. New drive-through facilities are prohibited in the [downtown and main street] districts.
2. Existing drive-through facilities in these districts may be rebuilt, expanded, or relocated on the site but must meet the standards below.
3. If the use with the drive-through facility is discontinued for [one year], reestablishment of the drive-through facility is prohibited. If the use ceases operation, even if the structure or materials related to the use remain, the use has been discontinued. This provision prevails over any allowance in the nonconforming use and development chapter regarding discontinuation and reestablishment of a nonconformity.

Pedestrian Service Areas

1. Drive-through facilities must provide at least one walk-up service area. Examples of a walk-up service area include an indoor service area directly accessible from a public street or an outdoor walk-up service window. Walk-up service areas must be accessible by customers arriving on foot, using a mobility device, or by bicycle. Customers using a walk-up service area must have the same or better access to goods and services as customers using the drive-through. [Vehicle-serving uses] are exempt from this standard.
2. If the walk-up service area is limited to an outdoor service window, it must meet the following standards:
 - a. The walk-up service area must not also be used by vehicles. Walk-up service may be provided by facility staff or by automatic teller-style machines.
 - b. The walk-up service area may abut or be connected to the street by a walkway or a pedestrian amenity space. This type of pedestrian amenity space may count toward the requirement to provide a pedestrian amenity space that meets the Frontage Design requirement (Section 2.1).
3. Service access for pedestrians and bicyclists must be connected to the street by a direct and convenient walkway that meets the Pedestrian and Bicycle Circulation Standards (Section 3.2).

2.5 Drive-Through Facilities

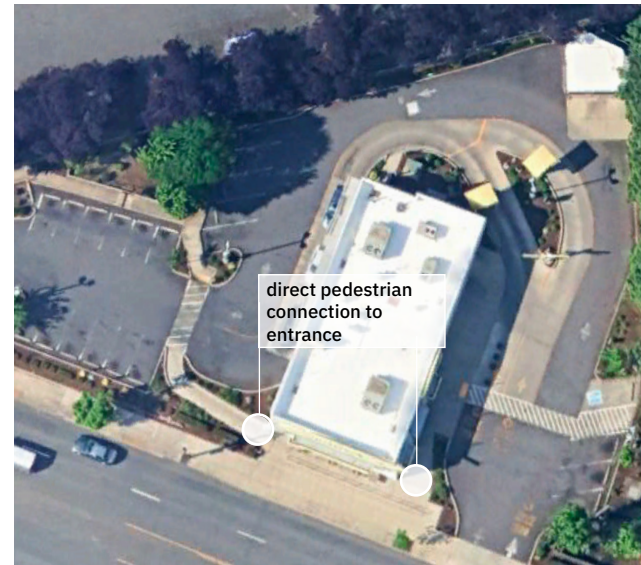
Model Code Language

Vehicles Service Areas and Stacking Lanes

1. All driveway entrances, including stacking lane entrances, must be at least 50 feet from any street intersection. If a drive-through facility has frontage on two streets, the drive-through facilities must receive access from the street with the lower classification.
2. Service areas and stacking lanes must not be located between the building and a street lot line. [Vehicle-serving uses] are exempt from this standard.
3. Stacking lanes must be designed so that they do not prevent access to parking stalls, nor block the public right-of-way. The minimum length of stacking lanes must be follows:
 - a. Gasoline fuel pumps and electric vehicle chargers. A minimum of 30 feet of stacking lane is required between the stacking lane entrance and the nearest fuel pump or electric vehicle charger.
 - b. Other drive-through facilities. A minimum of [150 - 160] feet for a single stacking lane or [75 - 80] feet per lane when there is more than one stacking lane, is required for all other drive-through facilities. A stacking lane is measured between the lane entrance and the service area.

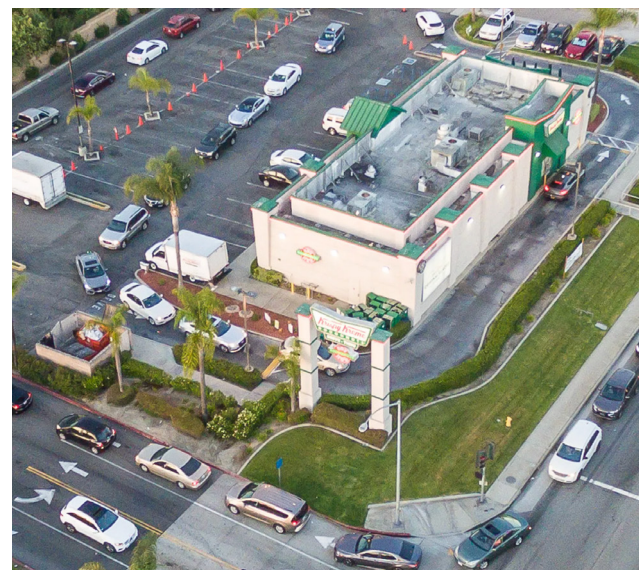
KEY CONSIDERATIONS

- If a jurisdiction is seeking to balance the request for stacking lanes on-site to reduce traffic impacts while not creating more areas of impervious pavement, consider an approach that requires minimum queuing only for uses with a higher ITE daily trips ratio that would correspond to their intensity of use and its impact on surrounding streets.
- Consider removing or reducing on-site parking requirements for drive-through uses or establishing a parking maximum. They likely are sufficiently different from general commercial/retail uses that a lower ratio may be in order. Generally, parking requirements hinder walkability and should be removed or parking maximums considered.
- Minimum lengths for stacking lanes for EV charging may be reduced as charging stations become more efficient and cars are parked for less time.



DO

Require direct pedestrian connections from sidewalks to entrances and pedestrian service areas and do not allow service areas and stacking lanes to be located between the building and street lot line to encourage walking.



DO

Adopt limits on spacing from intersections and minimum stacking lanes to address negative impacts on surrounding streets and sidewalks from high-traffic drive through uses.

Connectivity and Access



Destinations are accessible and linked by a safe and fine-mazed system of people-friendly connections allowing for more convenient movement and minimizing dependence on driving.

WHY CONNECTIVITY AND ACCESS MATTERS

Fundamental to the goals for the Climate-Friendly and Equitable Communities program is supporting and encouraging a shift in travel modes to reduce greenhouse gas emissions and promote equitable access. Key to this is improving connectivity both within existing city fabric and planning for new developments. Street networks and pedestrian and bike systems that are better linked make it easier and safer to travel between key destinations and support transit use.

To support this shift in travel modes, it must be not only safer but more enjoyable and more convenient for a person to get to places on foot, bike, or personal mobility device. Connections are not just a means to reach a destination but a chance to stop, interact, and engage with the urban life of the city. This looks like students being able to walk safely to school, older residents walking to neighborhood activity centers comfortably, or families with children of all ages riding their bikes on a connected network of safe and enjoyable routes.

Improving connectivity fosters new ways of moving through a city's network of routes and also improves the efficiency of providing emergency services, reduces congestion as travel is distributed across a more complete network, and reduces the cost of infrastructure. A connected system of accessible, direct routes is cheaper to build and less costly to maintain. Narrow streets, alleys, pathways, or trails are less expensive to build than large arterials or collectors, and can reduce the costs of housing development.



CONNECTIVITY AND ACCESS DESIGN PRINCIPLES

Walkable

Safe, comfortable, and frequent connections at the walking scale support and encourage accessing destinations by foot and mobility device.

Efficient and Enjoyable

Dense connectivity for pedestrians provides options for efficient but also enjoyable travel.

Balanced Network

Vehicle traffic is distributed across a connected street network, as opposed to a concentrated on collector and arterial streets.

Complete Streets

Pedestrian and bicyclist safety is prioritized over vehicle speed and access to enable comfortable, safe use of the public right of way.

Seamless Connections

Buildings are oriented to the front of lots and clear connection are provided to and through sites to encourage people to access the site from the sidewalk or adjacent destinations.

Robust Network

Existing neighborhoods that lack a fine-mazed network of connections are improved over time through plans that prioritize creating a robust, connected network.

3.1

Street Connectivity, Blocks, and Accessways

CLIMATE BENEFITS

Increase in direct routes for walking, biking, and transit encourages less reliance on driving, reducing greenhouse gas emissions

Decrease in traffic congestion and improvements to overall mobility reduces idling time and air pollution

INTENT

To increase the number of connections to and through neighborhoods and improve the directness of routes to and from key destinations. More connected block networks encourage people to walk, roll, or bike to access destinations and facilitates transit use, as users may take direct and convenient routes. Direct routes encourage movement between destinations and increase the convenience of traveling by foot, bicycle, or mobility device by providing safe and connected routes. Limited-access street designs with only one or two points of entry and exit that rely on arterial streets are discouraged. Smaller block sizes reduce walking distances and out-of-direction travel and promote route and mode choice. Alleys enhance the street network, providing mid-block connections, and provide an alternative for locating utilities outside of public easements in the front of lots.



DO

Allow pedestrian and bicycle accessways in-lieu of full street connections to link key destinations and promote walking, biking, and transit.

3.1 Street Connectivity, Blocks + Accessways

Model Code Language

Street Connections Required.

The street connectivity, blocks, and accessway standards apply to nonresidential or mixed-use developments and all residential developments that meet the thresholds for [site design review] where transportation improvements are required. The standards also apply to any land division application where transportation improvements are required.

1. Development must provide a system of streets and accessways that meets the block length standards below, as applicable, and provides access to the following:
 - a. Abutting residential developments;
 - b. Abutting undeveloped property;
 - c. Abutting transit station or major transit stop;
 - d. Abutting parks or schools; and
 - e. Abutting Neighborhood Activity Centers.

Street Connectivity and Block Length Standards.

1. New internal streets within a development must connect to all existing or planned stubbed streets that abut the site. Where necessary to give access to or permit a satisfactory

KEY CONSIDERATIONS

- While generally they should not be permitted, dead-end streets or cul-de-sacs may be permitted if necessary due to topographic or other barriers, or where the streets is planned to connect to a network in the future. Cities should consider allowing these exceptions by way of a discretionary design review to strongly discourage their use.
- When reviewing development applications, jurisdictions should take into account the following elements when assessing proposed network of connections: existing street grid; proposed streets, trails, or bicycle facilities; and existing and identified future transit routes.



DON'T

Don't focus solely on street network connections. Broken links in the sidewalk and trail network make walking or biking between key destinations untenable.



DO

Require connections, either as streets or pedestrian and bicycle accessways, that link where people live to



DO
Facilitate connections to existing or planned trails and multi-use paths, requiring links throughout new larger projects to the



DO
Plan for future connections to adjacent

3.1 Street Connectivity, Blocks + Accessways

Model Code Language

(continued)

future development of adjoining land, streets must be extended to the boundary of the development and the resulting dead-end street (stub) may be approved with a temporary turnaround as approved by the city engineer

1. Where the locations of planned streets are shown on a local street network plan or within a Transportation System Plan, the development must implement the street connection(s) shown on the plan in addition to meeting the standards of this chapter.
2. Where local street connections are not shown on an adopted plan, or the adopted plan does not designate future streets with sufficient specificity, the development must provide for street connections as required by the standards of this chapter.
3. Maximum Block Length. On development sites [2 acres or greater], street connections or pedestrian/bicycle accessways must be spaced no further than the maximum block length standards stated in Table 3-1. The maximum block length standard may be met with a full street connection or a pedestrian/bicycle accessway that meets pedestrian and bicycle accessway standards. In all cases, where a block exceeds 350 feet in length, a mid-block pedestrian/bicycle accessway is required.

Table 3-1: Maximum Block Length Standards

Site Area	Within [CFA and Downtown/Main Street Areas]	All Other Sites
Less than 5.5 acres	500 feet ¹	500 feet ¹
More than 5.5 acres	350 feet	
¹ If the block length exceeds 350 feet, a mid-block pedestrian/bicycle accessway is required		

4. Local streets with a dead end are not permitted unless the street is planned to continue to a connected network in the future. Cul-de-sac streets are not permitted. An applicant may pursue a discretionary review option as detailed in Section 1.2.C for an exemption to this standard.

3.1 Street Connectivity, Blocks + Accessways

KEY CONSIDERATIONS

- Street standards and cross-sections have a sizable impact on walkability of streets and spacing of the street network. While these Walkable Design Standards support a more connected and walkable network of streets, it is critical that planning staff work with public works and other transportation departments to align supporting engineering standards. These standards, such as intersection spacing and limitations on mid-block crossings, may make it challenging to meet maximum block length standards. Jurisdictions should seek to apply connectivity standards as possible, and plan for future connections.
- Public works standards are critical to support walkable design. Standards should be considered in tandem with land use code changes. Critical to consider are standards related to planter strips, street trees, public utility easements and locations, alley designs, curb radius, and pedestrian crossings.
- Private streets (if allowed by the jurisdiction) should count toward meeting these standards. It can be advantageous for alleys and streets serving a small number of residences to be private to lower the maintenance responsibilities of the local government. All new streets that are required must meet the standards in the transportation system plan including for sidewalk widths and tree planting strips.
- Plan for vehicle, pedestrian, and bicycle connections citywide by mapping out future desired links across networks in the TSP down to the level of local streets. By analyzing and documenting missing connections in existing networks, jurisdictions have a road map to improve conditions on a network-scale and coordinate future development and redevelopment with planned public improvements.
- A smaller scale version of this best practice is to adopt plans and supporting codes for specific areas and/or larger redevelopment sites (1 acre or larger) that note desired mid-block passages and connections that will be required of future development.



DO

Allow pedestrian and bicycle-only connections, not just full street connections, to improve connectivity while encouraging connecting existing auto-oriented areas.



DON'T

Allow long blocks along high-traffic streets with limited points of crossing that discourage use by people on foot and wheel.

**DO**

Require direct pedestrian connections from sidewalks to entrances and pedestrian service areas to encourage walking. Reasonably straight connections have end points that are visible from any point on the accessway. Straight lines are not

**DON'T**

Connections should feel safe and comfortable to encourage all users. Do not permit the use of fencing or landscaping to obscure views into accessways, as this raises security concerns.

3.1 Street Connectivity, Blocks, and Accessways

Model Code Language

OPTIONAL

5. [In downtown, main street, and/or residential] districts blocks must include alleys to allow use of rear-loaded garages and accessory dwelling units and to provide access for utility and garbage services. An applicant may pursue a discretionary review option for an exemption to this standard.]
6. The street grid system must be rectilinear and must avoid curves. An applicant may pursue a discretionary review option for an exemption to this standard.

Pedestrian and Bicycle Accessways. Pedestrian and bicycle accessways may be proposed in-lieu of full street connections for an existing block length of 700 feet or less if they meet the standards listed below.

1. Accessways must be created within public rights-of-way, public tracts, or private tracts with public access easements. Such rights-of-way, tracts, or easements must be at least [10 -15 feet] wide.
2. Accessway entry points must align with pedestrian crossing points on abutting streets and with abutting street intersections.
3. Accessways must be sufficiently straight that both end points are visible from any point on the accessway. An applicant may pursue a discretionary review option for an exemption to this standard.
4. Accessways must have no horizontal obstructions and a 9 foot, 6-inch high vertical clearance.
5. Accessway surface improvements must be at least [8 -10 feet] in width. Improvements must be impervious pavement (asphalt or concrete), unless pervious pavement has been approved by the [city engineer] based on usage and site conditions. Paved surfaces must be separated from potential fenced areas by at least one foot on each side.
6. Accessway surfaces must drain stormwater runoff to the side or sides. Paving materials, storm drainage, shoulder treatment, and landscaping for accessways are subject to [applicable local requirements].

3.1 Street Connectivity, Blocks + Accessways

Model Code Language

7. Accessways must have a slope of 5% or less. An applicant may pursue a discretionary review option for an exemption to this standard.
8. To prohibit access by motorized vehicles (except motorized mobility devices or emergency vehicles) accessways must be constructed with gates, removable lockable posts, bollards or barriers subject to [applicable local requirements]. Accessways connecting to sidewalks built with a full-height curb do not need to provide additional barriers.
9. If accessway is not dedicated as public right-of-way, to ensure accessway maintenance over time, a maintenance agreement must be recorded that specifically requires present and future property owners to provide for liability and maintenance of the accessways to City standards.

KEY CONSIDERATIONS

- Minimum dimensions for public accessways are provided as a range. In certain situations, a 10 foot wide path without lighting is thoroughly adequate to provide connectivity through a block provided that this connection does not exceed 300 - 700 feet in length and is not framed by taller buildings that would block light.
- Where pedestrians and bicyclists share an accessway, the width of the path should be no less than 10 feet, and optimally 12 feet.
- Consider the impact fencing may have on the experience of walking along a pedestrian connection through a block. If feasible, consider limiting the height or opacity of fencing facing these connecting spaces or adjust setbacks.
- If there is a desire to ask for a higher standard of design for pedestrian walkways, consider going further by requiring lighting using the jurisdiction's existing lighting standards and shielding requirements. Jurisdictions could also adopt a menu approach requiring applicants pick several design treatments from lighting, to greater width, and/or sustainable features.



DO

If the accessway intersects with a right-of-way and there is concern about access by motorized vehicles, require the use of bollards or other barriers to prevent access.



DO

Topography can be a barrier to making connections but connections should still be

3.2 Pedestrian and Bicycle Circulation

CLIMATE BENEFITS

Increase in direct routes for walking, biking, and rolling encourages less dependence on driving, reducing greenhouse gas emissions

Decrease in traffic congestion and improvements to overall mobility reduces idling time and air pollution

INTENT

To enhance the safety and comfort of people on foot or using biking, rolling, or other non-driving modes of travel. Safe connections to and through sites reduce the scale of larger sites and provide convenient and comfortable access to key destinations.



DO
Require on-site pedestrian and bicycle circulation facilities to provide

3.2 Pedestrian and Bicycle Circulation

Model Code Language

Connections to the Street

The pedestrian and bicycle circulation standards apply to nonresidential and mixed-use developments and all residential developments except single-unit dwellings, accessory dwelling units, middle housing dwellings, manufactured dwellings, residential training homes and residential treatment homes. New development must provide pedestrian and bicycle connections between main entrances of buildings and the street as follows.

1. **Main Entrances.** All primary buildings located within 100 feet of a street lot line must have a connection between main entrance(s) and the adjacent street. The connection may not be more than 120 percent of the straight-line distance between the entrance and the street, unless a longer distance is necessary to comply with ADA grade requirements. For sites with frontage on a [transit street], the pedestrian connection requirement must be met on the [transit street].
2. **Tree Preservation.** If a tree that is at least 12 inches in diameter (as measured by the diameter at breast height (DBH)) is proposed for preservation, and the location of the tree or its root protection zone would prevent the standard of this paragraph from being met, the connection may be up to 200 percent of the straight-line distance.
3. **Large Parking Areas.** Off-street surface parking areas greater than 21,780 square feet in size or including [four or more] consecutive, parallel drive aisles must include pedestrian connections through the parking area to main building entrances, existing or planned pedestrian facilities in adjacent public rights-of-way, transit stops, and accessible parking spaces. Connections to the street must be provided no more than every [250-300 feet]. Where these requirements result in a fractional number, any fractional number greater than 0.5 must be rounded up to require an additional pedestrian connection.



DO

Require connections from main entrances, even buildings set back from the public right-of-way, to provide a direct way to access buildings from the sidewalk. These connections can be used by people within the parking lot



DON'T

There should be ways for people to access large, typically auto-oriented developments not only by

**DO**

Plan for future potential connections through large existing super blocks (greater than the maximum block length) and require them with

3.2 Pedestrian and Bicycle Circulation

Model Code Language

Connections to Adjacent Properties. This standard applies to multi-unit dwellings, commercial, office, or institutional uses that abut another site that is zoned or developed for multi-unit dwellings, commercial, office, or institutional uses. On-site walkways must connect or be stubbed to allow for an extension to the abutting property when there is an existing or planned walkway on the abutting property, or when the abutting property is undeveloped.

Internal Connections. The walkway system must connect all main entrances on the site that are more than 20 feet from the street, and provide connections to parking areas, bicycle parking, recreational areas, common outdoor areas, and any pedestrian amenities. Internal connections must conform with Walkway Design standards (Section 3.2.F).

**DO**

Require an internal system of walkways that connects all main entrances to other uses on site (for larger sites), through large parking areas, and to the surrounding area. Direct connections from sites to the public realm should be provided to prioritize pedestrians.

KEY CONSIDERATIONS

- While requiring connections to adjacent properties poses challenges in terms of sequencing, as some projects on adjacent lots may have already been developed or not yet developed, the intent is to require projects to attempt to consider and plan for linkages. Pedestrian paths can be stubbed similar to how street connections are stubbed.
- Projects should seek to match existing development patterns and facilitate easy access to key destinations, but this may not be possible given constraints or may be incremental as parcels redevelop.

3.2 Pedestrian and Bicycle Circulation

Model Code Language

Walkway Design.

1. **Materials and Width.** Walkways must be hard surfaced (paved) and at least 6 feet in unobstructed width. Walkway width must be increased to 8 feet if the walkway abuts perpendicular or angled parking spaces, unless the spaces are equipped with wheel stops.
2. **Crossings with Vehicle Areas.** Where the walkway crosses driveways, drive aisles, parking areas, and loading areas, the walkway must be clearly identifiable through the use of elevation changes, a different paving material, or other similar method. Striping does not meet this requirement. Elevation changes for crossings must be at least 4 inches high.
3. **Walkways Adjacent to Vehicle Areas.** Where the walkway is parallel and adjacent to a drive aisle, the walkway must be a raised path or be separated from the drive aisle by a raised curb, bollards, landscaping, or other physical barrier. If a raised path is used, it must be at least 4 inches high. Bollard spacing must be no further apart than 5 feet on center.

KEY CONSIDERATIONS

- Jurisdictions should consider requiring pedestrian connections to be raised above the travel lane a minimum of 4 - 6 inches in height to slow cars and make them more aware of pedestrians.
- While a minimum walkway width of 5 feet provides a protected connection for people accessing the front door of commercial spaces through a parking lot, it does not account for the use of shopping carts. A 5-foot wide path is not adequate for someone pushing a shopping cart to pass another on-coming pedestrian. Consider a wider minimum path for projects with higher-intensity uses that attract more pedestrians and/or customers using shopping carts.



DON'T

Allow narrow walkways for uses with high levels of pedestrian activity and/or that have users with shopping carts. These types of uses would be better served with wider walkway minimum widths for a more comfortable and safe



DO

Requiring elevated walkways improves the safety of pedestrians and make drivers more aware of

**DO**

Require more than just paint striping to demarcate pedestrian walkways.

**DO**

Define safe crossings for pedestrians with changes in grade, materials, speed bumps, signage, and other means to slow down vehicular traffic.

3.2 Pedestrian and Bicycle Circulation

Model Code Language

OPTIONAL

4. Lighting. The on-site pedestrian circulation system must be illuminated as required in [local lighting standard]. Light fixtures must be full cut-off fixtures as defined by the Illuminating Engineering Society of North America (IESNA). Sustainability.
5. Sustainability. Walkway design must incorporate at least one of the following sustainability features:
 - a. At least 30 percent of paving material must be permeable pavement; or
 - b. At least 30 percent of the paving material must be made from recycled content; or
 - c. At least 50 percent of the pedestrian walkway pavement must have a solar reflective index rating of a least 29; or
 - d. Provide shading for at least 50 percent of the total walkway surfaces on the site. Shade can be provided by current or proposed buildings that shade the paving material at 3 p.m. June 21 and current or proposed trees, with the amount of shade included for each planted tree to be measured by the diameter of the mature crown cover stated for the species of the tree.

KEY CONSIDERATIONS

- If jurisdictions do not want to require lighting or sustainable design features for walkways, these can be made optional.
- Shading requirements will also be addressed within code amendments related to OAR 660-012-0405 related to shading of drive aisles, etc.

3.3

Transit Facilities

CLIMATE BENEFITS

Supports and encourages public transit use, lowering greenhouse gas emissions from driving

Decreases the number of cars on the road, lowering greenhouse gas emissions from congestion

Promotes compact, transit-oriented development that facilitates higher-density, walkable neighborhoods around transit hubs

INTENT

To encourage and support the use of transit and encourage connections and circulation between different modes of travel. Buildings and entries orient to transit routes. Safe and convenient pedestrian connections to transit stops and stations facilitate access. Transit-supportive amenities support the transit system even when the public realm is not adequately sized or the neighborhood is not yet fully developed.

KEY CONSIDERATIONS

- When requiring transit facilities, consider that a critical amenity for bus stops is shade. Especially in hotter locations, maintaining the quality of shade is important. Make sure to require arborist-approved trees that provide shade without growing too large to encumber buses accessing the stop.
- When determining if development sites along high-frequency transit streets should be required to increase the maximum setback, consider a minimum sidewalk depth that accounts for both the amount of space needed for transit facilities and for safe, accessible, and convenient pedestrian movement in a higher-activity area.
- If transit classification is not a term used in your jurisdiction, apply relevant standards to the street with the highest frequency of transit service.
- Building orientation and ground-floor design standards are related and include key provisions pertaining to uses along transit lines.
- If transit improvements are minimal, such as a signed stop and on-street parking restrictions, the thresholds in 3.3 should be reduced such that the improvements may be required with less extensive development.
- Consider how transit providers are involved early in the development review process. Collaborate with local transit providers to adopt standards that are pre-vetted and meet transit goals and requirements.



DO

Require safe and clear links between entrances of

**DO**

Require developments to provide direct and convenient connections to transit to facilitate use.

3.3 Transit Facilities

Model Code Language

Transit Facilities

Projects that meet the following thresholds will be reviewed to determine if transit facilities are required to be provided:

- a. Projects on development sites within [100 feet of an existing or planned transit stop] or [located on an existing or planned transit route].
- b. Residential developments with more than [25] dwelling units. This includes any development application for any residential building type, including but not limited to, single detached subdivisions, middle housing development, and multi-unit dwellings development.
- c. Commercial, office, and institutional developments with more than [50,000] square feet of gross floor area.
- d. Industrial developments with more than [100,000] square feet of gross floor area.

Applicable projects may be required to provide additional transit facilities where substantial evidence of projected transit ridership or other transit impacts is presented by the transit provider to conclude both that a nexus exists between the proposed development and public transit and that the degree of impact provides reasonable justification. The City may require the developer to grant a public easement or dedicate a portion of the lot for transit facilities.

3.3 Transit Facilities

Model Code Language

1. Discretionary Standard for Nonresidential Development.
 - a. If a [transit agency or other transit service provider], upon review of an application for development meeting, or exceeding, the thresholds recommends [based on adopted transit plan and/or TSP] that a bus stop, bus turnout lane, bus shelter, accessible bus landing pad, lighting, or other transit improvement be constructed, or that an easement or dedication be provided for one of these uses, consistent with an agency adopted or approved plan at the time of development, the [review authority] shall require such improvement, using designs supportive of transit use. Requirements may include existing facilities that are in disrepair or in need of replacement.
 - b. Development sites along [high-frequency transit streets] must get approval from relevant City authority to determine if an increase in the maximum setback may be required to accommodate a sidewalk width of a minimum of [12 feet] to ensure adequate spacing for transit facilities and safe and convenient pedestrian movement. This determination will be made by the relevant City authority and the transit agency at the time of development review.
2. Clear and Objective Standard for Residential Development. If a [transit agency or other transit service provider], upon review of an application for development meeting, or exceeding, the thresholds, recommends [based on adopted transit plan and/or TSP] that a bus stop be constructed or that an easement or dedication be provided for a bus stop, consistent with an agency adopted or approved plan at the time of development, the [review authority] shall require such improvement. Requirements may include existing facilities that are in disrepair or in need of replacement.



DO

Plan for an adequately sized public realm so that needs of both transit users and pedestrians can be met.

Compact Development



Densely clustered, higher-intensity buildings in commercial and mixed-use districts encourage efficient land development and convenient walking, biking, and transit use.

WHY COMPACT DEVELOPMENT MATTERS

Compact development promotes efficient land use, reducing trip lengths, increasing transportation options, and fostering social equity. By enabling higher-density, mixed-use neighborhoods, compact development reduces car dependency, conserves resources, and makes public transit and amenities more accessible to all residents. It also supports local economies by clustering businesses, residents, and tourists in vibrant, walkable areas. Prioritizing compact development in zoning and planning decisions is crucial for creating livable, sustainable cities that benefit all residents.



COMPACT DEVELOPMENT DESIGN PRINCIPLES

Vibrant Neighborhoods

Compact development patterns concentrate uses and people, adding vibrancy and interest to a neighborhood or block that encourages walking.

Efficient

More compact building forms use less energy and are a more efficient use of land that preserves natural and working lands.

Effective Development

Development standards aligned with building codes and market needs result in more feasible projects and enables construction of more housing.

Lower Cost

Increased residential densities increase the supply of housing while lowering the cost of housing and transportation.

Equitable Access

Compact neighborhoods provide uses and services in a smaller geographic area, providing equitable access to opportunities and resources.

Diversity of Built Form

Different compact building types deliver the same density levels in different built forms to reflect varying neighborhood contexts and character.

COMPACT DEVELOPMENT DESIRED OUTCOMES

This chapter provides planners with a quantified set of physical characteristics for five common building types that represent the compact forms aligned with rule 0330 goals. These building types illustrate the complex ways in which building code, zoning standards, and market factors interact with one another and shape real projects. As the pictures of real world buildings demonstrate, these building types are representative of recently completed buildings in communities where restrictive zoning standards have been eliminated (particularly costly mandates to provide large amounts of off-street parking).

Compact building types include:

- Major Center
- Corridor Mixed Use
- Main Street Mixed Use
- Modern Apartment
- Main Street Neighborhood

For each compact development building type built outcomes are provided as a reference for planners as they consider alternative zoning standards. Specifically, these building examples can be a useful reference to consider in Step 4 (Consider) of the process described in Chapter 1. By comparing the physical characteristics of these building types to a community's existing zoning standards, planners can critically assess which of their existing zoning standards are barriers to achieving the types of compact development desired in their community.

Multiple zoning standards influence how much building space can be developed on any given lot (i.e.- how compact a building can be). For example, the required setbacks, percent of landscaping, and any limitations on lot coverage establish the maximum footprint that a building can occupy on the site. Height and density limits, for instance, restrict the size of the building that can be constructed on that footprint. On-site parking requirements or market preferences further reduce the amount of building area that can be used for housing or commercial spaces. Careful calibration of the zoning standards that regulate building form will ensure compactness can be achieved within the allowances of your local zoning standards.

Tips for Calibrating Local Zoning Standards Related to Compactness

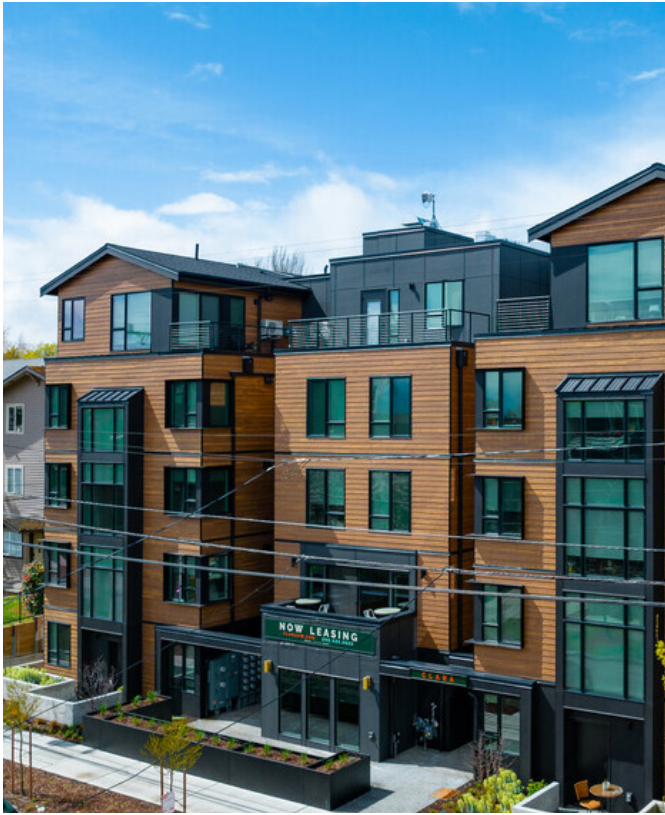
MANY STANDARDS INFLUENCE COMPACTNESS

A wide range of common development standards, taken together, regulate compactness. Standards such as setbacks and landscaping requirements limit how much of a site can be built on. Other standards, such as height and density, regulate the scale of buildings that can be built on the remaining buildable area.

ALIGN ZONING STANDARDS WITH MARKET REALITIES

Zoning standards are often misaligned with market needs, which can result in either a lack of financial feasibility and investment, or lower density development with higher rents. Understanding the local market, such as the types and sizes of homes in demand and the price tolerances of renters and buyers, is an important consideration for calibrating zoning standards. When demand for housing increases in an area, the only response the market can offer is by adding more, smaller units in that area. Compact development standards enable the market to respond to demand by adding supply where it is needed.





LESS CAN BE MORE

In many cases, a small number of key standards effectively govern compactness on a site. Common examples include maximum dwelling units per acre or lot area, minimum landscaping requirements, or maximum lot coverage limitations. In the process of evaluating zoning standards, it can be helpful to identify which have the greatest influence and look for opportunities to eliminate standards that are redundant or do not materially impact important development outcomes.

REVERSE ENGINEER STANDARDS TO ACHIEVE DESIRED OUTCOMES

Rather than evaluating what you can build with certain standards, consider identifying what kinds of main street, mixed-use, or housing types you and your community wants and set your standards to allow those types. This simple trick can lead to more predictable outcomes for a community.

Barriers to Compact Development

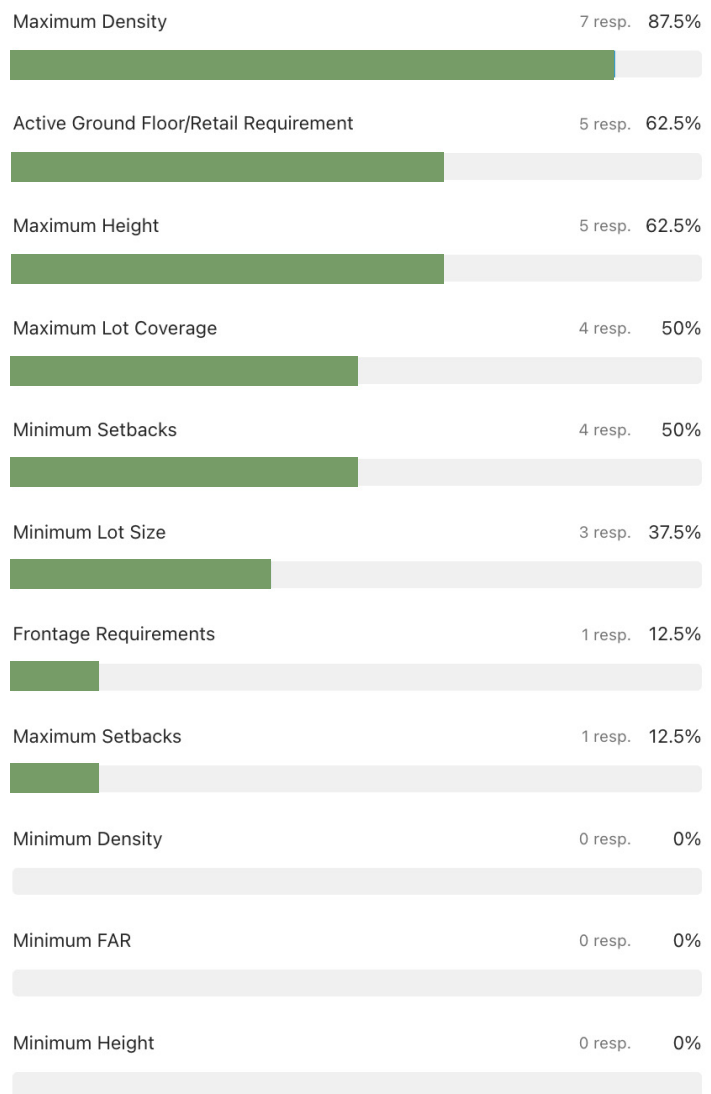
INDUSTRY SURVEY

A survey of practitioners across Oregon, including urban designers, developers, architects, and builders, identified the most common barriers to achieving compact, walkable development. The survey asked respondents to reflect on the regulatory approaches to frontage, connectivity, density, and landscaping discussed in this Guidebook. Their feedback provides valuable insights into which zoning standards present the greatest challenges from the perspective of the end uses of zoning code. These insights were used in the selection of the standards included in this chapter and provide cities with a valuable resource to help identify or mitigate those barriers.

As parking mandates have been dramatically scaled back in Oregon’s metropolitan areas, these were not included in this survey. In other contexts across Oregon, parking requirements would likely be ranked high on this list of significant barriers.

The quantity, location and design of on and off-street parking is a major factor in urban form, and whether a community is walkable for its residents and visitors. The best practice for walkability is to not require any off-street parking, but to manage its design where the market provides it.

Which of these zoning standards are often the most significant barriers when you are trying to design or develop walkable, compact development?



Best Practice:

REGULATE BY FORM RATHER THAN UNITS



Focusing on unit counts rather than building form can result in shorter or smaller footprint buildings than would otherwise be allowed within the building envelope set by development standards.

Set a maximum built form based on desired outcomes for compact development. Allow the market flexibility to respond to the number of units that can be built for a project to be financially feasible.



A CLOSER LOOK

Compact, walkable forms of development should be promoted across all district types. There is a range of built forms appropriate based on the desired intent of the district type. **When seeking to require more compact, walkable forms of development, focus on setting a maximum built form as opposed to setting a ceiling on the number of units (density).**

- Cities can set either a maximum building envelope (using height and setbacks) or a more flexible building massing (using FAR). Either approach gives jurisdictions the opportunity to first study the scale of the existing – and planned – district context and then calibrate an acceptable building form.
- Removing any maximum on the number of units (dwelling units per acre) or minimum lot size per unit will allow a wide-ranging number of units to be achieved within a desirable form that is compatible with the area.
- To go further, cities can consider not requiring a minimum lot size or maximum lot coverage, particularly in district types envisioned with a more dense, urban fabric or with a high number of potential infill lots.
- Given the increase in building massing, jurisdictions need to support this change in approach with carefully considered design standards that address primary concerns, such as maximum building length, façade articulation, and step downs.
- Cities should think carefully about what to set as a maximum building envelope to make sure that, if desired, a bonus could also be applied if certain desired public benefits are provided.
- In District Types where the market is likely to build lower-density forms – such as in residential zones with a strong market that can absorb high-cost single detached homes on larger lots, cities should consider establishing a minimum density or FAR to promote the desired intensity of compact forms.
- **Dig Deeper:** Vancouver BC applies this approach [in its mixed-use zones](#). The City of Portland also applies this approach [in its Commercial/Mixed Use Zones](#). The City of Portland [set FAR limits in residential zones](#) to allow greater building envelopes for middle housing residential types as opposed to single-detached dwellings.

Best Practice:

POINTS-BASED LANDSCAPE REQUIREMENT



Requiring a percentage of open space on a parcel does not translate into outcomes that emphasize usable open spaces that enhance the quality of urban areas and improve walkable outcomes.

A points-based landscape standard assigns different point values using a broad-ranging menu of clear and objective landscape treatments.

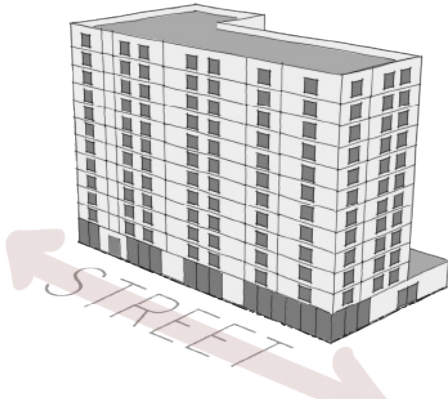


A CLOSER LOOK

Landscaping standards are a common zoning standard and appropriate in some residential contexts. When simple minimum landscaping standards are applied in dense areas, however, the outcomes can significantly reduce the buildable area of a lot without necessarily resulting in high-quality open spaces supporting walkable, compact urban places. Pockets of green and usable open space visible from the street define projects and enhance the public realm. Active spaces and functional landscapes improve the livability and the climate impacts of dense, urban projects. **When considering the most compact and urban district types that balance dense built form with pedestrian friendly streetscapes, consider a more flexible approach to landscape requirements.**

- Landscape requirements in the code for certain dense, mixed-use districts set a minimum amount of landscaping that is not a certain percentage of the lot or minimum amount (in square feet) but rather a total points value.
- A menu of landscape credits provides a flexible range of options to meet the minimum score required set for each base land use zone where the standard is applied.
- Points for different landscape treatments are weighted to reflect key desired values. For example, higher points may be assigned to trees with larger canopies, low water usage, layering of plant materials, native plants, and green walls or roofs.
- The score reflects both the aesthetic benefits of landscape treatments that improve the look and feel of a neighborhood *and* the performance aspects that target climate concerns (reducing stormwater run-off, cooling urban heat islands, providing habitat, etc.).
- If landscaping is provided along the sidewalk, bonus points are offered, emphasizing the more visible front-facing aspects of projects.
- **Dig Deeper:** Seattle uses a zoning tool called [Green Factor](#) that requires projects in certain designated zones to reach a minimum score correlated to the base zone.

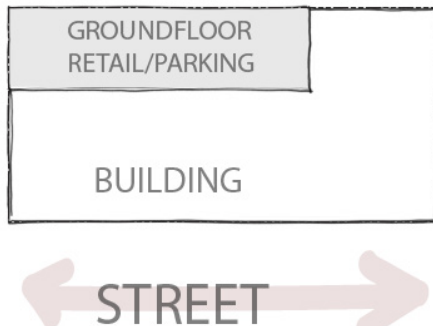
3.1 Major Center



Overview

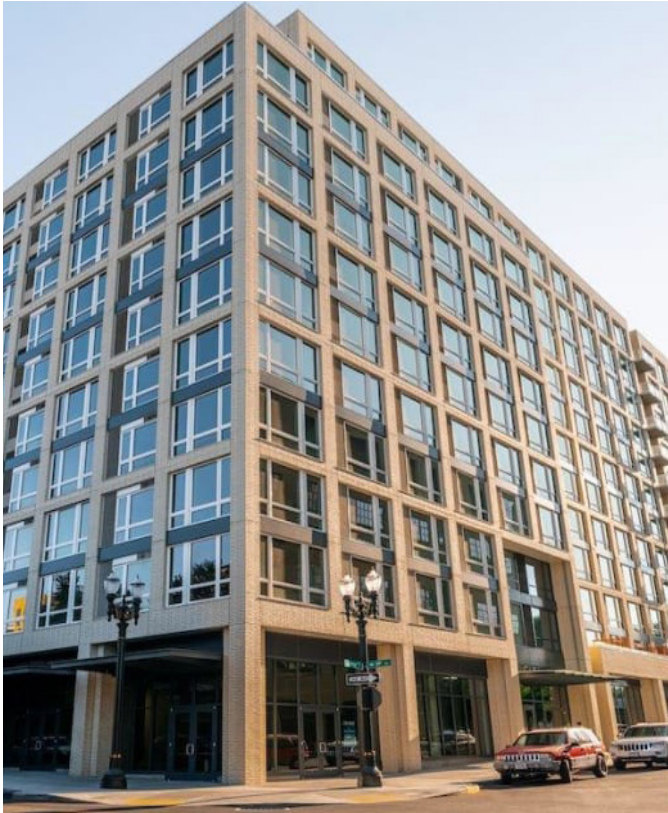
Residential above commercial buildings that are often located in downtown or mixed-use center zones. These are high-rise buildings constructed with concrete, steel, and/or mass timber. These buildings are primarily found along prominent streets well-served by transit near the city center and minimal to no parking is provided on-site.

- Height: 8 - 12 stories, or higher
- Lot Coverage: high
- Uses: Mixed use - residential and commercial
- Construction: concrete, steel, and/or mass timber
- District Types: Downtown Center/CFA

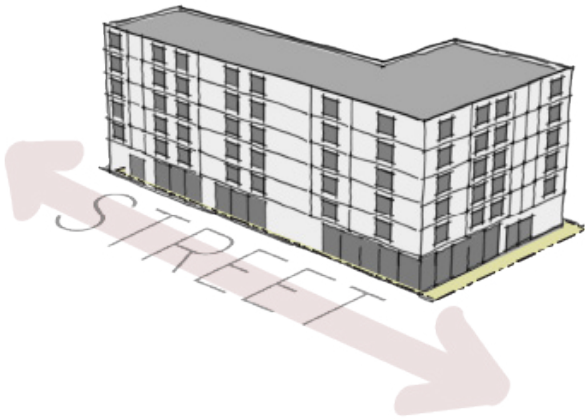


Building Characteristics

Average Lot Size (square feet)	20,000 feet
Unit Count	100 - 150
FAR	6 - 8
Density (dwelling units/acre)	280 - 320
Setbacks	0 - 3 feet (front) 0 - 3 feet (side) 0 - 3 feet (rear)
Landscaping (percent of lot)	0 - 5 %
Lot Coverage (percent of lot)	95 - 100 %
Height (stories)	10 - 12
Ground Floor Height (feet)	14.5 - 16.5 feet
Parking Ratio (per unit)	0 - 0.20



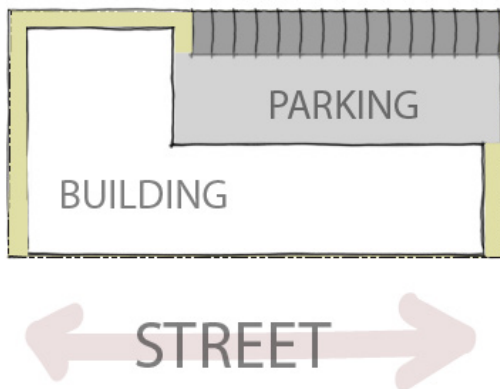
3.2 Corridor Mixed Use



Overview

Residential above commercial buildings that are often located in downtown or mixed-use center/corridor zones. These are often 1 or 2 podium floors that include some off-street parking provided, with wood frame floors above. These buildings are primarily found along prominent streets well-served by transit near the city center.

- Height: 5 - 6 stories
- Lot Coverage: high
- Uses: Mixed use - residential and commercial
- Construction: wood floors over concrete/steel podium
- District Types: Downtown Center/CFA, Main Street

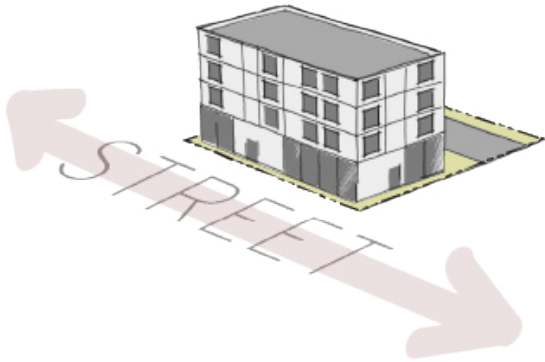


Building Characteristics

Average Lot Size (square feet)	20,000 feet
Unit Count	65 - 80
FAR	4 - 6
Density (dwelling units/acre)	120 - 175
Setbacks	0 - 3 feet (front) 0 - 3 feet (side) 0 - 3 feet (rear)
Landscaping (percent of lot)	0 - 5 %
Lot Coverage (percent of lot)	70 - 100 %
Height (stories)	6 - 7
Ground Floor Height (feet)	14.5 - 16.5 feet
Parking Ratio (per unit)	0 - 0.5



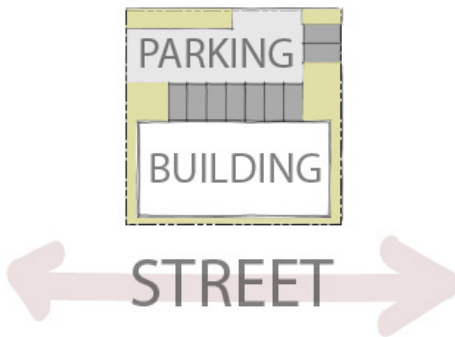
3.3 Main Street Mixed Use



Overview

Mixed use building types often found in neighborhood commercial zones, along corridors or in downtowns within smaller cities. These buildings are side by side along other mixed use buildings with a mix of active ground floor uses and/or older, existing single story commercial uses. They may or may not provide off-street parking based on the lot size (width and depth) and access. Mixed-use building types may back into smaller scale residential uses.

- Height: 3 - 5 stories
- Lot Coverage: medium to high
- Uses: Mixed-use - residential and commercial
- Construction: wood frame or podium
- District Types: Downtown Center/CFA, Main Street

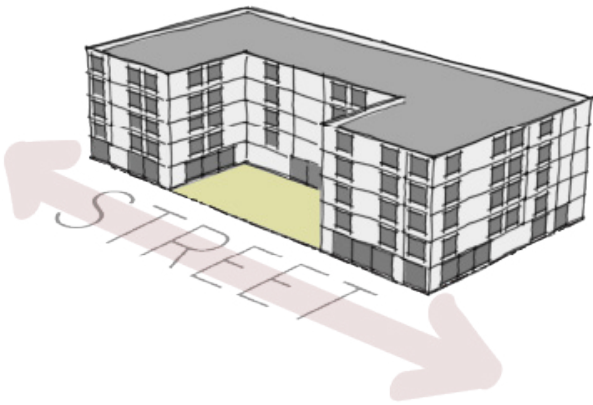


Building Characteristics

Average Lot Size (square feet)	10,000 feet
Unit Count	10 - 25
FAR	1.5 - 3
Density (dwelling units/acre)	40 - 100
Setbacks	0 - 5 feet (front) 0 - 5 feet (side) 0 - 5 feet (rear)
Landscaping (percent of lot)	10 - 15 %
Lot Coverage (percent of lot)	85 - 95 %
Height (stories)	4 - 5
Ground Floor Height (feet)	14.5 - 16.5 feet
Parking Ratio (per unit)	0 - 1



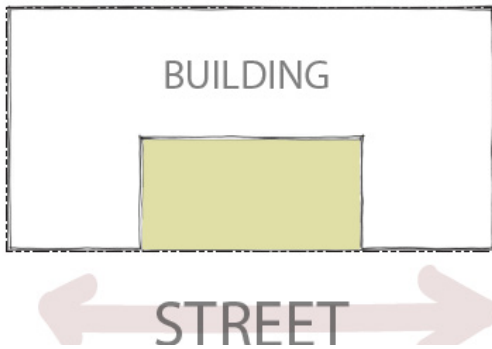
3.4 Modern Apartment



Overview

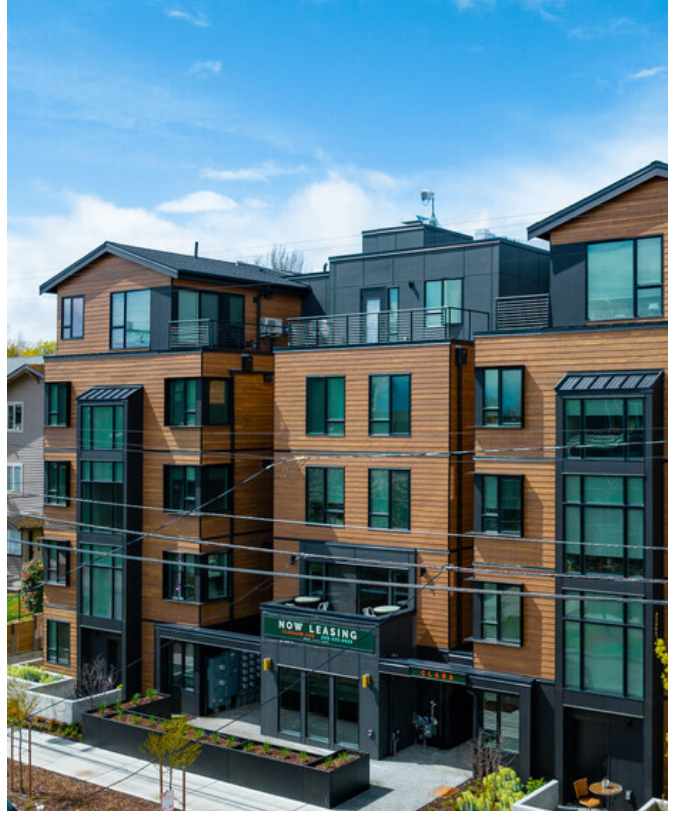
Stacked flats in a single building that are accessed via a shared entry and/or main lobby. Modern apartments are served by elevators. They can include ground-floor units with individual entries onto the street. Modern apartment buildings can be found in high-density residential or center/corridor commercial zones served by high-frequency transit. They may be similar in scale to surrounding uses or as a district or corridor transitions, they may be adjacent to buildings more of a house-scale. They are typically residential use only and do not include off-street parking.

- Height: 5 stories
- Lot Coverage: high
- Uses: Single use - residential
- Construction: wood frame
- District Types: Downtown/CFA, Main Street

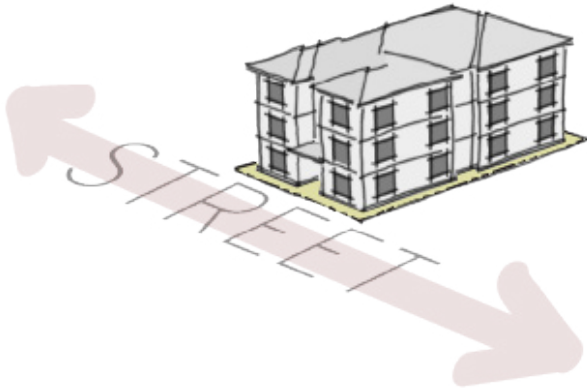


Building Characteristics

Average Lot Size (square feet)	20,000 feet
Unit Count	60 - 84
FAR	2.5 - 4
Density (dwelling units/acre)	110 - 180
Setbacks	0 - 5 feet (front) 0 - 5 feet (side) 0 - 5 feet (rear)
Landscaping (percent of lot)	15 - 25 %
Lot Coverage (percent of lot)	75 - 85 %
Height (stories)	4 - 5
Ground Floor Height (feet)	10.5 - 11.5 feet
Parking Ratio (per unit)	0 - 0.5



3.5 Main Street Neighborhood



Overview

Stacked flats in a single building or group of buildings that are typically accessed through a single, shared lobby or multiple shared stairways. These smaller-scale multi-unit buildings range from 3 - 5 stories and often do not provide off-street parking. While buildings may vary in size and design, they often are a step up in scale and intensity from house-scale buildings and are found in transition areas between low and medium density residential areas and along corridors served by transit.

- Height: 3 - 5 stories
- Lot Coverage: medium
- Uses: Single use - residential
- Construction: wood frame
- District Types: Main Street, Residential Neighborhood



Building Characteristics

Average Lot Size (square feet)	6,000 feet
Unit Count	6 - 12
FAR	1.5 - 2
Density (dwelling units/acre)	40 - 85
Setbacks	0 - 5 feet (front) 0 - 5 feet (side) 5 - 20 feet (rear)
Landscaping (percent of lot)	20 - 25 %
Lot Coverage (percent of lot)	75 - 85 %
Height (stories)	2 - 3
Ground Floor Height (feet)	10.5 - 11.5 feet
Parking Ratio (per unit)	0 - 0.5



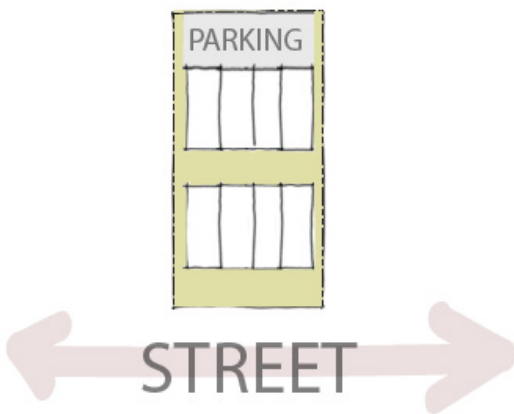
3.6 Compact Neighborhood



Overview

Compact buildings similar in size and height to single detached dwellings with multiple units (2 - 4). These smaller scale buildings typically range from 2 to 3 stories and may have detached units (accessory dwelling units) or multiple units within a single house-scale building. They may or may not provide off-street parking based on the lot size (width and depth) and access. These building types are often found within existing or new low and medium density residential neighborhoods and are interspersed with single detached dwellings on similar sized lots.

- Height: 2 - 3 stories
- Lot Coverage: low
- Uses: single use - residential
- Construction: wood frame
- District Types: Residential Neighborhoods



Building Characteristics

Average Lot Size (square feet)	5,000 feet
Unit Count	3 - 4
FAR	0.5 - 1
Density (dwelling units/acre)	25 - 35
Setbacks	15 - 20 feet (front) 5 - 10 feet (side) 0 - 20 feet (rear)
Landscaping (percent of lot)	15 - 20 %
Lot Coverage (percent of lot)	20 - 35 %
Height (stories)	2 - 3
Ground Floor Height (feet)	10.5 - 11.5 feet
Parking Ratio (per unit)	1 - 1.5



Appendix 1

Oregon Administrative Rules

660-012-0330: Land Use Requirements

- (1) Cities and counties shall implement plans and land use regulations to support compact, pedestrian-friendly, mixed-use land use development patterns in urban areas. Land use development patterns must support access by people using pedestrian, bicycle, and public transportation networks.
- (2) Cities and counties may allow exemptions to provisions in this rule when conditions on a site or class of sites would make those provisions prohibitively costly or impossible to implement. Cities or counties may adopt land use regulations that provide for exemptions as provided in this section. Any allowed exemption shall advance the purposes of this rule to the extent practical. Conditions that may provide for an exemption include, but are not limited to:
 - (a) Topography or natural features;
 - (b) Railroads, highways, or other permanent barriers;
 - (c) Lot or parcel size, orientation, or shape;
 - (d) Available access;
 - (e) Existing or nonconforming development;
 - (f) To provide for accessibility for people with disabilities; or
 - (g) Other site constraints.
- (3) Cities and counties shall have land use regulations that provide for pedestrian-friendly and connected neighborhoods. Land use regulations must meet the following requirements for neighborhood design and access:
 - (a) Neighborhoods shall be designed with connected networks of streets, paths, accessways, and other facilities to provide circulation within the neighborhood and pedestrian and bicycle system connectivity to adjacent districts. A connected street network is desirable for motor vehicle traffic but may be discontinuous where necessary to limit excessive through-travel, or to protect a safe environment for walking, using mobility devices, and bicycling in the neighborhood.
 - (b) Neighborhoods shall be designed with direct pedestrian access to key destinations identified in OAR 660-012-0360 via pedestrian facilities.
 - (c) Cities and counties shall set block length and block perimeter standards at distances that will provide for pedestrian network connectivity. Cities and counties may allow alleys or public pedestrian facilities through a block to be used to meet a block length or perimeter standard.
 - (d) Cities and counties shall set standards to reduce out-of-direction travel for people using the pedestrian or bicycle networks.
- (4) Cities and counties shall have land use regulations in commercial and mixed-use districts that provide for a compact development pattern, easy ability to walk or use mobility devices, and allow direct access on the pedestrian, bicycle, and public transportation networks. Commercial or mixed-use site design land use regulations must meet the following requirements:
 - (a) Primary pedestrian entrances to buildings must be oriented to a public pedestrian facility and be accessible to people with mobility disabilities. An uninterrupted accessway, courtyard, plaza, or other pedestrian-oriented space must be provided between primary pedestrian entrances and the public pedestrian facility, except where the entrance opens directly to the pedestrian facility. All pedestrian entrances must be designed to be barrier-free.
 - (b) Motor vehicle parking, circulation, access, and loading may be located on site beside or behind buildings. Motor vehicle parking, circulation, access, and loading must not be located on site between buildings and public pedestrian facilities on or along the primary facing street. Bicycle parking may be permitted.
 - (c) On-site accessways must be provided to directly connect key pedestrian entrances to public pedestrian facilities, to any on-site parking, and to adjacent properties, as applicable.
 - (d) Any pedestrian entrances facing an on-site parking lot must be secondary to primary pedestrian entrances as required in this section. Primary pedestrian entrances for uses open to the public must be open during business hours.
 - (e) Large sites must be designed with a connected network of public pedestrian facilities to meet the requirements of this section.
 - (f) Development on sites adjacent to a transit stop or station on a priority transit corridor must be oriented to the transit stop or station. The site design must provide a high level of pedestrian connectivity and amenities adjacent to the stop or station. If there is inadequate space in the existing right of way for transit infrastructure, then the infrastructure must be accommodated on site.

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- (g) Development standards must be consistent with bicycle parking requirements in OAR 660-012-0630.
 - (h) These site design land use regulations need not apply to districts with a predominantly industrial or agricultural character.
- (5) Cities and counties shall have land use regulations in residential neighborhoods that provide for slow neighborhood streets comfortable for families, efficient and sociable development patterns, and provide for connectivity within the neighborhood and to adjacent districts. Cities and counties must adopt land use regulations to meet these objectives, including but not limited to those related to setbacks, lot size and coverage, building orientation, and access.
- (6) Cities and counties shall have land use regulations that ensure auto-oriented land uses are compatible with a community where it is easy to walk or use a mobility device. Auto-oriented land uses include uses related to the operation, sale, maintenance, or fueling of motor vehicles, and uses where the use of a motor vehicle is accessory to the primary use, including drive-through uses. Land use regulations must meet the following requirements:
- (a) Auto-oriented land uses must provide safe and convenient access opportunities for people walking, using a mobility device, or riding a bicycle. Ease of access to goods and services must be equivalent to or better than access for people driving a motor vehicle.

660-012-0405: Parking Regulation Improvements

- (1) Cities and counties shall adopt land use regulations as provided in this section:
- (a) Designated employee parking areas in new developments with more than 50 parking spaces shall provide preferential parking for carpools and vanpools;
 - (b) Property owners shall be allowed to redevelop any portion of existing off-street parking areas for bicycle-oriented and transit-oriented facilities, including bicycle parking, bus stops and pullouts, bus shelters, park and ride stations, and similar facilities; and
 - (c) In applying subsections (a) and (b), land use regulations must allow property owners to go below existing mandated minimum parking supply, access for emergency vehicles must be retained, and adequate parking for truck loading should be considered.
- (2) Cities and counties shall adopt policies for on-street parking and land use regulations for off-street parking that allow and encourage the conversion of existing underused parking areas to other uses.
- (3) Cities and counties shall adopt policies and land use regulations that allow and facilitate shared parking.
- (4) Cities and counties shall adopt land use regulations for any new development that includes more than one-half acre of new off-street surface parking on a lot or parcel as provided below. The new surface parking area shall be measured based on the perimeter of all new off-street parking spaces, maneuvering lanes, and maneuvering areas, including driveways and drive aisles.
- (a) Developments not required to comply with OAR 330-135-0010 must provide a climate mitigation action. Climate mitigation actions shall include at least one of the following. Cities and counties are not required to offer all these options:
 - (A) Installation of solar panels with a generation capacity of at least 0.5 kilowatt per new off-street parking space. Panels may be located anywhere on the property. The change to this paragraph sets \$1,500 as a floor, allowing cities and counties to index it for inflation, and clarifies it just applies to off-street parking spaces.
 - (B) Payment of at least \$1,500 per new off-street parking space into a city or county fund dedicated to equitable solar or wind energy development or a fund at the Oregon Department of Energy designated for such purpose;
 - (C) Tree canopy covering at least 40 percent of the new parking lot area at maturity but no more than 15 years after planting; or
 - (D) A mixture of actions under paragraphs (A) through (C) the city or county deems to meet the purpose of this section.
 - (b) Developments must provide tree canopy. Developments shall provide either trees along driveways or a minimum of 30 percent tree canopy coverage over new parking areas. Developments are not required to provide

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trees along drive aisles. The tree spacing and species planted must be designed to maintain a continuous canopy except when interrupted by driveways, drive aisles, and other site design considerations. Developments providing 40 percent tree canopy to comply with paragraph (a)(C) comply with this subsection.

- (c) Developments must provide pedestrian connections throughout the parking lot, connecting at minimum the following, except where not practical due to site-specific conditions:
- (A) building entrances;
 - (B) existing or planned pedestrian facilities in the adjacent public rights-of-way;
 - (C) transit stops; and
 - (D) accessible parking spaces.
- (d) Development of a tree canopy plan under this section shall be done in coordination with the local electric utility, including pre-design, design, building and maintenance phases.
- (e) In providing trees under subsections (a) and (b), the following standards shall be met. Trees must be planted and maintained to maximize their root health and chances for survival, including having ample high-quality soil, space for root growth, and reliable irrigation according to the needs of the species. Trees should be planted in continuous trenches where possible. The city or county shall have minimum standards for tree planting no lower than the 2021 American National Standards Institute A300 standards.
- (5) Cities and counties shall establish off-street parking maximums in appropriate locations, such as downtowns, designated regional or community centers, and transit-oriented developments.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012 & ORS 197.712

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Appendix 2

Walkable Design Standards Model Code

Chapter I – General Provisions

Sections:

- I.1 Purpose
- I.2 Applicability
- I.3 Definitions

I.1. Purpose

The purpose of the regulations of this code is to create compact, pedestrian-friendly land use development patterns so people can meet their daily needs without needing to take long car trips. The code requires land use development patterns to support access by people using pedestrian, bicycle, and public transportation networks. The code serves this purpose by achieving the following specific objectives:

- Provide for pedestrian-friendly and connected neighborhoods.
- Provide for a compact development pattern.
- Support the ability to walk or use mobility devices via connected and convenient street and accessways linking pedestrian, bicycle, and public transportation networks with main entrances of uses and key destinations.
- Provide for neighborhood streets that encourage slow travel speeds that are comfortable for families, connect within the neighborhood and to adjacent districts, and enable efficient and sociable development patterns.
- Regulate the design of auto-oriented facilities to ensure compatibility with a community where it is easy to walk or use a mobility device.

I.2 Applicability

A. Applicability. This code applies to all new development and exterior modifications to existing development that meet the following thresholds.

1. New buildings. The standards of this chapter apply to all new primary buildings [greater than 200-500 square feet]. The standards do not apply to accessory buildings.
2. Expansions and alterations to existing primary buildings. The standards of this chapter apply to expansions and alterations to existing buildings as follows:

- a. Expansions or additions to buildings of over [500-1,000] square feet that are visible from a public street are required to be in conformance with the standards of this code. The standards only apply to the expansion or addition.
- b. Exterior alterations or remodels of existing buildings that do not conform to the standards Sections 2.1 Building Orientation and Frontage Design, 2.2 Ground Floor Design for Nonresidential and Mixed-Use Buildings, 2.3 Ground Floor Design for Residential Buildings, and 2.4 Driveways and Garages must improve compliance with these standards where practicable for non-residential development. For alterations or remodels of existing buildings that will include residential units, the requirement is solely to not increase nonconformance.

B. Adjustments. An applicant may request an adjustment to any quantitative standard in this code in accordance with the [local adjustments application/procedure], except where noted as prohibited.

C. Discretionary Review Option.

- 1. Applicants may request a discretionary review option as an alternative to meeting one or more of the standards of this chapter, except where noted as prohibited. For each standard for which discretionary review is sought, the applicant must demonstrate that one of the following two criteria are met:
 - a. The physical conditions of the site or existing structures make compliance with the standard impractical. Conditions on a site include but are not limited to topography or natural features; railroads, highways, or other permanent barriers; lot or parcel size, orientation, or shape; available access; existing or nonconforming development; or to provide accessibility for people with disabilities. Exemptions or reductions to standards may be approved if [decision-maker] concurs with the impact of site constraints and finds that the applicant’s proposed design has made the least possible reduction to the standard, or
 - b. The applicant is proposing an alternative design. The alternative design equally or better complies with the following:
 - i. The overall purpose of code as described in section 1.1.
 - ii. The intent of each specific standard, as described in Intent sections for Sections 2.1 through 3.2, for which discretionary review is being sought.
- 2. Requests for a discretionary review are subject to Type II review in accordance with the procedures in [local procedures chapter]. The request may be considered as part of the development application.

I.3 Definitions

- A. Accessway.** Any off-street path or walkway designed and constructed for use by pedestrians and/or bicyclists where such routes are not otherwise provided by the street system.
- B. Accessory Building.** A building of secondary importance or function on a site. In general, the primary use of the site is not carried on in an accessory building and it is smaller and of secondary importance or function. Examples of accessory buildings include, but are not limited to, garages, workshops, and storage buildings. See also, Primary Structure.
- C. Alley.** A right-of-way through or partially through a block, intended for secondary vehicular access and shared use by bicyclists and pedestrians, located to the rear or side of properties. However, where vehicle access from the street is not permitted or not possible, an alley may provide primary vehicle access.
- D. Block Length.** The distance along a public or private street between intersecting public or private streets, as measured from nearest right of way edge to nearest right of way edge along the primary street's right of way edge, including "T" intersections but excluding cul-de-sacs. (90 degree or angle language)
- E. Courtyard.** A covered or open outdoor pedestrian circulation and gathering area abutting a street, accessible to pedestrians from the sidewalk but not accessible by vehicles, and surrounded on at least two sides by buildings.
- F. Development.** All improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to exterior display, storage, or activities. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or unimproved land.
- G. Drive-Through Facility.** A facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site. Drive-through facilities also include facilities designed for the rapid servicing of vehicles, where the drivers may or may not remain in their vehicles, but where the drivers usually either perform the service for themselves or wait on the site for the service to be rendered. Drive-through facilities may serve the primary use of the site or may serve accessory uses. Examples are drive-up windows; menu boards; order boards or boxes; gas pump and electric vehicle charging islands; car wash facilities; auto service facilities, such as air compressor, water, and windshield washing stations; quick-lube or quick-oil change facilities; and drive-in theaters. Parking spaces used for customer pick-up or loading of goods or products purchased on-site, on the phone, or on-line from the establishment are not a drive-through facility. Parking spaces that include electric vehicle chargers and equipment are not a drive-through facility.
- H. Driveway.** A driveway is either: 1) A vehicle lane or lanes that provide access to and from a site from the surrounding streets and connections through a site to buildings and drive aisles; or 2) A vehicle lane or lanes that provide vehicular circulation between two or more noncontiguous parking areas. A driveway may provide direct access to a parking lot, fire access, or serve other vehicle access needs on a site. A driveway does not include a drive aisle(s).

- I. Drive Aisle.** A drive aisle is a maneuvering space by which vehicles enter and depart adjoining parking spaces. The primary function of a drive aisle is to provide a circulation route through a parking lot or parking area for vehicular traffic seeking to access parking. A drive aisle will have few or no intersections, with the exception of T-intersections.
- J. Façade.** A plane of a structure as seen from one side or view. For example, the front façade of a building would include all of the wall area that would be shown on the front elevation of the building plans.
- K. Frontage.** The length of the front lot line of a lot which abuts a public street, or platted private street, usually measured in feet. Lot frontage may be approximately equal to lot width on a regular lot but may differ on other shapes of lots.
- L. Garage.** Garages are defined as a covered structure that is accessory to a residential use and is designed to provide shelter for vehicles, is connected to a right-of-way by a driveway, and has an opening that is at least 8 feet wide. Carports are considered garages. Structured parking is not.
- M. Main Entrance.** A main entrance is the entrance to a building that is designed to facilitate ingress and egress for the highest volume of building users. Generally, each building has one main entrance, but if design features do not make it possible to determine which entrance is the main entrance, all entrances providing the same capacity of ingress and egress shall be treated as main entrances.
- N. Neighborhood Activity Center.** A land use which draws high levels of daily pedestrian usage, and which functions as a destination for pedestrian and vehicle trips. Examples of neighborhood activity centers include existing or planned parks and recreation facilities, schools, shopping areas, employment centers, theaters, and museums.
- O. Nonresidential or Mixed-Use Building.** A building that includes a non-residential use, such as a commercial, office, industrial, or institutional use, or a building that includes both a residential use and non-residential use.
- P. Nonresidential or Mixed-Use Development.** A development that includes a non-residential use, such as a commercial, office, industrial, institutional use, or a development that includes both a residential use and non-residential use.
- Q. Pedestrian Amenity Space.** Publicly accessible space such as plaza, terrace, courtyard, or small park, which abuts or is connected to the street and is provided and maintained by a private party.
- R. Pedestrian Connection.** A route between two points intended and suitable for pedestrian use. Pedestrian connections include, but are not limited to, accessways, sidewalks, walkways, stairways and pedestrian bridges.
- S. Practicable.** Capable of being put into practice, done, or accomplished given consideration of available technology and project economics.

- T. Primary Building.** A building, or combination of buildings, that are of chief importance or function on a site. In general, the primary use on a site is carried out in a primary building or buildings.
- U. Residential Building.** A category of building that includes only residential uses. The category includes the following defined residential building types.
- **Accessory Dwelling Unit.** An additional dwelling unit created on a lot with a primary dwelling unit. An accessory dwelling unit is typically smaller than the primary dwelling unit. The accessory dwelling unit includes its own independent living facilities including provision for sleeping, cooking, and sanitation.
 - **Congregate Housing Facility.** A building, buildings, or portion of a building that includes separate bedrooms and individual or shared bathrooms but does not include a kitchen or if it does include a kitchen the number of kitchens is less than one kitchen per 12 bedrooms.
 - **Manufactured Dwelling.** A dwelling unit constructed off of the site which can be moved on the public roadways.
 - **Middle Housing Dwelling.** A category of housing types that includes duplexes, triplexes, quadplexes, townhouses, and cottage clusters, as defined in ORS 197A.420.
 - **Multi-Unit Dwelling.** A residential structure containing 5 or more dwelling units sharing common walls, floors, or ceilings, built on a single lot. Multi-unit dwellings include apartments and condominiums without regard to ownership status.
 - **Residential Facility.** A facility as defined in ORS 443.400.
 - **Residential Training Home.** A home as defined in ORS 443.400.
 - **Residential Treatment Home.** A home as defined in ORS 443.400.
 - **Single-Unit Dwelling.** A detached structure on a lot that is comprised of a single dwelling unit.
- V. Residential Development.** A development that includes one or more residential building types and does not include non-residential uses.
- W. Stacking Lane.** The space occupied by vehicles queueing on the development site and behind any public sidewalk for a service to be provided at a drive-through facility.
- X. Structured Parking.** A covered structure or portion of a covered structure that provides parking areas for motor vehicles. Parking on top of a structure—where there is gross building area below the parking, but nothing above it—is structured parking. The structure can be the primary structure for a Commercial Parking facility or be accessory to multi-unit, commercial, employment, industrial, institutional, or other structures.

- Y. Street Lot Line.** A lot line, or segment of a lot line, that abuts a street. Street lot line does not include lot lines that abut an alley. On a corner lot or through lot, there are two (or more) street lot lines.
- Z. Surface Parking.** A parking area for motor vehicles where there is no gross building area below the parking area and no gross building area or roof above it. Area occupied by small, permanent buildings, such as booths used by parking attendants, is not parking area. Temporary vending carts are not gross building area. Surface parking should be measured inclusive of all surface area on which a vehicle is designed to maneuver/on which a vehicle can drive, including all parking stalls, all drives and drive-through lanes within the property regardless of length, and all maneuvering areas regardless of depth. Paved areas not for use by passenger vehicles, such as loading areas or outdoor storage of goods or materials, are not counted as surface parking area.
- AA. Tree Canopy.** The area within the drip line of trees as measured on a horizontal plane. For trees planted with development, the canopy is calculated based on the drip line anticipated at the time of maturity of the tree by species, or the drip line anticipated 15 years after planting if the species takes longer than 15 years to mature. A tree's canopy is considered continuous with another tree if there is 3 feet or less between drip lines.
- BB. Vehicle Areas.** All the area on a site where vehicles may circulate or park including parking areas, driveways, drive aisles, drive-through lanes, and loading areas.
- CC. Vehicle Servicing.** Gas stations, unattended card key stations, car washes, commercial vehicle maintenance and/or oil and lubrication services, and similar uses.
- DD. Walkway.** A transportation facility built for use by pedestrians, usually located outside a street right-of-way or tract.

Chapter 2 – Pedestrian-Oriented Development

Sections:

- 2.1 Building Orientation and Frontage Design
- 2.2 Ground Floor Design for Nonresidential and Mixed-Use Buildings
- 2.3 Ground Floor Design for Residential Buildings.
- 2.4 Driveways and Garages
- 2.5 Drive-Through Facilities

2.1 Building Orientation and Frontage Design

- A. Intent.** The following requirements are intended to encourage walking, bicycling, and transit use by contributing to a pedestrian-oriented streetscape. The standards regulate the siting and orientation of buildings to ensure convenient access for pedestrians, promote buildings close to the sidewalk that reinforce a pedestrian orientation, and support a visually interesting and welcoming experience for pedestrians while limiting the negative impacts of vehicle areas adjacent to streets.
- B. Maximum Setback.** The maximum setback standard applies to nonresidential and mixed-use developments and all residential developments except accessory dwelling units. Unless otherwise specified, the maximum a building can be set back from a street lot line is indicated in Table 2-1. At least [50-75%] of the length of the ground-level, street-facing façade of the building must meet the maximum setback standard of the zone district.
- I. Applying the standard.
 - a. Projections such as eaves, chimneys, bay windows, overhangs, cornices, awnings, canopies, porches, decks, and pergolas on the façade do not count toward meeting the maximum setback standard.
 - b. Where there is more than one building on the site, the standards apply to the combined ground level, street-facing façades of the buildings along the site's frontage. Once the buildings provided within the maximum setback area cumulatively provide [50-75%] of the linear site's frontage dimension along the primary frontage street, other buildings on the site may be located outside the maximum setback area. See Figure 2.1
 - c. Where an existing building is being altered, the following standards apply to the ground level, street-facing façade of the entire building: expansions or additions to buildings in zones subject to the maximum setback standard must not increase the length of street-facing façade that does not conform to the standard and may not increase the area dedicated to parking and vehicular circulation between the building and the street. See Figure 2.2.

Figure 2-1: Calculating Maximum Building Setback When More Than One Building On-Site

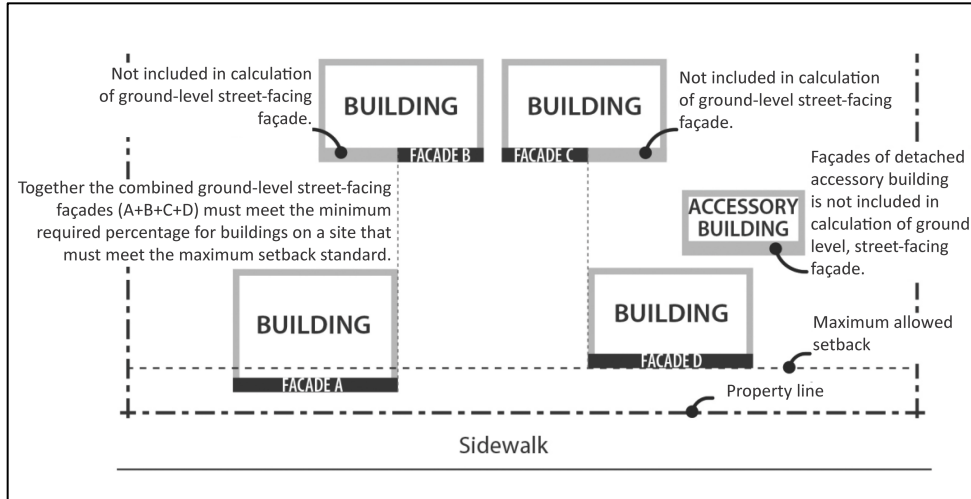
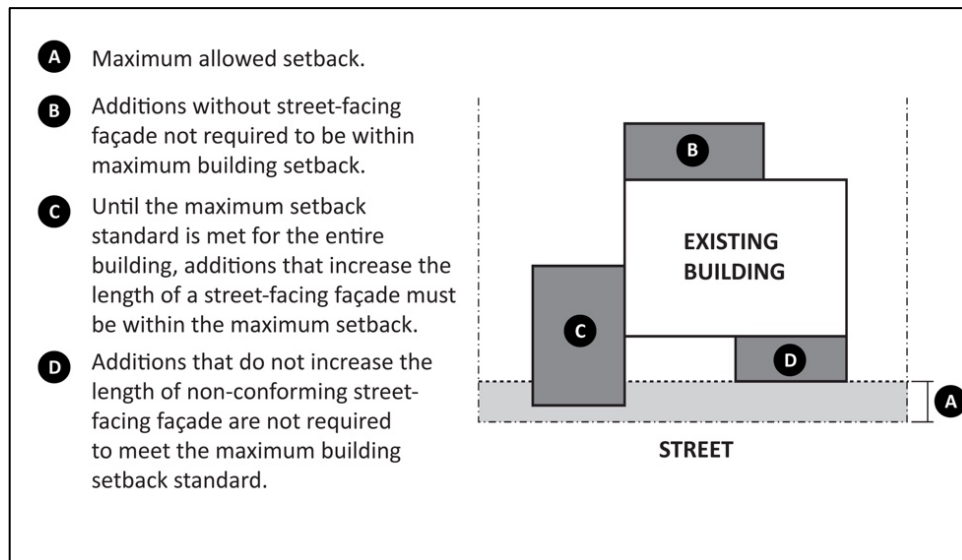


Figure 2-2: Building Orientation and Alterations to Existing Buildings



2. Sites with multiple street frontages. Where the site is adjacent to two or more streets, these standards must be met on the frontage of the street with the [higher transit classification]. If both streets have the same classification, the applicant may choose on which street to meet the standard.

Use Category	Neighborhood	Suburban Commercial	Main Street	Corridor /CFA	Downtown/ Center
Residential Developments	[10-20]'	[10-15]'	[5-10]'	[5-10]'	[5-10]'
Nonresidential and Mixed-Use Developments	[5-15]'	[5-15]'	[0-10]'	[0-10]'	[0-10]'

C. Frontage Design. The frontage design standards apply to nonresidential and mixed-use developments and any portion of a residential development that includes a multi-unit dwelling, congregate housing facility, or residential facility.

- I. Standards for all sites.
 - a. No area between the portion of a building that meets the maximum setback standard and the street lot line can be used for vehicle parking or circulation. Vehicle access is allowed through the setback area if it accesses a parking area or structured parking that does not conflict with the maximum setback (2.1.B) or frontage design (2.1.C) standards.
 - b. Vehicle parking and circulation areas within [20 feet] of the street lot line must be limited to no more than [50 percent] of the length of the street lot line.
 - c. Any areas within [20 feet] of the street lot line that are not occupied by a building or vehicle area must be landscaped to the [local planting standard] or hardscaped for pedestrian use.
2. Additional standards for sites [adjacent to transit street or in a Main Street, Corridor/Climate-Friendly Area, or Downtown district].
 - a. No area between a building and the street lot line may be used for vehicle parking or circulation.
 - b. If a portion of the building does not meet the maximum setback standard, at least one pedestrian amenity space must be provided between the building and the street lot line. One pedestrian amenity space is required for every 500 square feet of area between the portion building not meeting the maximum setback and the street lot line. The pedestrian amenity space must meet the following standards:
 - i. The space must abut the sidewalk of a public street and must be hardscaped for pedestrian use.
 - ii. The minimum area of the space must be [5%] of the overall site area with a minimum dimension of [10-15 feet].

- iii. The space must include benches or seating that provide at least [5-10] linear feet of seats. The seating surface must be at least 15 inches deep and between 16 and 24 inches above the grade upon which the seating or bench sits.
 - iv. A minimum of [10-20%] of the pedestrian amenity space must be landscaped.
 - v. A minimum of one tree is required for each [500] square feet of pedestrian space.
 - c. All other areas between the building and the street lot line not in the pedestrian amenity space must be landscaped. Landscaping must meet the standards [local minimum planting requirements].
3. Screening of surface parking areas. Surface parking must be screened from view of the street at a minimum as follows:
- a. Evergreen shrubs that will grow to a minimum height of 30 inches within two years and form continuous screening. Areas within the vision clearance triangle must include plantings that do not exceed 3 feet; and
 - b. One tree for every 30 linear feet; and
 - c. Evergreen ground cover must cover the remaining landscape area.
 - d. A minimum 30 inch tall architecturally treated wall may be substituted for evergreen shrubs.
4. Sites with multiple street frontages. Where the site is adjacent to two or more streets, these standards must be met on the frontage of the street with the [higher transit classification]. If both streets have the same classification, the applicant may choose on which street to meet the standard.
5. Exceptions. Residential facilities, residential treatment homes, residential training homes, and congregate housing facilities may have one driveway located between the main entrance and an adjacent street as required to serve as a drop-off or loading zone, provided the main building entrance must connect to an adjacent street by a pedestrian walkway.

D. Building Entrances.

- I. Applicability. The building entrance standards apply to nonresidential and mixed-use developments and all residential developments except accessory dwelling units. The standards apply as follows:
 - a. Single-unit-dwellings, manufactured dwellings, residential training homes, and residential treatment homes. At least one main entrance for each building must meet the standards.

- b. Middle housing dwelling.
 - i. At least one main entrance for each duplex, triplex, or quadplex building must meet the standard.
 - ii. At least one main entrance for each townhouse must meet the standard.
 - iii. The standard does not apply to cottage cluster housing. Cottage cluster housing must meet [local cottage cluster design standards].
- c. Multi-unit dwelling.
 - i. At least one main entrance for each building must meet the standards.
 - ii. A minimum of [25-50%] of dwelling units on the ground floor of must have at least one main entrance that meets the standards.
- d. Nonresidential or mixed-use building. Each entrance that meets the definition of a main entrance must meet the standard.
- e. Sites with multiple street frontages. Where the site is adjacent to two or more streets, the standards must be met on the frontage of the street with the [higher transit classification].

2. Standards.

- a. Entry orientation. All buildings within 40 feet of a street lot line must meet one of the following standards:
 - i. The main entrance must be within 8 feet of the longest street-facing façade of the building and must either face the street; be at an angle of up to 45 degrees from the street; or open onto a covered porch that must be at least 25 square feet in area. If the site fronts on more than one street, the building façade containing the main entrance must be located consistent with Section 2.1.D.2.b below. Where abutting streets receive the same level of transit service, the applicant may choose the street-facing façade that will contain the main entrance.
 - ii. The main entrance must face a courtyard that abuts the street and must be no less than 15 feet in width.
- b. Entry orientation on [higher transit classification] streets. In addition to the general standards of [2.1.D.2.a], nonresidential and mixed-use buildings and multi-dwelling buildings adjacent to one or more [higher transit classification] streets served by transit must have at least one main entrance that is within [25] feet of the [higher transit classification] street. Access to the main entrance must comply with ADA standards.

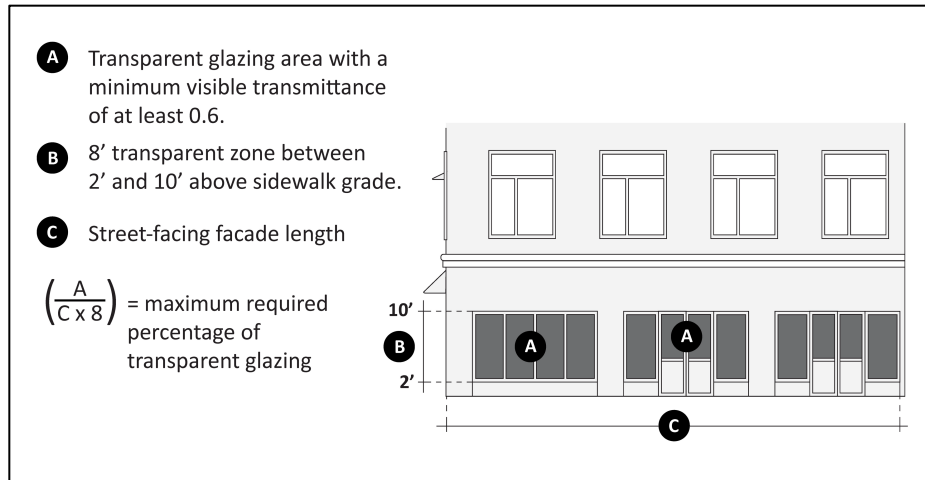
- c. Unlocked during business hours. Each main entrance to a nonresidential use that is open to the public, which meets the standard, must be unlocked during business hours.
- d. Walkways. Each main entrance and all dwelling unit entrances on the ground floor must be connected to the street by walkways, as required by section 3.2.

2.2 Ground Floor Design of Nonresidential and Mixed-Use Buildings.

- A. Intent.** The following requirements are intended to promote an engaging, comfortable, and interesting public realm that supports walking, bicycling, and transit use. The standards require features that make walking a more comfortable and interesting experience when adjacent to a nonresidential use on the ground floor, such as windows with views into commercial activity and protection from sun and rain.
- B. Applicability.** The following standards apply to nonresidential uses on the ground floor of a nonresidential or mixed-use building. The standards apply to ground-level, street-facing façades that are within 20 feet of a street lot line or a pedestrian amenity space.
- C. Transparency.** A minimum of [50-75%] of the area of the ground-level, street-facing façade between [2 and 8 feet] above sidewalk grade must be transparent. For the purposes of this section, “transparent” means a minimum visible transmittance of at least [0.60]. The following standards must be met for an area to be considered transparent. See Figure 2.3.
 - 1. Windows and/or glass within doors may be used to meet this standard. Window area is the aggregate area of the glass within each window, including any interior grids, mullions, or transoms.
 - 2. Required windows must not be mirrored, frosted, reflective, or treated in such a way to block visibility into the building. The following uses are exempt from this standard in order to preserve privacy or meet applicable state or federal laws: [add local use categories for medical office, marijuana dispensary, etc.]
 - 3. Windows into storage areas, vehicle parking areas, mechanical and utility areas, and garbage and recycling areas do not qualify.
- D. Weather Protection.** Weather protection (e.g., permanent awnings, canopies, overhangs, or architectural features providing protection from the rain or shade during periods of hot weather) must be provided along [50-75%] of the length of the ground level façade that is within [5] feet of a public right-of-way or the hardscaped area within a pedestrian amenity space.
 - 1. The weather protection must project out at least 4 feet from the adjoining wall.

2. The height of the weather protection must be between [9 feet and 15 feet] above the grade underneath it.

Figure 2-3: Ground Floor Design of Non-Residential and Mixed-Use Buildings



2.3 Ground Floor Design of Residential Buildings.

- A. Intent.** The following requirements are intended to promote an engaging, comfortable, and interesting public realm that supports walking, bicycling, and transit. The standards require features that make walking a more comfortable and interesting experience when adjacent to a residential use on the ground floor, such as such as porches, stoops, and other semi-public spaces that support social interaction, while preserving a sense of privacy for residents and a transition from public to private space.
- B. Applicability.** The ground floor design standards apply to residential uses on the ground floor of a mixed-use building and all residential buildings except accessory dwelling units and manufactured dwellings.
- C. Transparency.** The following standards apply to the wall area of the ground-level of any street-facing façades that are within 20 feet of a street lot line or a pedestrian amenity space. A minimum of [15-20%] of the area of the ground-level, street-facing façade between [3 and 12] feet above sidewalk grade must be transparent. For the purposes of this section, “transparent” means a minimum visible transmittance of at least 0.60. The following standards must be met for an area to be considered transparent.
 - I. Windows and glass within doors may be used to meet this standard. Window area is the aggregate area of the glass within each window, including any interior grids, mullions, or transoms.

2. Required windows must not be mirrored, frosted, reflective, or treated in such a way to block visibility into the building.
3. Windows into storage areas, mechanical and utility areas, and garbage and recycling areas do not qualify. Windows into garages do qualify.

D. Transitions to Residential Entrances. The following standard applies to the main entrances that provide direct access to dwelling units that are 10 feet or closer to a street lot line. The main entrance must be set back at least 5 feet from the street lot line and have at least two of the following within the setback:

1. A wall or fence that is 18 to 36 inches high;
2. Landscaping that meets the [local planting standard];
3. One small canopy tree between 1.5 and less than 6 inches in diameter per entrance;
4. Individual private open space of at least 48 square feet designed so that a 4-foot by 6-foot dimension will fit entirely within it; or

2.4 Driveways and Garages

A. Intent. The following requirements are intended to minimize the visual impacts of garages, driveways, and parking areas to support a pedestrian-oriented and sociable street environment. Limiting the width and prominence of garages minimizes their visual impact and makes entries for pedestrians more prominent. Regulating the frequency and width of driveways reduce points of conflict with vehicles and pedestrians, preserves curb space for on-street parking, and creates space in planting strips for street trees and landscaping.

B. Applicability. The driveway and garage standards apply to residential, nonresidential (except for industrial), and mixed-use developments.

C. Driveway Location.

1. For sites with frontage on an alley, or in a zone where alleys are required, driveway access is only permitted via the alley, [if the alley is improved].
2. For sites with more than one frontage not on an alley, driveway access is permitted only from the street with the lowest classification. Lots with frontages on two streets are not permitted to have a driveway on more than one frontage.

D. Driveway Separation on Local Streets. The following standards apply to driveways on local streets. Driveway separation from intersections and all driveway separations on [collector and arterial] streets are regulated by [public works/engineering standards]. Minimum spacing is measured from the end of the driving aprons.

1. A minimum [18-24 feet] full-height curb is required between driveways on the same lot.
2. Unless a driveway is shared between two abutting lots, a minimum [5 foot long] full-height curb is required between driveways on separate lots.

E. Driveway Width. The following standards apply to the maximum width of driveways. Driveway width shall be measured lengthwise along the property line, and such measurement shall not include the width of wings connecting the top of the curb to the lowered curb or apron.

1. For a single-width vehicle parking area, the maximum driveway width is [10-12 feet].
2. For a double-width, or larger, vehicle parking area, the maximum driveway width is [20-24 feet].
3. For a double-width vehicle parking area that is shared by two detached units, the maximum driveway width is [10-16 feet]. For a double-width vehicle parking area that is shared by two attached units, driveways are required to be shared using a taper with a maximum driveway width of [14 feet]. There must be a recorded easement guaranteeing reciprocal access and maintenance for all affected properties.

F. Garage Width and Setback.

1. Garage Width.
 - a. The combined width of garage wall(s) facing the street must be less than [50%] of the width of the street-facing building façade. This standard applies only to the street-facing façade on which the main entrance is located.
 - b. Exception. If the width of the street-facing building façade is less than [30 feet], the width of garage wall(s) may exceed [50%] of the width of the street-facing building façade if the following standards are met:
 - i. The width of the garage wall does not exceed [75%] of the street-facing building façade.
 - ii. The garage wall is recessed a minimum of [2 feet] behind the front façade that encloses living area or a covered front porch with no horizontal dimension less than [3 - 5 feet].
2. Garage Setback.

- a. The vehicle entrance must be either [1- 5 feet] or closer to the street lot line, or [18-20 feet] or farther from the street lot line.
- b. A garage entrance must not be closer to the street lot line than a façade that encloses living area along the same street frontage, except the garage entrance may extend up to [2-5 feet] in front of a façade that encloses living area if there is a covered front porch with no horizontal dimension less than [3 – 5 feet] and the garage entrance does not extend beyond the roof of the porch.
- c. Where three or more contiguous garage entrances face the same street, the garage opening closest to a side property line must be recessed at least [2 feet] behind the adjacent opening(s). Side-loaded garages are exempt from this requirement.

2.5 Drive-Through Facilities

A. Intent. The special regulations for drive-through facilities are intended to support pedestrian-oriented site design where drive-through facilities are proposed and limit the negative impact of facilities oriented to vehicles. The standards require buildings to be oriented to the sidewalk and offer points of entry and service that can be directly accessed on foot. They also require that visible, safe, and clearly defined routes are provided on-site for pedestrians and bicyclists. The standards ensure adequate vehicle queuing space and limit locations and spacing of these facilities.

B. Applicability. The following standards apply to new developments with drive-through facilities, the addition of drive-through facilities to existing developments, and the relocation of an existing drive-through facility.

C. Where Drive-Through Facilities are Prohibited.

1. New drive-through facilities are prohibited in the [downtown and main street] districts.
2. Existing drive-through facilities in these districts may be rebuilt, expanded, or relocated on the site but must meet the standards below.
3. If the use with the drive-through facility is discontinued for [one year], reestablishment of the drive-through facility is prohibited. If the use ceases operation, even if the structure or materials related to the use remain, the use has been discontinued. This provision prevails over any allowance in the nonconforming use and development chapter regarding discontinuation and reestablishment of a nonconformity.

D. Pedestrian Service Areas

1. Drive-through facilities must provide at least one walk-up service area. Examples of a walk-up service area include an indoor service area directly accessible from a public street or an outdoor

walk-up service window. Walk-up service areas must be accessible by customers arriving on foot, using a mobility device, or by bicycle. Customers using a walk-up service area must have the same or better access to goods and services as customers using the drive-through. [Vehicle-servicing uses] are exempt from this standard.

2. If the walk-up service area is limited to an outdoor service window, it must meet the following standards:
 - a. The walk-up service area must not also be used by vehicles. Walk-up service may be provided by facility staff or by automatic teller-style machines.
 - b. The walk-up service area may abut or be connected to the street by a walkway or a pedestrian amenity space. This type of pedestrian amenity space may count toward the requirement to provide a pedestrian amenity space in 2.1.C(2)(b).
3. Service access for pedestrians and bicyclists must be connected to the street by a direct and convenient walkway that meets the standards of [pedestrian walkway standards 3.2].

E. Vehicle Service Areas and Stacking Lanes

1. All driveway entrances, including stacking lane entrances, must be at least 50 feet from any street intersection. If a drive-through facility has frontage on two streets, the drive-through facilities must receive access from the street with the lower classification.
2. Service areas and stacking lanes must not be located between the building and a street lot line. [Vehicle-servicing uses] are exempt from this standard.
3. Stacking lanes must be designed so that they do not prevent access to parking stalls, nor block the public right-of-way. The minimum length of stacking lanes must be follows:
 - a. Gasoline fuel pumps and electric vehicle chargers. A minimum of 30 feet of stacking lane is required between the stacking lane entrance and the nearest fuel pump or electric vehicle charger.
 - b. Other drive-through facilities. A minimum of [150-160] feet for a single stacking lane or [75 – 80] feet per lane when there is more than one stacking lane, is required for all other drive-through facilities. A stacking lane is measured between the lane entrance and the service area.

Chapter 3 – Connectivity and Access

Sections:

- 3.1 Street Connectivity, Blocks, and Accessways
- 3.2 Pedestrian and Bicycle Circulation
- 3.3 Transit Facilities
- 3.4 Large Parking Lots

3.1 Street Connectivity, Blocks, and Accessways

A. Intent. The intent of these standards is to facilitate safe, convenient, and efficient movement of people that are walking, bicycling, using transit, or driving. The standards promote a complete and interconnected network of public and private streets and accessways that provide direct and convenient routes between destinations. The standards also encourage smaller block sizes that reduce walking distances, reduce out-of-direction travel, promote route and mode choice.

B. Applicability. The street connectivity, blocks, and accessway standards apply to nonresidential or mixed-use developments and all residential developments that meet the thresholds for [site design review] where transportation improvements are required. The standards also apply to any land division application where transportation improvements are required.

C. Street Connections Required.

- I. Development must provide a system of streets and accessways that meets the block length standards in subsection D, as applicable, and provides access to the following:
 - a. Abutting residential developments;
 - b. Abutting undeveloped property;
 - c. Abutting transit station or major transit stop;
 - d. Abutting parks or schools; and
 - e. Abutting Neighborhood Activity Centers.
2. Intersection angles, grades, tangents and curves proposed for the internal street system must be consistent with the [public works/engineering standards].

D. Street Connectivity and Block Length Standards.

1. New internal streets within a development must connect to all existing or planned stubbed streets that abut the site. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets must be extended to the boundary of the development and the resulting dead-end street (stub) may be approved with a temporary turnaround as approved by the city engineer.
2. Where the locations of planned streets are shown on a local street network plan or within a Transportation System Plan, the development must implement the street connection(s) shown on the plan in addition to meeting the standards of this chapter.
3. Where local street connections are not shown on an adopted plan, or the adopted plan does not designate future streets with sufficient specificity, the development must provide for street connections as required by the standards of this chapter.
4. **Maximum Block Length.** On development sites [2 acres or greater], street connections or pedestrian/bicycle accessways must be spaced no further than the maximum block length standards stated in Table 3-1. The maximum block length standard may be met with a full street connection or a pedestrian/bicycle accessway that conforms with section 3.1.E. In all cases, where a block exceeds 350 feet in length, a mid-block pedestrian/bicycle accessway is required.

Table 3-1: Maximum Block Length Standards		
Site Area	Within [CFA and Downtown/Main Street Areas]	All Other Sites
Less than 5.5 acres	500 feet ¹	500 feet ¹
More than 5.5 acres	350 feet	
¹ If the block length exceeds 350 feet, a mid-block pedestrian/bicycle accessway is required		

5. Local streets with a dead end are not permitted unless the street is planned to continue to a connected network in the future. Cul-de-sac streets are not permitted. An applicant may pursue a discretionary review option as detailed in Section 1.2.C for an exemption to this standard.

OPTIONAL

6. **Alley requirement option:** [In downtown, main street, and residential] districts blocks must include alleys to allow use of rear-loaded garages and accessory dwelling units and to provide access for utility and garbage services. An applicant may pursue a discretionary review option as detailed in Section 1.2.C for an exemption to this standard.]
7. **Street grid option:** [The street grid system must be rectilinear and must avoid curves. An applicant may pursue a discretionary review option as detailed in Section 1.2.C for an exemption to this standard.]

E. Pedestrian and Bicycle Accessways. Pedestrian and bicycle accessways may be proposed in-lieu of full street connections for an existing block length of 700 feet or less. If so, they must meet the standards listed below.

1. Accessways must be created within public rights-of-way, public tracts, or private tracts with public access easements. Such rights-of-way, tracts, or easements must be at least [10-15 feet] wide.
2. Accessway entry points must align with pedestrian crossing points on abutting streets and with abutting street intersections.
3. Accessways must be sufficiently straight that both end points are visible from any point on the accessway. An applicant may pursue a discretionary review option as detailed in Section 1.2.C for an exemption to this standard.
4. Accessways must have no horizontal obstructions and a 9-foot, 6-inch high vertical clearance.
5. Accessway surface improvements must be at least [8 -10 feet] in width. Improvements must be impervious pavement (asphalt or concrete), unless pervious pavement has been approved by the [city engineer] based on usage and site conditions. Paved surfaces must be separated from potential fenced areas by at least one foot on each side.
6. Accessway surfaces must drain stormwater runoff to the side or sides. Paving materials, storm drainage, shoulder treatment, and landscaping for accessways are subject to [applicable local requirements].
7. Accessways must have a slope of 5% or less. An applicant may pursue a discretionary review option as detailed in Section 1.2.C for an exemption to this standard.
8. To prohibit access by motorized vehicles (except motorized mobility devices or emergency vehicles) accessways must be constructed with gates, removable lockable posts, bollards or barriers subject to [applicable local requirements]. Accessways connecting to sidewalks built with a full-height curb do not need to provide additional barriers.
9. If accessway is not dedicated as public right-of-way, to ensure accessway maintenance over time, a maintenance agreement must be recorded that specifically requires present and future property owners to provide for liability and maintenance of the accessways to City standards.

3.2 Pedestrian and Bicycle Circulation

- A. Intent.** On-site pedestrian and bicycle circulation standards are intended to provide connections which minimize out-of-direction travel between buildings and existing public rights-of-way, pedestrian/bicycle accessways and other on-site pedestrian facilities.
- B. Applicability.** The pedestrian and bicycle circulation standards apply to nonresidential and mixed-use developments and all residential developments except single-unit dwellings, accessory dwelling units, middle housing dwellings, manufactured dwellings, residential training homes and residential treatment homes.
- C. Connections to the Street.** New development must provide pedestrian and bicycle connections between main entrances of buildings and the street as follows.
1. **Main Entrances.** All primary buildings located within 100 feet of a street lot line must have a connection between main entrance(s) and the adjacent street. The connection may not be more than 120 percent of the straight-line distance between the entrance and the street, unless a longer distance is necessary to comply with ADA grade requirements. For sites with frontage on a [transit street], the pedestrian connection requirement must be met on the [transit street].
 2. **Tree Preservation.** If a tree that is at least 12 inches in diameter (as measured by the diameter at breast height (DBH)) is proposed for preservation, and the location of the tree or its root protection zone would prevent the standard of 3.2.C.1 from being met, the connection may be up to 200 percent of the straight-line distance.
- D. Connections to Abutting Properties.** This standard applies to multi-unit dwellings, commercial, office, or institutional uses that abut another site that is zoned or developed for multi-unit dwellings, commercial, office, or institutional uses. On-site walkways must connect or be stubbed to allow for an extension to the abutting property when there is an existing or planned walkway on the abutting property, or when the abutting property is undeveloped.
- E. Internal Connections.** The walkway system must connect all main entrances on the site that are more than 20 feet from the street, and provide connections to parking areas, bicycle parking, recreational areas, common outdoor areas, and any pedestrian amenities and must conform with 3.2.F.
- F. Walkway Design**
1. **Materials and Width.** Walkways must be hard surfaced (paved) and at least 6 feet in unobstructed width. Walkway width must be increased to 8 feet if the walkway abuts perpendicular or angled parking spaces, unless the spaces are equipped with wheel stops.
 2. **Crossings with Vehicle Areas.** Where the walkway crosses driveways, drive aisles, parking areas, and loading areas, the walkway must be clearly identifiable through the use of elevation changes, a different paving material, or other similar method. Striping does not meet this requirement. Elevation changes for crossings must be at least 4 inches high.

3. Walkways Adjacent to Vehicle Areas. Where the walkway is parallel and adjacent to a parking space, driveway, or drive aisle, the walkway must be a raised path or be separated from the vehicular space by a raised curb, bollards, landscaping, or other physical barrier. If a raised path is used, it must be at least 4 inches high. Bollard spacing must be no further apart than 5 feet on center.

OPTIONAL

4. Lighting. The on-site pedestrian circulation system must be illuminated as required in [local lighting standard]. Light fixtures must be full cut-off fixtures as defined by the Illuminating Engineering Society of North America (IESNA).
5. Sustainability. Walkway and parking lot design must incorporate at least one of the following sustainability features:
 - a. At least 30 percent of paving material must be permeable pavement; or
 - b. At least 30 percent of the paving material must be made from recycled content; or
 - c. At least 50 percent of the pedestrian walkway pavement must have a solar reflective index rating of a least 29; or
 - d. Provide shading for at least 50 percent of the total walkway surfaces on the site. Shade can be provided by current or proposed buildings that shade the paving material at 3 p.m. June 21 and current or proposed trees, with the amount of shade included for each planted tree to be measured by the diameter of the mature crown cover stated for the species of the tree.

3.3 Transit Facilities

A. Intent. The intent of the transit connectivity and facilities standards is to encourage the use of transit services and to ensure connections between different modes of travel. The standards require that applicable developments provide essential facilities and amenities that make using transit more convenient, safe, and comfortable.

B. Applicability. Projects that meet the following thresholds will be reviewed to determine if transit facilities are required to be provided:

1. Projects on development sites within [100 feet of an existing or planned transit stop] or [located on an existing or planned transit route].
2. Residential developments with more than [25] dwelling units. This includes any development application for any residential building type, including but not limited to, single detached subdivisions, middle housing development, and multi-unit dwelling development.
3. Commercial, office, and institutional developments with more than [50,000] square feet of gross floor area.
4. Industrial developments with more than [100,000] square feet of gross floor area.

C. Transit Facilities. Applicable projects may be required to provide additional transit facilities where substantial evidence of projected transit ridership or other transit impacts is presented by the transit provider to conclude both that a nexus exists between the proposed development and public transit and that the degree of impact provides reasonable justification. The City may require the developer to grant a public easement or dedicate a portion of the lot for transit facilities.

- I. Discretionary Standard for Nonresidential Development.
 - a. If a [transit agency or other transit service provider], upon review of an application for development meeting, or exceeding, the thresholds in 3.3.B recommends [based on adopted transit plan and/or TSP] that a bus stop, bus turnout lane, bus shelter, accessible bus landing pad, lighting, or other transit improvement be constructed, or

that an easement or dedication be provided for one of these uses, consistent with an agency adopted or approved plan at the time of development, the [review authority] shall require such improvement, using designs supportive of transit use. Requirements may include existing facilities that are in disrepair or in need of replacement.

- b. Development sites along [high-frequency transit streets] must get approval from relevant City authority to determine if an increase in the maximum setback may be required to accommodate a sidewalk width of a minimum of [12 feet] to ensure adequate spacing for transit facilities and safe and convenient pedestrian movement. This determination will be made by the relevant City authority and the transit agency at the time of development review.
2. **Clear and Objective Standard for Residential Development.** If a [transit agency or other transit service provider], upon review of an application for development meeting, or exceeding, the thresholds in 3.3.B.2, recommends [based on adopted transit plan and/or TSP] that a bus stop be constructed or that an easement or dedication be provided for a bus stop, consistent with an agency adopted or approved plan at the time of development, the [review authority] shall require such improvement. Requirements may include existing facilities that are in disrepair or in need of replacement.

3.4 Large Parking Lots

- A. Intent.** The intent of the standards for large off-street parking lots is to mitigate the climate impacts of large areas of pavement, improve pedestrian connectivity and circulation within and across such areas, and maximize the survival and health of trees planted in large parking lots. The regulations implement the city’s responsibilities under OAR 660-012-0405(4).
- B. Applicability.** When a total of more than one-half acre (21,780 square feet) of new off-street surface parking is proposed on one or more lots within a development site, the lot(s) proposed for development shall comply with the standards in Sections 3.4. For purposes of these standards, the area of an off-street surface parking area is the sum of all areas within the perimeter of the off-street parking area, including parking spaces, aisles, planting islands, corner areas, and curbed areas, but not including interior driveways and off-street loading areas:
- C. Variances and Adjustments Prohibited.** Except as noted for pedestrian walkways in Section 3.4.F, adjustments per Section 1.2.B and the Discretionary Review Option per Section 1.2.C are prohibited for the standards of Sections 3.4.
- D. Climate Mitigation Measures.** The development must provide at least one of the following climate mitigation actions. Multiple actions may be used in combination to meet the total amount of mitigation required. Developments required to comply with the Green Energy Technology in Public Building Construction Contracts per OAR 330-135-0010 are exempt from the requirements for climate mitigation measures.

1. **Tree Canopy.** Increased on-site tree canopy area shall be provided, in conformance with the standards included under Subsection 3.4.G of this section, covering at least 40 percent of new off-street parking area in no more than 15 years. Compliance with the standards in subsections (n)(4) is required for trees planted to meet this standard.
2. **Payment into Equitable Renewable Energy Fund. Tree Canopy.** Payment of \$1,500 per new off-street parking space into a fund at the Oregon Department of Energy dedicated to equitable solar or wind energy development.
3. **Solar power generation.** Installation of solar panels with a generation capacity of at least 0.5 kilowatt per new off-street parking space. Panels may be located anywhere on the property.

E. Tree Canopy. Developments must provide one of the following options for tree canopy. Compliance with the standards in Subsection 3.4.G is required for trees planted to meet these requirements.

1. **Tree canopy over the parking area.** On-site tree canopy area shall be provided covering at least 30 percent of new off-street parking areas. An applicant may count tree canopy provided to meet section A.1 for compliance with this standard.
2. **Tree canopy along drive ways.** Tree canopy shall be provided along the driveways of the new parking area. The tree spacing and species planted must be designed to maintain a continuous canopy except when interrupted by driveways, drive aisles, and other site design considerations. For purposes of this standard, driveways are vehicular routes through a parking lot that provide access to and from the surrounding streets, and connections through the site to buildings and parking lot drive aisles, and do not provide direct access to parking stalls, or provides access to a limited number of parking stalls.

F. Pedestrian Connections Required. Developments must provide pedestrian connections that meet the standards below.

1. **Required connections** The site shall have a continuous route for pedestrian travel that connects to the following locations:
 - a. Building entrances.
 - b. Existing or planned pedestrian facilities in the adjacent public rights-of-way.
 - c. Transit stops on or adjacent to the site.
 - d. Accessible parking spaces.

2. Connection design standards. The pedestrian connections shall be constructed to meet the standards in Section 3.2.F.
3. Discretionary review. Applicants may request discretionary review under Section 1.2.C for the pedestrian connection standards in this section.

G. Tree Planting and Maintenance. Trees planted for compliance with the standards of Section 3.4 must comply with the following. The intent of these standards is to ensure that trees are planted and maintained to maximize their root health and chances for survival, including having ample high-quality soil, space for root growth, and reliable irrigation according to the needs of the species.

1. The applicant must submit documentation that notice and opportunity for comment to the local electric utility has been provided of the applicant’s tree planting plan for the development, including the plans for pre-design, design, building and maintenance phases.
2. Trees shall be planted pursuant to the American National Standards Institute (ANSI) A300 standards for planting [2021]. The applicant shall provide documentation of compliance from a certified arborist prior to receiving a certificate of occupancy or other final approval to commence the proposed use of the site.



Oregon

Tina Kotek, Governor

Department of Land Conservation and Development

Director's Office

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

503-373-0050

www.oregon.gov/LCD



August 20, 2025

Erin Engman, AICP, Senior Planner
10699 SW Herman Rd
Tualatin, OR 97062

By Email: eengman@tualatin.gov

Subject: Alternative Dates Approved as Provided in OAR 660-012-0012(3)

Dear Senior Planner Engman,

I am writing in response to the city's request of July 15, 2025, for an alternative date for compliance with portions of the Oregon Administrative Rules (OAR) chapter 660, division 12, as provided in OAR 660-012-0012(3). The city's request included:

- An alternative date of December 31, 2025 for the requirement in OAR 660-012-0012(4)(e) to adopt certain land use regulations to support efficient transportation, as provided in OAR 660-012-0330.

I have considered each of the criteria in OAR 660-012-0012(3)(e):

- (e) The director shall review the proposed alternative dates to determine whether the proposed alternative dates meet the following criteria:
 - (A) Ensures urgent action;
 - (B) Coordinates actions across jurisdictions within the metropolitan area;
 - (C) Coordinates with work required as provided in OAR 660-044-0100;
 - (D) Sequences elements into a logical progression; and
 - (E) Considers availability of funding and other resources to complete the work.

I find that the city meets the criteria in OAR 660-012-0012(3)(e); therefore, I **approve** the alternative date. Attachment A includes a summary of this approval, and previously approved alternative dates.

Sincerely,

A handwritten signature in black ink that reads "Brenda D. Bateman". The signature is written in a cursive style.

Brenda Bateman, Ph.D.
Director

CC: Matt Crall, DLCD Planning Services Division Manager
Erik Havig, ODOT Statewide Policy and Planning Manager
Laura Kelly, DLCD Regional Representative
Neelam Dorman, ODOT Region 1 Planning Manager
Theresa Conley, ODOT Transportation Planner
Bill Holmstrom, DLCD Land Use and Transportation Planning Coordinator
Cody Meyer, DLCD Land Use and Transportation Planner

Attachment A
Alternative Dates – City of Tualatin

The city shall use the following alternative dates as provided in OAR 660-012-0012(3).

- An alternative date of December 31, 2025 for OAR 660-012-0012(4)(e) to adopt land use regulations as provided in:
 - OAR 660-012-0330: Land Use Requirements

- An alternative date of July 10, 2024 for OAR 660-012-0012(4)(f) to adopt comprehensive plan amendments and land use regulations as provided in:
 - OAR 660-012-0400: Parking Management
 - OAR 660-012-0405: Parking Regulation Improvements
 - OAR 660-012-0415: Parking Maximums and Evaluation in More Populous Communities
 - OAR 660-012-0420: Exemption for Communities without Parking Mandates
 - OAR 660-012-0425: Reducing the Burden of Parking Mandates
 - OAR 660-012-0435: Parking Reform in Climate-Friendly Areas
 - OAR 660-012-0445: Parking Management Alternative Approaches
 - OAR 660-012-0450: Parking Management in More Populous Communities



CITY OF TUALATIN

Staff Report

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Jerianne Thompson, Library Director / Equity & Inclusion Officer

DATE: September 22, 2025

SUBJECT:
WCCLS Funding & Governance Update

RECOMMENDATION:
Staff requests feedback and direction regarding the proposed funding allocation model for Washington County Cooperative Library Services [WCCLS] member libraries.

BACKGROUND:
WCCLS is leading a project evaluating the county's public library funding and governance. Phase 1 included identifying success criteria and evaluating the current state. This led to the identification of base service levels for libraries and near-term funding alternatives in Phase 2, as well as the determination of a new rate for the library local option levy, adopted this summer by the Washington County Board of Commissioners for the November 2025 ballot. In Phase 3, partners have worked with the consultant to develop a new funding distribution methodology. Reports from the project can be found at <https://www.wccls.org/about-wccls/washington-county-libraries-writing-our-future-together>.

EXECUTIVE SUMMARY:
Over the past several months city managers, nonprofit executives, library directors, and Washington County staff have worked with project consultant Merina+Co to determine elements of a new funding methodology for WCCLS's member libraries.

Partners have determined new service boundaries for each library. The service boundaries divide all of Washington County into geographic areas to be served by individual libraries. The people living in this area are the library's service population.

The service population for each library is used to derive a number of "funding units," based on the number of full time equivalent (FTE) employees needed to provide base library services to the population. This unit is multiplied against an allocation of \$128,000, which represents an average of city partner costs per FTE to provide base service levels. Non-profit libraries receive an additional allocation based on \$18.30 per square foot, as they do not have a municipal partner to provide facility-related costs.

An implementation plan is layered on top of this methodology to ensure all libraries will receive an increase from their current allocation and to ramp-up funding for partners projected to receive larger allocations. The result is that Tualatin Public Library is projected to receive an allocation of \$2,009,950 in Fiscal Year 2026-27, the first year of the new local option levy cycle. This represents a 5 percent increase over the current fiscal year. Additionally, a formula will be set to determine the annual change in allocation to member libraries, depending on WCCLS's available revenues.

Partners will convene in late October 2025 to vote on the proposed funding methodology.

FINANCIAL IMPLICATIONS:

In Fiscal Year 2025-26, revenues from Washington County comprise 66 percent of Tualatin Library's budget, not including indirect city costs.

ATTACHMENTS:

- WCCLS Library Funding and Governance Evaluation – Near-Term Funding Allocation and Service Boundaries
- WCCLS Library Funding Allocation Proposal for Consideration
- Library Funding & Governance presentation

-



Library Funding & Governance

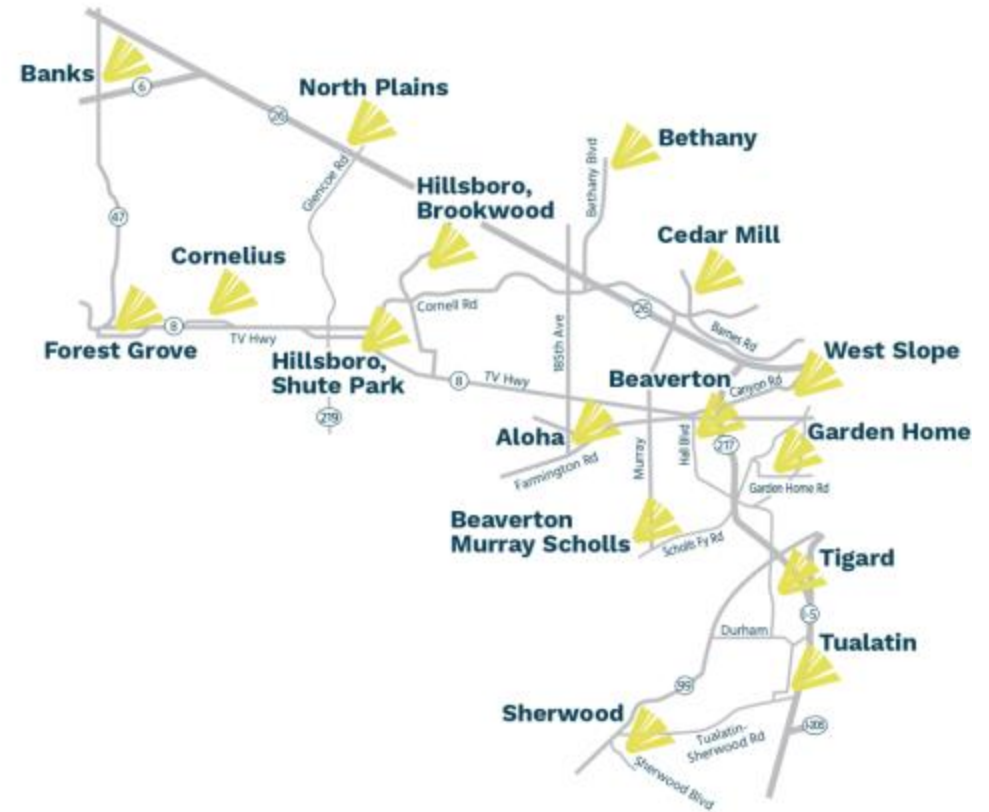
September 22, 2025

Washington County Libraries



Public Library Partnership

- 9 municipalities
- 3 nonprofits
- WCCLS, department of Washington County
- Coordination through Executive Board (City Managers and nonprofit executives) and Policy Group (Library Directors)



Washington County
Cooperative Library Services



Goals & Milestones



Improve service consistency and equity across the county

- Current State Assessment Report – Nov. 2024
- Near-Term Funding and Base Service Levels Report – Jan. 2025
- Governance improvements – Current / Future Phase

Support community needs by creating a library system with a fiscally sustainable future

- Near-Term Funding and Base Service Levels Report – Jan. 2025
- Funding allocation methodology – Current Phase

Reports available at <https://www.wccls.org/about-wccls/washington-county-libraries-writing-our-future-together>



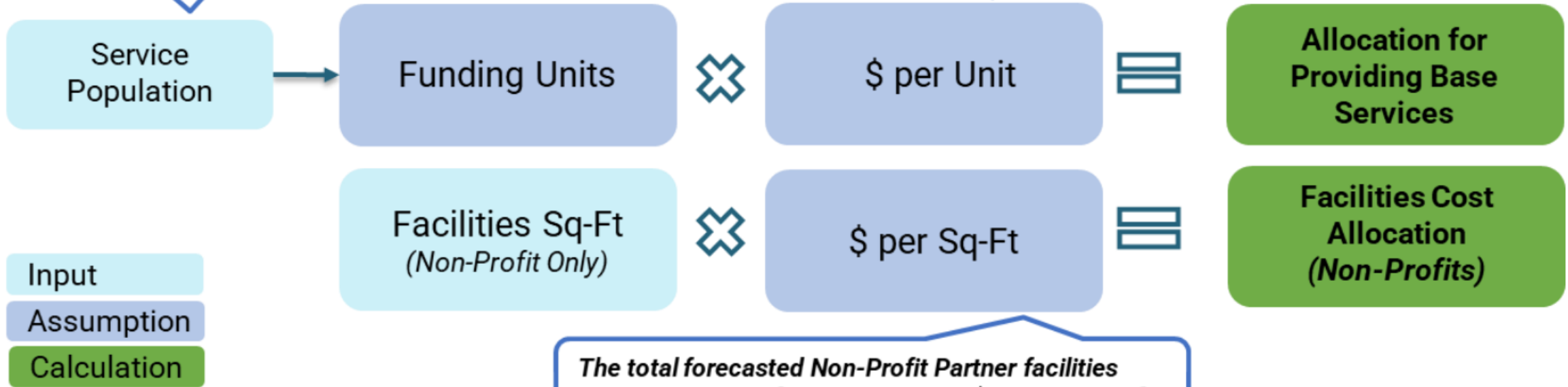
CITY of
TUALATIN

Proposed Funding Methodology

Partner service population is based on service boundaries and rounded down to the nearest 2,500.

Partner Funding Units are determined based on the base staffing level (4 FTE Units) plus an additional 4.5 FTE Units per 10,000 service population above 5,000.

Allocation of \$128,000 per Funding Unit is estimated based on city Partner average estimated direct library costs per FTE needed to provide base service levels.

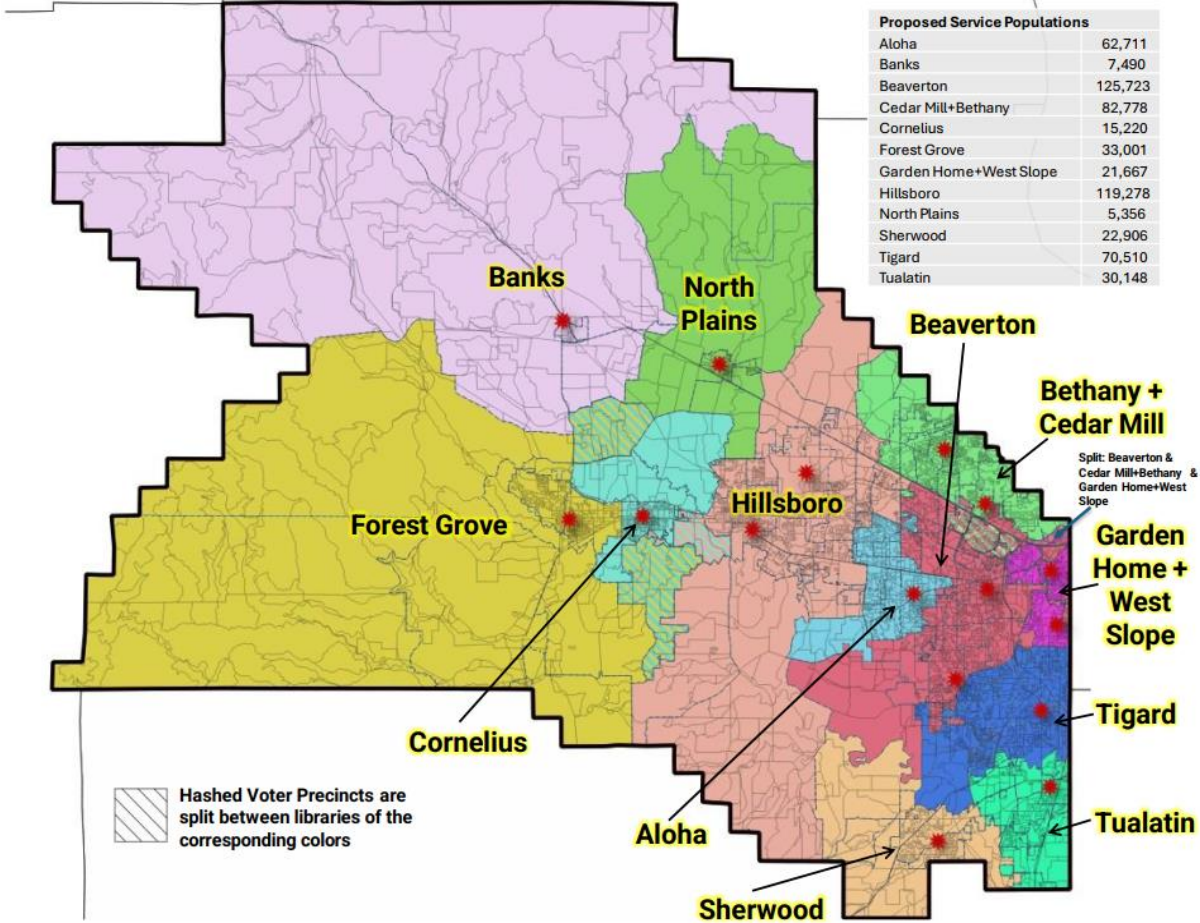


Proposed Funding Methodology

Partner service population is based on service boundaries and rounded down to the nearest 2,500.

Service Population

Tualatin Library's Service Population:
30,148



Proposed Funding Methodology

SERVICE POPULATION	BASE FTE UNITS	+	ADD. FTE UNITS	=	TOTAL FUNDING UNITS	→	TOTAL FUNDING UNITS	x	\$ / UNIT	=	BASE SERVICES ALLOCATION
5,000	4	+	0	=	4	→	4	x	\$128,000	=	\$512,000
7,500	4	+	1.125	=	5.125	→	5.125	x	\$128,000	=	\$656,000
10,000	4	+	2.25	=	6.25	→	6.25	x	\$128,000	=	\$800,000
...
120,000	4	+	51.75	=	55.75	→	55.75	x	\$128,000	=	\$7,136,000

Tualatin Library's service population = 30,000

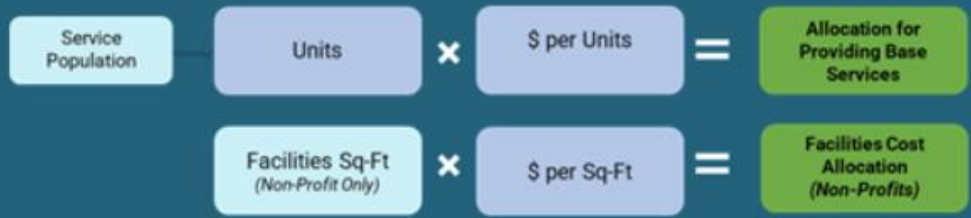
Tualatin Library's FTE Units = 15

\$ / Unit = \$128K

Tualatin Library's Base Services Allocation = \$1,920,000

Proposed Funding Methodology

Base Funding Formula:



Implementation Plan:

Keep partners “whole” and ramp up to increased allocations



Proposed Allocation

Purpose: To allocate funding in a transparent and objective way while providing funding to support a consistent level of base services.

Purpose: To mitigate the impact of the new funding formula for Partners who have been receiving larger allocations and acknowledge Partners receiving additional investment will need time to scale up services.

Proposed Funding Methodology

Base Funding Formula:



Tualatin Library's
Base Services Allocation =
\$1,920,000

Implementation Plan
Addition =
\$57,850

Tualatin Library's
Proposed Allocation
FY26-27
\$2,009,850

Implementation Plan:

*Keep partners "whole"
and ramp up to
increased allocations*



Proposed Allocation

Proposed Funding Methodology

	Funding Formula		Implementation Plan				Proposed Allocation FY26-27			Current Allocation FY25-26		
	Model with \$128k/unit and \$18.30/SF for non-profit facilities		Keep Partners Whole: Min. 5% Increase over FY25-26	Scale Up Adjustment for ACLA, FG	Centralization Costs (ILL and Collections)	Total Proposed Allocation	Delta to Current	% Change to Current	Current Model			
Aloha	\$3,995,105	+	\$0	+	(\$2,413,954)	+	\$0	=	\$ 1,581,151	\$ 995,602	170%	\$585,549
Banks	\$512,000	+	\$0	+	\$0	+	\$0	=	\$ 512,000	\$ 256,017	100%	\$255,983
Beaverton	\$7,424,000	+	\$0	+	\$0	+	\$0	=	\$ 7,424,000	\$ 601,979	9%	\$6,822,021
Cedar Mill+Bethany	\$5,534,315	+	\$0	+	\$0	+	\$0	=	\$ 5,534,315	\$ 488,730	10%	\$5,045,585
Cornelius	\$1,088,000	+	\$0	+	\$0	+	\$0	=	\$ 1,088,000	\$ 476,707	78%	\$611,293
Forest Grove	\$2,096,000	+	\$0	+	(\$864,187)	+	\$0	=	\$ 1,231,813	\$ 235,296	24%	\$996,517
Garden Home+West Slope	\$1,689,296	+	\$0	+	\$0	+	\$0	=	\$ 1,689,296	\$ 314,672	23%	\$1,374,624
Hillsboro	\$6,992,000	+	\$0	+	\$0	+	\$0	=	\$ 6,992,000	\$ 774,683	12%	\$6,217,317
North Plains	\$512,000	+	\$0	+	\$0	+	\$0	=	\$ 512,000	\$ 302,384	144%	\$209,616
Sherwood	\$1,520,000	+	\$0	+	\$0	+	\$0	=	\$ 1,520,000	\$ 467,746	44%	\$1,052,254
Tigard	\$4,256,000	+	\$270,201	+	\$0	+	\$0	=	\$ 4,526,201	\$ 215,533	5%	\$4,310,668
Tualatin	\$1,952,000	+	\$57,850	+	\$0	+	\$0	=	\$ 2,009,850	\$ 95,707	5%	\$1,914,143
WCCLS	\$12,264,648	+	\$0	+	\$0	+	\$4,735,352	=	\$ 17,000,000	\$ 3,875,162	30%	\$13,124,838
Total	\$49,835,364	+	\$328,052	+	(\$3,278,142)	+	\$4,735,352	=	\$51,620,626	\$ 9,100,218	21%	\$42,520,408

Source: Washington County



Proposed Funding Methodology

	Funding Formula		Implementation Plan				Proposed Allocation FY26-27			Current Allocation FY25-26		
	Model with \$128k/unit and \$18.30/SF for non-profit facilities	Keep Partners Whole: Min. 5% Increase over FY25-26	Scale Up Adjustment for ACLA, FG	Centralization Costs (ILL and Collections)	Total Proposed Allocation	Delta to Current	% Change to Current	Current Model				
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Cedar Mill+Bethany	\$5,534,315	+	\$0	+	\$0	+	\$0	=	\$ 5,534,315	\$ 488,730	10%	\$5,045,585
Cornelius	\$1,088,000	+	\$0	+	\$0	+	\$0	=	\$ 1,088,000	\$ 476,707	78%	\$611,293
Forest Grove	\$2,096,000	+	\$0	+	(\$864,187)	+	\$0	=	\$ 1,231,813	\$ 235,296	24%	\$996,517
Garden Home+West Slope	\$1,689,296	+	\$0	+	\$0	+	\$0	=	\$ 1,689,296	\$ 314,672	23%	\$1,374,624
Hillsboro	\$6,992,000	+	\$0	+	\$0	+	\$0	=	\$ 6,992,000	\$ 774,683	12%	\$6,217,317
North Plains	\$512,000	+	\$0	+	\$0	+	\$0	=	\$ 512,000	\$ 302,384	144%	\$209,616
Sherwood	\$1,520,000	+	\$0	+	\$0	+	\$0	=	\$ 1,520,000	\$ 467,746	44%	\$1,052,254
Tigard	\$4,256,000	+	\$270,201	+	\$0	+	\$0	=	\$ 4,526,201	\$ 215,533	5%	\$4,310,668
Tualatin	\$1,952,000	+	\$57,850	+	\$0	+	\$0	=	\$ 2,009,850	\$ 95,707	5%	\$1,914,143
WCCLS	\$12,264,648	+	\$0	+	\$0	+	\$4,735,352	=	\$ 17,000,000	\$ 3,670,102	30%	\$13,124,898
Total	\$49,835,364	+	\$328,052	+	(\$3,278,142)	+	\$4,735,352	=	\$51,620,626	\$ 9,100,218	21%	\$42,520,408

Source: Washington County



Proposed Annual Escalation

Available Revenues	Proposed Distribution	Example
General Fund + Levy = + %	Allocations increased by same percentage	GF+L = 5% growth = 5% allocation increases to all
General Fund + Levy = flat	Allocations are held flat	GF+L = 0% growth = no increase or decrease to allocation
General Fund + Levy = - %	Allocations are decreased by same percentage	GF+L = 2% decrease = 2% allocation decreases to all

Note: Aloha & Forest Grove are exceptions. If net revenue increases by 4.25% or more, these partners will receive an increase of 5.75% as part of the "ramp up" modifications.

Risk Assessment



- Financial concerns from Washington County
 - Impact of federal funding cuts and tax cuts will impact state & county revenues
 - Uncertain environment for county regarding funding for mandated services
 - County cannot provide specific commitments regarding General Fund allocations
- Resource pressures at some local agencies
- Uncertainties about collection centralization costs; potential for reduced services to libraries
 - WCCLS may need to cut services to member libraries to take on collection centralization work



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Questions for Council

- Do you have any questions about the proposed methodology?
- Do you support the proposed funding allocation model and methodology for determining annual allocation changes?





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TUALATIN



WCCLS Library Funding and Governance Evaluation

Date: September 2025

Subject: WCCLS Library Funding and Governance Evaluation – Near-Term Funding Allocation and Service Boundaries

Project Background

Public library service in Washington County is provided by a partnership between Washington County, nine cities, and three nonprofit organizations (together known as the Cooperative). In February 2024, the County engaged with Merina+Co, a local consulting firm, to conduct an evaluation of the existing Cooperative funding and governance model. For more information on the project background, the Cooperative’s shared vision for success, and the results of the current state assessment, refer to wccls.org/writing-our-future.

Defining Base Service Levels

Informed by the results of the [summer 2024 Community Survey](#), Partners participated in a process of compiling a list of Base Service Levels that should be supported consistently across the Cooperative by County funds. The Base Service Levels expanded on the Oregon State Library minimum conditions for public libraries such as requiring a minimum of 45 open hours and 4 full-time equivalents or “FTEs”, and included service levels for Collections & Materials, Community Engagement & Outreach, Personnel, Programs & Services, Public Spaces, and Operations across the Cooperative. More information regarding the Base Service Levels can be found in the Near-Term Funding and Base Service Levels Summary Report (January 2025) at wccls.org/writing-our-future.

Determining Near-Term Funding Needs

Once the Base Service Levels were determined, Partners were engaged to estimate the cost of providing the Base Service Levels consistently across the Cooperative. Partners also collaborated to identify opportunities to leverage the use of resources across the Cooperative to provide services at-scale and realize cost savings without reducing the level of services provided to the community. The costs of providing Base Service Levels and the estimated savings from increased efficiencies served as inputs for determining the funding needed to support the Base Service Levels consistently across the County through the FY2027-2031 levy cycle.

In December 2024, the WCCLS Executive Board reached two-thirds agreement (2/3 cities and 2/3 non-profits) in support of a *minimum* \$0.32 per \$1,000 assessed value levy rate (\$0.10 increase) for FY2027-2031 and pursue a centralized service delivery model for collections and inter-library loan management to consistently and sustainably fund the Base Service Levels. In June 2025 the Board of County Commissioners adopted a resolution in support of referring a \$0.37 per \$1,000 assessed value levy rate (\$0.15 increased) to voters in November 2025. More information regarding the Base Service Levels and near-term funding results can be found in the Near-Term Funding and Base Service Levels Summary Report (January 2025) at wccls.org/writing-our-future.

Creating a Methodology for Determining Service Boundaries and Allocating Partner Funds

The current phase of the Funding and Governance Evaluation Project has focused on establishing transparent and objective methodologies for defining service boundaries and allocating County funds in support of providing the defined base service levels across the Cooperative. These were two core goals identified by Partners for this process.

Service Boundary Methodology

While Cooperative services are available to residents countywide, service boundaries are used to define the specific geographic area for which each Partner is responsible for providing base services, as well as provide a means for calculating each Partner’s service population. The proposed methodology for establishing Partner service boundaries divides the County into discrete geographic units using voter precincts and assigns each geographic area to one or more Partners according to the methodology outlined in Figure 1. The resulting service boundaries are included in Appendix A and can be viewed [here](#) for visualization purposes only.



WCCLS Library Funding and Governance Evaluation

Date: September 2025

Subject: WCCLS Library Funding and Governance Evaluation – Near-Term Funding Allocation and Service Boundaries

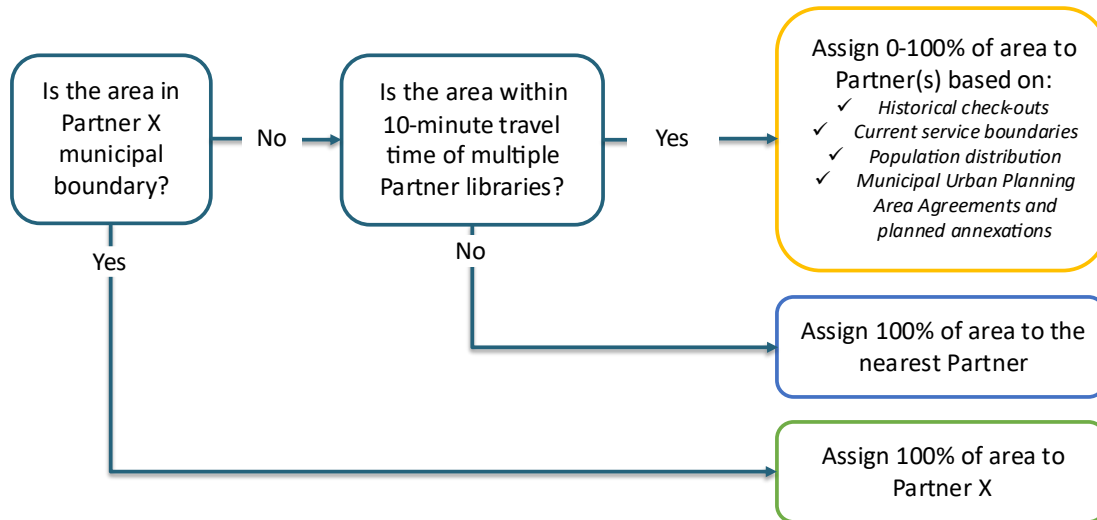


Figure 1: Methodology for Determining Partner Service Boundaries

Funding Allocation Methodology

The Current State Assessment revealed that the Cooperative’s past funding allocation practices have resulted in funding inequities among Partners over time. Addressing those inequities begins first by supporting a more consistent level of service across the Cooperative with County funds. The methodology developed for allocating County funds to each Partner is intended to support the defined base service levels in a way that acknowledges operational differences resulting from past funding levels while moving towards a more consistent level of investment in each Partner library. To accomplish this, the methodology allocates funding to each Partner relative to their population according to a graduated table of units determined by Cooperative estimates for staffing levels in FTEs necessary to provide base service levels across Partner libraries. The methodology, outlined in Figure 2, follows the following steps:

1. The population within a Partner’s service boundary is estimated¹ and rounded down to the nearest multiple of 2,500².
2. The rounded service population is used to determine the number of funding units³ allocated to each Partner as described in Table 1.
3. The allocated funding units are multiplied by a dollar per unit⁴ to arrive at the base allocation for each Partner.
4. Non-profit Partners serving unincorporated areas of the County are allocated an additional dollar amount per facility square-foot to support the cost of maintaining library facilities.

¹ [2022 American Community Census population data](#)

² Population intervals of 2,500 are used to reduce the funding allocation formula’s sensitivity to population estimates and stabilize funding allocations.

³ The funding units correlate to a number of full-time equivalent (FTE) units to be allocated in addition to a base allocation of 4 FTE units, the minimum requirement outlined in the base service levels.

⁴ The dollar per unit was initially proposed to reflect Cooperative-wide averages based on forecasted estimates for the average total direct library cost per estimated FTE (\$119,000) and has since been increased according to the County’s proposal to reflect higher average costs for city Partners (\$128,000).

WCCLS Library Funding and Governance Evaluation

Date: September 2025

Subject: WCCLS Library Funding and Governance Evaluation – Near-Term Funding Allocation and Service Boundaries

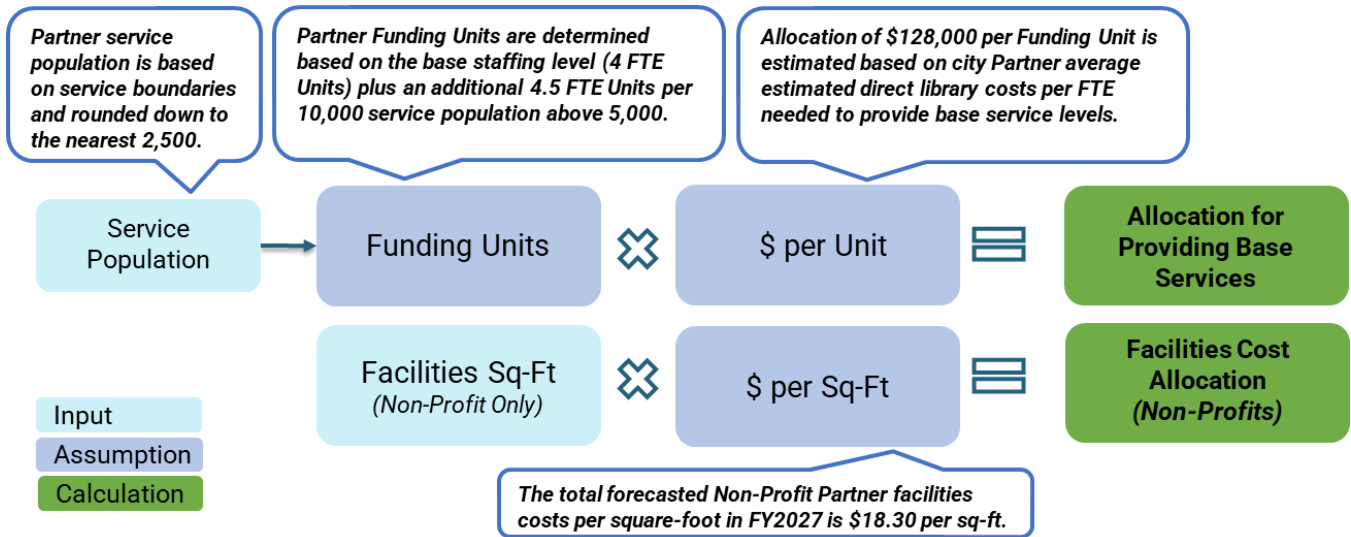


Figure 2: Methodology for calculating WCCLS Partner library funding allocation for providing base service levels

Table 1: Example calculation for determining WCCLS Partner Funding Units and Base Services Allocation using Service Population

SERVICE POPULATION	BASE FTE UNITS	+	ADD. FTE UNITS	=	TOTAL FUNDING UNITS	→	TOTAL FUNDING UNITS	X	\$ / UNIT	=	BASE SERVICES ALLOCATION
5,000	4	+	0	=	4	→	4	x	\$128,000	=	\$512,000
7,500	4	+	1.125	=	5.125	→	5.125	x	\$128,000	=	\$656,000
10,000	4	+	2.25	=	6.25	→	6.25	x	\$128,000	=	\$800,000
...
120,000	4	+	51.75	=	55.75	→	55.75	x	\$128,000	=	\$7,136,000

Appendix II includes the example results of the funding formula for each Partner using the methodology as described and service populations shown in Appendix I.

Adapting Funding Allocations to Align with Partner Needs

The funding allocation methodology aims to disrupt the trend of underinvesting in vulnerable communities by using an objective and data-driven approach that avoids using output metrics as inputs in the funding formula and supports a consistent level of services among all communities. As a result, the methodology results in potential funding allocations that differ from what Partners currently receive by reducing the variance in funding levels across Partners (see Appendix II). For some Partners, this means the calculated allocations are significantly more than previous allocations whereas for other Partners calculated allocations are less than current allocations.



WCCLS Library Funding and Governance Evaluation

Date: September 2025

Subject: WCCLS Library Funding and Governance Evaluation – Near-Term Funding Allocation and Service Boundaries

While the methodology was developed with the intention of reducing this discrepancy, the reality is that Partner operations have been established based on historical funding practices and are dependent on the County’s current level of investment to sustain current service levels. Additionally, Partners are facing varying degrees of financial pressures due to rising costs and outside circumstances unrelated to the Cooperative and County investments in library services. To address these realities and mitigate impacts to library services over time, an additional “Implementation Plan” layer to the funding formula was proposed to adjust allocations to mitigate potential funding reductions and provide time for Partners to scale up services to meet increased investments. The final adjustments to funding allocations within this Implementation Plan layer are documented within the County’s formal proposal for FY2026-2027 through FY203-2031 Funding Allocations.

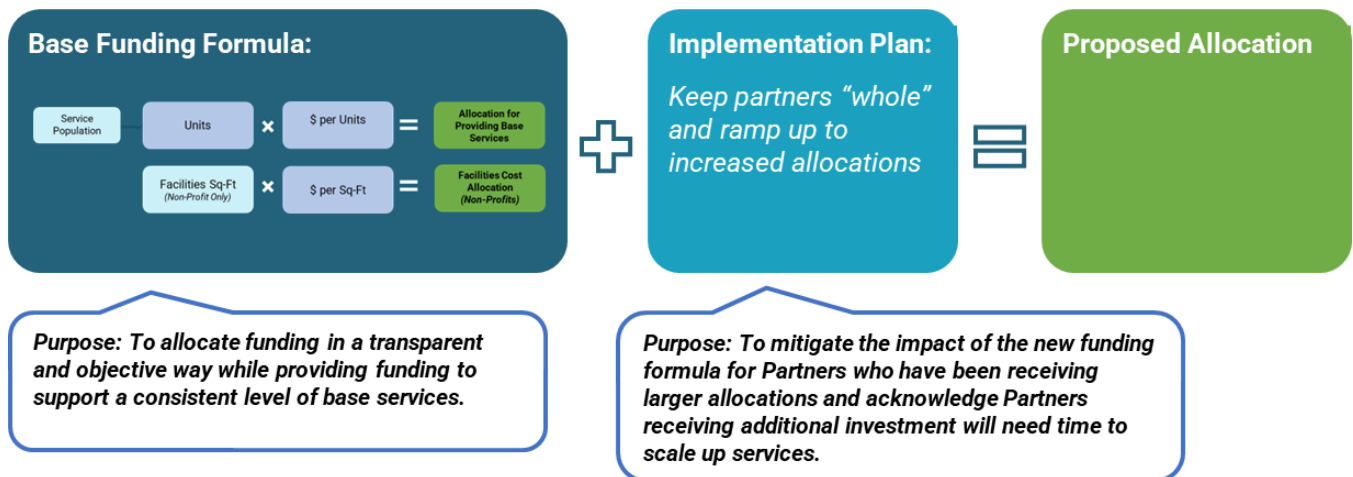


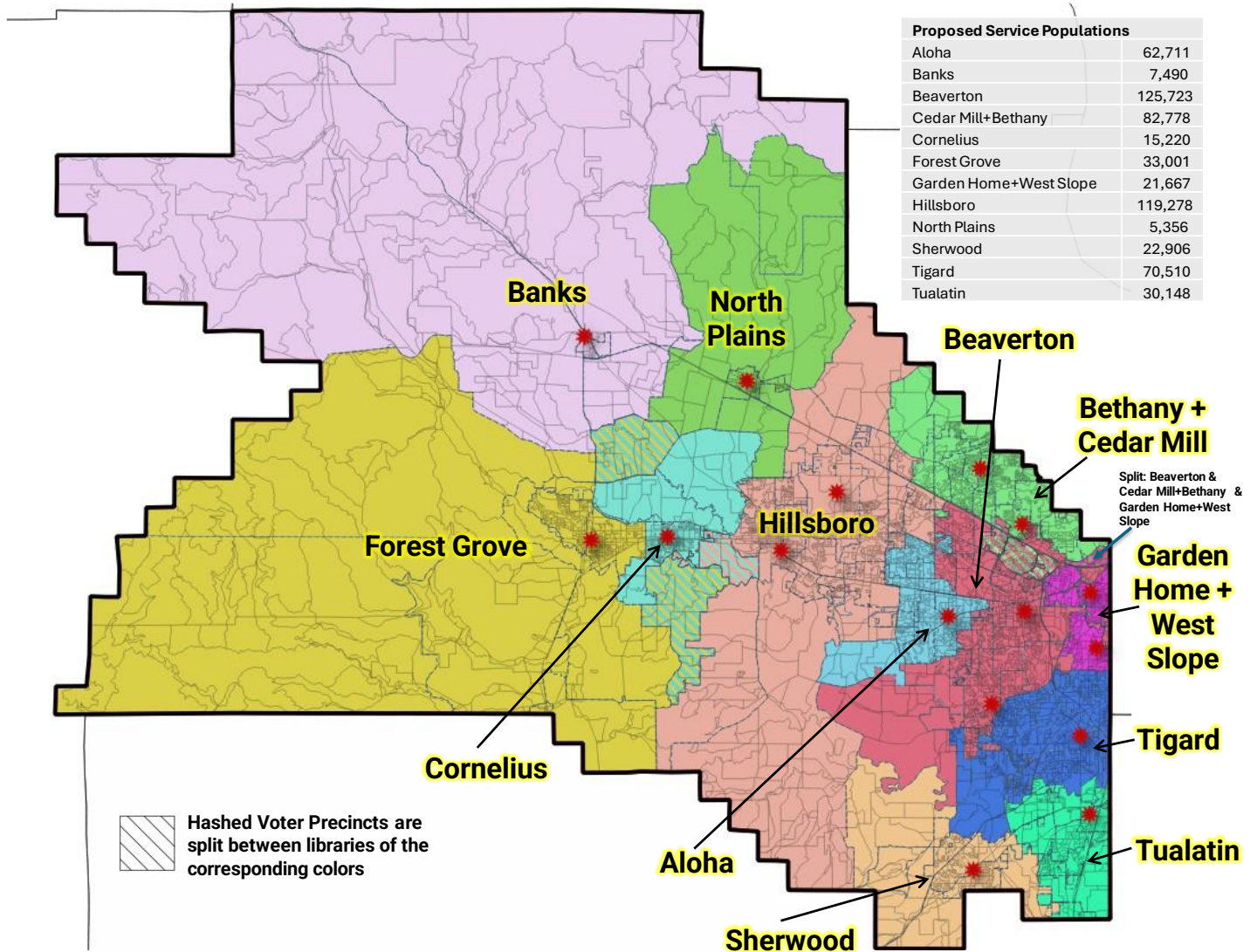
Figure 3: Base Funding Formula plus Implementation Plan Layer

WCCLS Library Funding and Governance Evaluation

Date: September 2025

Subject: WCCLS Library Funding and Governance Evaluation – Near-Term Funding Allocation and Service Boundaries

Appendix I – Proposed Service Boundaries (FY2026-27 to FY2030-31)⁵



⁵ Last Updated on 8/26/25

WCCLS Library Funding and Governance Evaluation

Date: September 2025

Subject: WCCLS Library Funding and Governance Evaluation – Near-Term Funding Allocation and Service Boundaries

Appendix II – Results of Funding Formula Using Described Methodology for FY26-27 (for example purposes only)

	FY26-27 Funding Formula Results <i>(Example Only)</i>	FY25-26 Actual Allocation
Aloha	\$ 3,995,105	\$ 585,549
Banks	\$ 512,000	\$ 255,983
Beaverton	\$ 7,424,000	\$ 6,822,021
Cedar Mill+Bethany	\$ 5,534,315	\$ 5,045,585
Cornelius	\$ 1,088,000	\$ 611,293
Forest Grove	\$ 2,096,000	\$ 996,517
Garden Home+West Slope	\$ 1,689,296	\$ 1,374,624
Hillsboro	\$ 6,992,000	\$ 6,217,317
North Plains	\$ 512,000	\$ 209,616
Sherwood	\$ 1,520,000	\$ 1,052,254
Tigard	\$ 4,256,000	\$ 4,310,668
Tualatin	\$ 1,952,000	\$ 1,914,143





Memorandum

To: WCCLS Executive Board
From: Marni Kuyl, Assistant County Administrator
Lisa Tattersall, WCCLS Manager
Date: September 5, 2025
Re: **Library Funding Allocation Proposal for Consideration**

Introduction

This proposal represents many hours of thoughtful discussion and collaboration to achieve process goals identified and supported by WCCLS collaborative partners:

- Allocates funding according to a transparent and objective methodology
- Leverages the use of resources across the Cooperative to create efficiency and economies of scale
- Assures a consistent minimum level of base services to all community members

Adjustments to the model were required to support partners in transitioning from the historical approach to the proposed model. The following funding allocation proposal features modifications to the methodology that arose out of thoughtful conversation with partners.

Proposal Highlights

Modifications to support partner needs and successful implementation

- Basing the per FTE unit cost on the average FTE cost for cities alone, rather than the average of cities and nonprofits. This increased the unit cost from \$119,000 to \$128,000.
- Ensure every partner receives at least a 5% increase from their FY25-26 allocation in the first year of the new levy cycle (FY26-27).
- Modify FY26-27 allocations for Aloha and Forest Grove to accommodate what can reasonably be spent and accomplished in one fiscal year, laying the groundwork for a thoughtful plan of expansion in infrastructure and service levels for those libraries.

Key agreements to support sustainable service in the current fiscal environment

- Indirect costs (also known as overhead or administrative charges) are allowable costs for city partners, assuming base service levels have been met.
- The proposed service boundaries, if recommended by partners and approved by the Board of Commissioners, would remain set through June 2031.
- No increase in County provided funds for any new full-service library locations will be added through June 2031 and should partners that operate more than one library building need to close a library location due to external financial circumstances, those partner allocations would not be reduced.
- Starting in July 2027, WCCLS will begin providing centralized physical collections, which will reduce the costs to provide service for all partners, thereby freeing up local resources for other service priorities.

Revenue-based escalation or reduction of allocations

The financial assumptions and projections used to develop this funding model result in projected annual increases of 4.25% for partners. Revenue sources for WCCLS:

1. Local option levy (pending voter approval): funds dedicated to library service
2. Transfer from County General Fund

Should these two revenue sources combined lead to a *net percentage increase* in revenue due to growth in county assessed value and a stable General Fund transfer amount then partners and WCCLS will see their allocation increase by that net percentage increase amount.

Should these two revenue sources combined lead to a *net percentage decrease* in revenue, due to reduction in the General Fund transfer amount, then partners and WCCLS will see their allocation decrease by that net percentage decrease amount.

The exception to this is Aloha and Forest Grove. These partners will see an increase of an additional 5.75% should net revenue increase by 4.25% or greater, to support a thoughtful expansion of service to meet base service levels. Should net revenue decrease, their allocations will be reduced by that net percentage decrease amount.

Fund Balance Target Considerations

After multiple discussions, there was no broad agreement reached among partners on a single fund balance target to bring back as a proposal for partner consideration. Therefore, this proposal includes four fund balance options for partner consideration. Partners should be prepared to discuss all viable options for each organization when the group convenes on September 25 to reach collective agreement for a recommendation to the Board. Exceptions to the 3-month fund balance target would need to be approved by the Board of Commissioners. [See the table on page 4.](#)

Process Next Steps

- Partners will convene on September 25, 2025, to vote on this proposal.
- County staff will bring a recommendation from the partners to the Board of County Commissioners in October, assuming the cooperative reaches 2/3 agreement among city partners and 2/3 agreement among nonprofit partners.
- Should partners not reach agreement, staff will bring the status of the conversation so far to the Board of County Commissioners for their direction in October.

Four Fund Balance Options for Partner Consideration

Partner	Budgeted FY25-26 Allocation	Proposed FY26-27 Allocation Options			
		Option A	Option B	Option C	Option D
Aloha	\$585,549	\$1,581,151	\$1,651,361	\$1,672,425	\$1,686,467
Banks	\$255,983	\$512,000	\$521,401	\$524,221	\$526,101
Beaverton	\$6,822,021	\$7,424,000	\$7,560,309	\$7,601,201	\$7,628,463
Cedar Mill+Bethany	\$5,045,585	\$5,534,315	\$5,625,677	\$5,653,085	\$5,671,358
Cornelius	\$611,293	\$1,088,000	\$1,107,976	\$1,113,969	\$1,117,964
Forest Grove	\$996,517	\$1,231,813	\$1,270,297	\$1,281,842	\$1,289,538
Garden Home+West Slope	\$1,374,624	\$1,689,296	\$1,714,560	\$1,722,139	\$1,727,192
Hillsboro	\$6,217,317	\$6,992,000	\$7,120,377	\$7,158,890	\$7,184,565
North Plains	\$209,616	\$512,000	\$521,401	\$524,221	\$526,101
Sherwood	\$1,052,254	\$1,520,000	\$1,547,908	\$1,556,280	\$1,561,862
Tigard	\$4,310,668	\$4,526,201	\$4,604,344	\$4,627,787	\$4,643,415
Tualatin	\$1,914,143	\$2,009,850	\$2,045,690	\$2,056,442	\$2,063,610
WCCLS	\$13,124,838	\$17,000,000	\$17,329,326	\$17,428,123	\$17,493,989
Total	\$42,520,408	\$51,620,626	\$52,620,626	\$52,920,626	\$53,120,626

Fund Balance Target Notes for Options A - D				
Additional funding allocated for service delivery	n/a	\$1.0 million	\$1.3 million	\$1.5 million
Projected end fund balance in FY30-31	3.45 months	2.33 months	2.01 months	1.79 months
Average fund balance FY26-27 to FY30-31	3.27 months	2.22 months	2.35 months	2.56 months



CITY OF TUALATIN

Staff Report

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Megan George, Deputy City Manager

DATE: September 22, 2025

SUBJECT:

Resolution No. 5917-25 Adopting the City of Tualatin's 2026 State Legislative Agenda
Resolution No. 5918-25 Adopting the City of Tualatin's 2026 Federal Legislative Agenda

RECOMMENDATION:

Staff recommends the City Council approve Resolution No. 5917-25 Adopting the City of Tualatin's 2026 State Legislative Agenda and Resolution No. 5918-25 Adopting the City of Tualatin's 2026 Federal Legislative Agenda.

EXECUTIVE SUMMARY:

Thorn Run Partners, LLC ("Thorn Run") provided the City Council with a recap of the 2025 State Legislative Session and an update on federal advocacy on August 25, 2025. City staff returned on September 8, 2025, to brainstorm potential topics for the 2026 legislative agendas with the City Council. From that discussion, there seemed to be consensus on which policy themes to prioritize in the next calendar year. Most of the themes were carried over from the previous year, although the council identified one additional (noted below).

- Transportation
- Housing
- Social services
- Resiliency and emergency preparedness
- Environment
- Downtown revitalization
- Local control and unfunded mandates
- Capital projects
- Economic stimulation (*new*)

The policy themes will be used throughout the year to determine where to prioritize the City's advocacy efforts. In addition, the City Council discussed specific items for the legislative agendas. Those agendas are included in the attached resolutions and exhibits. If the City Council feels comfortable, the agendas can be adopted this evening. If the City Council would like to see changes, staff can bring them back to a future meeting for adoption.

OUTCOMES OF DECISION:

Thorn Run's team will share the legislative agendas with Tualatin's representatives at the State and Federal levels. In addition, they will continue to provide regular communication on State and Federal policy discussions and funding opportunities. Finally, their team will identify opportunities for the City Council to engage with Tualatin's representatives on the legislative agendas and other relevant policy discussions.

ALTERNATIVES TO RECOMMENDATION:

The City Council may direct staff to make changes to the 2026 State or Federal Legislative Agendas prior to adoption, or at a future date. Thorn Run will continue to be flexible and opportunistic when representing the City of Tualatin at the State and Federal level, as the context changes and new opportunities arise.

FINANCIAL IMPLICATIONS:

There is no immediate financial implication. The City has a contract with Thorn Run through June 30, 2027, and included \$110,000 in the Fiscal Year 2025-2026 budget for this work. The 2026 Federal Legislative Agenda includes \$3 Million in funding for the Riverfront Park Project. If the City's application is successful, funding will not be received until the following year (Fiscal Year 2026-2027), at the earliest.

ATTACHMENTS:

- Presentation
- Resolution 5917-25
- Resolution 5918-25
- Exhibit A: 2026 State Legislative Agenda
- Exhibit B: 2026 Federal Legislative Agenda



2026 Legislative Agenda Preparation

September 22, 2025

2026 Policy Themes

- Transportation
- Housing
- Social services
- Resiliency and emergency preparedness
- Environment
- Downtown revitalization
- Local control and unfunded mandates
- Capital projects
- Economic stimulation (*new*)



CITY of
TUALATIN

2026 State Legislative Agenda



Transportation Funding

Look ahead to long-term stable funding that preserves the 50/30/20 revenue split and finishes projects.

Housing and Human Services

Increase funding for eviction prevention programs, including rent assistance. Preserve Home Rule Authority including flexible and locally appropriate tools. Advocate for improvements to the State's mental and behavioral health systems.

Support Opportunities for Economic Development

Fund and support opportunities for increased economic development in communities.



CITY of
TUALATIN

2025 Federal Legislative Agenda



- Riverfront Park Project- *\$3 Million*
- Increase Funding for Community Development Block Grant (CDBG) Program
- Continue Funding for Community Fueling Infrastructure (CFI) Program
- Continue Funding for Railroad Crossing Elimination (RCE) Program
- Protect Local Government's Ability to Offer Tax Exempt Municipal Bonds
- Oppose Administration Changes to the Federal Emergency Management Agency
- Oppose Cuts to Programs that Support Tualatin's Most Vulnerable Populations



CITY of
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Potential Council Actions

- Direction to move forward with the 2026 Policy Themes
- Adopt Resolution No. 5917-25 Adopting the City of Tualatin's 2026 State Legislative Agenda
- Adopt Resolution No. 5918-25 Adopting the City of Tualatin's 2026 Federal Legislative Agenda



CITY of
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CITY *of*
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RESOLUTION NO. 5918-25

A RESOLUTION ADOPTING THE CITY OF TUALATIN'S 2026 FEDERAL LEGISLATIVE AGENDA

WHEREAS, policy determined at the State and Federal level affects local governments and communities;

WHEREAS, funding opportunities exist at the State and Federal level for local governments and communities;

WHEREAS, the City Council identified a need to increase the organization's capacity to advocate for the City of Tualatin at the State and Federal level and signed a contract with Thorn Run Partners, LLC, on May 13, 2024, to advocate on the City's behalf;

WHEREAS, the City Council identified transportation, housing, social services, resiliency and emergency preparedness, environment, downtown revitalization, local control and unfunded mandates, capital projects, and economic stimulation as important themes to the Tualatin community;

WHEREAS, the City Council desires to identify specific asks for the upcoming 2026 Federal legislative cycle;

WHEREAS, the City Council met on August 25, 2025, and September 8, 2025, to discuss the draft agenda and directed staff to bring forward the agenda for adoption.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, THAT:

Section 1. The City of Tualatin's 2026 Federal Legislative Agenda is attached in Exhibit B.

Section 2. This resolution is effective upon adoption.

Adopted by the City Council this 22nd day of September, 2025.

ATTEST:

CITY OF TUALATIN, OREGON

BY _____
City Recorder

BY _____
Mayor

RESOLUTION NO. 5917-25

A RESOLUTION ADOPTING THE CITY OF TUALATIN'S 2026 STATE LEGISLATIVE AGENDA

WHEREAS, policy determined at the State and Federal level affects local governments and communities;

WHEREAS, funding opportunities exist at the State and Federal level for local governments and communities;

WHEREAS, the City Council identified a need to increase the organization's capacity to advocate for the City of Tualatin at the State and Federal level and signed a contract with Thorn Run Partners, LLC, on May 13, 2024, to advocate on the City's behalf;

WHEREAS, the City Council identified transportation, housing, social services, resiliency and emergency preparedness, environment, downtown revitalization, local control and unfunded mandates, capital projects, and economic stimulation as important themes to the Tualatin community;

WHEREAS, the City Council desires to identify specific asks for the upcoming 2026 State legislative cycle;

WHEREAS, the City Council met on August 25, 2025, and September 8, 2025, to discuss the draft agenda and directed staff to bring forward the agenda for adoption.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, THAT:

Section 1. The City of Tualatin's 2026 State Legislative Agenda is attached in Exhibit A.

Section 2. This resolution is effective upon adoption.

Adopted by the City Council this 22nd day of September, 2025.

ATTEST:

CITY OF TUALATIN, OREGON

BY _____
City Recorder

BY _____
Mayor



2026 State Legislative Agenda

Transportation Funding

The City of Tualatin supports transportation policies and investments that align with the City's goal of creating a modern and inclusive transportation system with a variety of options that meet the needs of the community and the region as a whole. The following focus areas are of particular interest to the City in 2026:

- Look ahead to long-term stable funding for the state's transportation system to ensure continued investment in operations and maintenance of the system, and investment in safe, multi-modal transportation options including pedestrian, bike, and transit routes.
- Preserve the 50/30/20 revenue split between the state, counties, and cities.
- Prioritize regional transportation infrastructure projects and funding for HB 2017 projects, including the Abernathy Bridge.

Housing and Human Services

The historical underfunding of the State's public health system and ongoing shortage of affordable housing options is a major concern for the City. The 2025 Point-in-Time Count found that for every ten people leaving the homeless services system in Washington County, another fifteen are becoming homeless. Lack of funding at the state and federal levels will exacerbate this situation even further. Specifically, Tualatin supports:

- Increased funding for eviction prevention programs, including rent assistance.
- Preserving home rule authority for local government, including flexible and locally appropriate tools to support housing development in local communities.
- Advocating for improvements to Oregon's mental and behavioral health system to enhance outcomes for Tualatin residents and lessen impacts of an ill-equipped system on local communities.

Support Opportunities for Economic Development

Tualatin strongly supports economic development and expanding workforce opportunities, with a focus on funding and policies that attract and retain businesses, support job creation and encourage investment in the community. The City supports:

- Investments in infrastructure that make sites employer-ready
- Tools and strategies that promote development of industrial land such as the Industrial Site Readiness Program
- Protection of shared revenue streams that support essential city services
- Workforce development strategies that increase the pipeline workers in essential industries



CITY of
TUALATIN



2026 Federal Legislative Agenda

Support Funding for the Riverfront Park Project - \$3 Million

The City seeks funding to construct a new riverfront park that would connect the Tualatin River to downtown Tualatin. Thus far, the City has spent \$3 Million of local funds, including a \$400,000 grant from Metro, to acquire approximately 6 acres of land for the park. The total project is expected to cost \$15 Million, and the City has identified approximately \$12 Million in funding between the Parks and Trails Bond passed by voters in 2022 and the urban renewal area established that same year. The park will draw visitors from across the Portland-Metropolitan area and is an important part of the city's plan to redevelop and revitalize the downtown area.

Support Community Development Block Grant (CDBG) Program Funding

Tualatin relies on CDBG funds to support community-based projects that would otherwise not be feasible. For example, Tualatin used CDBG funds to repair and update the Juanita Pohl Center (Tualatin's well-loved and only senior center), as well as replace sidewalks and construct ADA compliant curb ramps in low-income neighborhoods. Unfortunately, the CDBG Program has not kept up with population growth or with inflation, resulting in a significant decrease in funding per capita. The City's funding comes as a sub-award from Washington County, who received \$1,987,614 in Fiscal Year 2025 when the CDBG Program was funded at \$3.3 billion nationwide.

Support the Community Fueling Infrastructure (CFI) Program and Secure Tualatin's CFI Grant Funding from DOT

In August 2024, the U.S. Department of Transportation (DOT) announced that Tualatin would receive \$15 million in funding to bring publicly accessible EV charging infrastructure to approximately 125 unique sites across 17 different cities in the region. By bringing charging infrastructure to low and moderate-income residents, we help to avoid a regional "charging divide" that prevents historically underserved communities from accessing EVs. This investment would not be possible without the CFI Program, which was created by Congress as part of the Bipartisan Infrastructure Law (BIL), which will expire absent reauthorization in September 2026, during the next Congress. Meanwhile, DOT has yet to release Tualatin's CFI award, despite the program's benefits to the region.

Support the Railroad Crossing Elimination (RCE) Program

In Tualatin, an at-grade railroad crossing at Tualatin-Sherwood and Boones Ferry roads causes significant traffic flow issues and pedestrian and cyclist safety concerns. Further analysis and planning is underway to determine what changes are possible to improve these issues. The City plans to initially apply for RCE Program planning funding in future. Like the CFI Program, the RCE Program was created by the BIL, so its authority and funding will expire in September 2026 unless extended by Congress.



Support Local Government's Ability to Offer Tax Exempt Municipal Bonds

With limited revenue sources available, Tualatin has relied on voter-approved general obligation bonds to finance projects. In 2018, voters passed a \$20 million bond to fund transportation projects to improve neighborhood safety, access to parks and schools, and relieve congestion. In just five years, 36 projects were completed. In 2022, voters passed a \$25 million bond to finance parks and trails projects. Already, funds have been used to replace playground equipment, construct a Veterans Plaza, and acquire property for a future park. The authority for local governments to issue tax-exempt bonds could be revoked by Congress at any time. During the 2017 and 2025 tax bill debates, local governments faced threats to tax-exempt bonding authority, but only lost the option to advance refund bonds.

Oppose Administration Changes to the Federal Emergency Management Agency

The Administration in 2025 has quietly implemented a variety of modifications to the way the Federal Emergency Management Agency (FEMA) responds to natural disasters. For example, FEMA traditionally approves federal support after disasters based on the amount of damage compared to the population of the state in which the disaster occurred. The Administration is changing the Public Assistance disaster declaration per capita threshold from \$1.89 to \$7.56 per person, which creates a higher threshold of \$32.3 million of damage for a disaster to be declared in Oregon, meaning that smaller disasters will no longer receive federal support, shifting costs and responsibilities to state and local governments.

In another consequential shift, FEMA suggests not approving a federal cost share for disasters above 75 percent. Traditionally, presidents have approved increasing the federal cost share for disaster response to 90 percent, saving state and local governments billions. This change would have cost Oregon \$143 million from 2008 to 2024. Further, the Administration suggests limiting spending for Category G facilities to no longer cover recreational facilities. Instead, Category G funding would only be approved for damages to so-called critical facilities, which would remove reimbursement funding for damages to a host of public facilities, including parks, playgrounds, athletic facilities, and other recreational facilities.

Finally, the Administration has stopped approving new allocations of Hazard Mitigation Grant Program (HMGP) funding. Traditionally, HMGP funding is provided at a level equal to 15 percent of the amount of money that FEMA projects it will spend on a disaster, thereby impacting future disaster preparedness.

Oppose Cuts to Programs that Support Tualatin's Most Vulnerable Populations

In July 2025, President Trump signed the so-called "One Big Beautiful Bill Act" (OBBBA) into law, a massive sweeping piece of legislation that will have profound impacts on our social safety net programs. In short, and among other things, the OBBBA makes a variety of changes and cuts to programs like Medicaid, Medicare, and the Supplemental Nutrition Assistance Program



(SNAP). Medicaid, which insures nearly 1 out of 5 Americans, will suffer from the largest cuts to the program in its history, causing an estimated 10 million people to lose health insurance coverage by 2034. The bill will also increase costs for the state of Oregon in a variety of ways and will limit the ways in which the state has traditionally come up with funds to pay the non-federal match for Medicaid services. Meanwhile, estimates suggest that the OBBBA will result in a \$45 billion cut to Medicare in 2026, growing to a \$75 billion cut in 2034 due to a 2010 law known as PAYGO that requires that legislation that increases the deficit (like the OBBBA) must be paid for by tax increases or spending cuts. Finally, it is estimated that more than half of those served by SNAP will lose some or all of their nutrition benefits over the next decade due to the passage of the OBBBA.



CITY OF TUALATIN

Staff Report

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM:

DATE: September 22, 2025

SUBJECT:

Consideration of Resolution 5913-25 Authorizing the Pennies for Climate Action Program and Ordinance 1452-25 Imposing a 0.3% Privilege Tax on Portland General Electric Company.

RECOMMENDATION:

Staff recommends the City Council adopting Resolution No. 5913-25, Authorizing the Pennies for Climate Action Program and Ordinance 1452-25, Imposing the Privilege Tax on Portland General Electric Company.

EXECUTIVE SUMMARY:

The City Council adopted the Community Climate Action Plan on May 28, 2024, which provides a road map the City can use to achieve net zero emissions by 2050. The final plan consists of 146 actions within seven focus areas. On October 14, 2024, the City Council adopted a two-year work plan, which included the following action.

- 8.1.11 Identify an ongoing funding source. By identifying a consistent funding source, the City can better plan and carry out actions that have a monetary cost or rely on consultant support. This could also be used to fund the full-time employee recommended in another implementation action.

During the City Council's Advance on February 28 – March 1, 2025, the City Council opted to include the action in their list of priorities for the calendar year.

- 5.2 Identify a funding source to support ongoing Climate Action programmatic efforts, including staffing, consulting, and implantation work.

Staff contracted with ECONorthwest to analyze options for funding this work on a sustainable basis, and ECONorthwest provided their report on February 24, 2025. Their findings included a variety of options, including local option levies, right-of-way fees, utility fees, gas tax, building permit fees, grants, green lodging tax, stormwater utility fee, and a "Share the Pennies" program.

On May 27, 2025, staff provided the City Council with additional information on right-of-way fees, building permit fees, and an optional fee called "Share the Pennies" that would appear on utility bills. The City Council reached a consensus to proceed with a funding strategy consisting of an optional \$0.99 fee, a 5% building permit surcharge, and a 0.3% electric franchise fee increase.

Pennies for Climate Action Program

Staff is before you this evening for authorization of the “Pennies for Climate Action” Program. The \$0.99 optional fee will be assessed on monthly utility bills beginning in January 2026.

Building Permit Surcharge

Staff met internally and determined more information was needed in order to implement a building permit surcharge. This research will be assigned to the Climate Action Plan Manager and action needed to implement will be brought to the City Council at a later date.

Electric Franchise Increase

The City’s Franchise Agreement with Portland General Electric allows for the City to impose a privilege tax based on a percentage of the Gross Revenue earned from PGE’s customers within the City, in addition to the 3.5% franchise fee as set forth in the Franchise Agreement, with a 90 day notice. Staff has notified PGE of the City’s intent to impose a 0.3% Privilege Tax, effective January 1, 2026.

OUTCOMES OF DECISION:

If the Pennies for Climate Action Program is authorized, staff will begin public noticing in October 2025 with website, newsletter, and utility bill notices. The fee will first appear on utility bills for collection in January 2026. The opt-out will be made available with the first public noticing but can be selected at any time. If the request is made before the 15th of the month, the optional fee will be removed from the same month’s bill.

The revenue from the Pennies for Climate Action Program and the electric franchise increase will be dedicated to implementation of the Climate Action Program, including the salary of the new Climate Action Plan Program Manager. The position was advertised between August 23, 2025, and September 14, 2025, and received over 50 applications. Staff expect the position to be filled before the end-of-the-year.

ALTERNATIVES TO RECOMMENDATION:

The City Council may decide to move forward with one or both funding options outlined in this staff report. In addition, the City Council may decide to adjust the levels of either funding options. Staff would likely need to return at a subsequent meeting with updated materials, if the direction was to adjust either of the funding levels.

FINANCIAL IMPLICATIONS:

If there is 100% participation, the Pennies for Climate Action Program will raise \$150,000 in funding each year. If there is 87% participation, the program will raise \$130,000. If there is 50% participation, the program will raise \$75,000. The Electric Privilege Tax is estimated to generate approximately \$150,000.

ATTACHMENTS:

- Presentation
- Resolution No. 5913-25
- Ordinance No 1452-25



Climate Action Plan Funding Authorization

September 22, 2025

Background

- Climate Action Plan adopted on May 28, 2024
- Two-Year Work Plan adopted on October 14, 2024
- ECOnorthwest report to the City Council on February 24, 2025
- Additional information provided to the City Council on May 27, 2025

**Tonight, looking for authorization of the Pennies for
Climate Action Program and Electric Franchise Increase**



**CITY of
TUALATIN**

Pennies for Climate Action



- \$0.99/month *optional* fee on utility bills
- Public noticing scheduled to begin in October 2025 with website, newsletter, and utility bill notices
- Fee will first appear on utility bills in January 2026
- The opt-out will be available with the first public noticing, but can be selected at any time
- If the opt-out request is made before the 15th of the month, the optional fee will be removed from the same month's bill
- If there is 100% participation, the program will raise \$150,000 each year
- If there is 50% participation, the program will raise \$75,000 each year



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TUALATIN

Building Permit Surcharge



- After further investigation, the building permit surcharge is not feasible at this time, but will be researched by the Climate Action Plan Manager
- Other funding sources identified (Pennies for Climate Action and Electric Franchise Increase) should be sufficient, at least initially
- City Council may reassess funding sources and revenue at future date



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TUALATIN

Electric Franchise Increase



- City's Franchise Agreement with Portland General Electric allows the City to impose a Privilege Tax based on a percentage of the Gross Revenue earned from PGE's customers within the City in addition to the franchise fee as set forth in the Franchise
- If approved by the City Council, the City will impose a 0.3% Privilege Tax on PGE
- Based upon PGE Gross Revenue in 2024, the Privilege Tax is estimated to generate \$150,000 in revenue for the program



CITY of
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CITY *of*
TUALATIN

RESOLUTION NO. 5913-25

A RESOLUTION AUTHORIZING THE PENNIES FOR CLIMATE ACTION PROGRAM

WHEREAS, the City Council adopted the Community Climate Action Plan on May 28, 2024 after a multi-year process with extensive community engagement;

WHEREAS, the City Council included identifying a funding source to support ongoing Climate Action programmatic efforts, including staffing, consulting, and implementation work as a 2025 priority;

WHEREAS, the City contracted with ECONorthwest to analyze options for funding this work on a sustainable basis, and ECONorthwest provided their report on February 24, 2025;

WHEREAS, the City Council directed staff to move forward with a braided funding strategy on May 27, 2025, that included an *optional* monthly fee of \$0.99 modeled, in part, after a Memphis, Tennessee program called "Share the Pennies";

WHEREAS, the \$0.99 fee will be assessed on monthly utility bills and includes an opt-out provision that can be selected at any time;

WHEREAS, public noticing of the Share the Pennies Program is scheduled to begin in October 2025 with website, newsletter, and utility bill notices; and

WHEREAS, the Share the Pennies Program will first appear on utility bills and collect funds in January 2026.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, THAT:

Section 1. The Pennies for Climate Action Program is authorized.

Section 2. This resolution is effective upon adoption.

Adopted by the City Council this 22nd day of September, 2025.

ATTEST:

CITY OF TUALATIN, OREGON

BY _____
City Recorder

BY _____
Mayor

ORDINANCE NO. 1452-25

AN ORDINANCE IMPOSING A PRIVILEGE TAX ON PORTLAND GENERAL ELECTRIC COMPANY FOR USE OF CITY RIGHTS-OF-WAY TO ERECT, CONSTRUCT, MAINTAIN OPERATE AN ELECTRIC LIGHT AND POWER SYSTEM WITHIN THE CITY OF TUALATIN

WHEREAS, the City Council enacted Ordinance No. 1440-20, granting a Portland General Electric Company (PGE) a non-exclusive franchise (the Franchise) to erect, construct, maintain, repair update and operate an electric light and power system within the City, and setting the franchise fee to be paid for use of City rights-of-way at 3.5% of Gross Revenue earned by PGE for providing utility service in accordance with the Franchise; and

WHEREAS, the Franchise states that Gross Revenues shall include all revenues derived by PGE within the City from PGE providing utility service, and includes, but is not limited to, the sale and use of electricity and electric service, and the use, rental or lease of utility facilities, after adjustment for the net write-off of uncollectibles; and

WHEREAS, pursuant to Ordinance No. 1440-20, Section 7(C), the City retains the right, as permitted by Oregon law, to charge a privilege tax based on a percentage of the Gross Revenue earned from PGE's customers within the City in addition to the 3.5% franchise fee as set forth in the Franchise; and

WHEREAS, the City Council deems it to be in the public interest to impose a 0.3% privilege tax upon PGE for use of City rights-of-way in accordance with the Franchise and Oregon law, which shall be in addition to the existing 3.5% franchise fee paid by PGE.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. There is hereby imposed a 0.3% per annum privilege tax to be paid by Portland General Electric Company, which shall be in addition to the existing 3.5% franchise fee, in order to reach a combined annual payment total of 3.8% per annum of the Gross Revenues earned by PGE for providing utility service in accordance with the Franchise. PGE shall remit the privilege tax to the Finance Director on or before the first (1st) day of April each year.

Section 2. This Ordinance shall be entered into the City's disposition list as set out at TMC 1-1-120 - Special Ordinances.

Section 3. Effective Date. As provided in Section 36 of the Tualatin Charter, this Ordinance shall take effect on January 1, 2026.

INTRODUCED AND ADOPTED by the City Council this 22nd day of September 2025.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder