

**CITY OF TIGARD  
PLANNING COMMISSION  
Meeting Minutes  
July 19, 2010**

**1. CALL TO ORDER**

Vice President Vermilyea called the meeting to order at 7:02 pm. The meeting was held in the Tigard Civic Center, Town Hall, at 13125 SW Hall Blvd.

**2. ROLL CALL**

**Present:** Commissioner Anderson;  
Commissioner Doherty;  
Commissioner Gaschke;  
Commissioner Hasman;  
Commissioner Muldoon;  
Commissioner Schmidt; and  
Vice President Vermilyea

**Absent:** Commissioner Ryan; Commissioner Shavey; President Walsh

**Staff Present:** John Floyd, Associate Planner;  
Susan Hartnett, Assistant CD Director;  
Doreen Laughlin, Sr. Administrative Specialist;  
Gary Pagenstecher, Associate Planner; and  
Darren Wyss, Sr. Planner

**3. COMMUNICATIONS - None**

**4. CONSIDER MEETING MINUTES**

**June 21<sup>st</sup> Meeting Minutes:** Vice President Vermilyea asked if there were any additions, deletions, or corrections to the June 21<sup>st</sup> minutes; there being none, Vermilyea declared the minutes approved as submitted.

**5. PUBLIC HEARING  
DEVELOPMENT CODE AMENDMENT (DCA) 2010-00004  
- USE CLASSIFICATIONS**

**STAFF REPORT**

Associate Planner, John Floyd gave the staff report on behalf of the City. [The staff report is available to the public one week in advance of the meeting].

Floyd told the commissioners that his plan for this evening was to give a simple clarification and an update. He said there are two big “firsts”:

1. The first major code amendment under the Regulatory Improvement Initiative. More will be coming in the near future; and
2. The first use of a new format for Text Amendments (Attachment 1). The aim of this new format is to provide a cleaner, clearer presentation, with comments and proposed changes on facing pages.

Despite the 128 pages contained in the staff report and attached amendment package, the purpose of this text amendment is not to expand or restrict existing uses allowed within the Tigard Zoning Code. Rather, the amendment seeks to improve the existing code by making it consistent, clear, and up to date.

On pages 1 and 2 of Attachment 1, is background information and a project summary.

The amendment package is intended to address a number of underlying problems with this chapter:

- Insufficiently detailed to enable some land uses to be clearly identified and assigned to a land use category.
- It is inconsistent in the level of detail provided for each land use category, some are just a list of examples, while others provide lengthy descriptions and accessory uses.
- New kinds of businesses have emerged in recent years, which were not anticipated or included when the chapter was written.

To address these issues, staff looked to the Portland Development Code for precedents of language and formatting. This was done because the Tigard Code was based upon an early draft of the Portland Code. Given this shared parentage, and the many refinements made to the Portland Code over the years, we were able to find some elegant solutions that fit the structure and intent of our own code.

That said, staff has made a strong effort to retain existing language to the extent practicable. We are not adopting the Portland code wholesale, just looking to it for a strong precedent in how to clarify and simplify our own code.

- A new section to guide administration of the chapter. This is found on pages 7-9, and includes a list of items to be taken into consideration. These include things like hours of operation, number of vehicle trips, how the business advertises itself, and the relative amount of floor space and sales activity of different types of uses on site.
- Clarification of existing use categories by reformatting them into four general subcategories: Characteristics, Accessory Uses, Examples, and Exceptions. Existing language is being retained as much as practicable, but expanded and clarified where necessary.

- The proposal includes minor text corrections and formatting changes within the Definitions Chapter, and Zoning District Chapters, to coincide with changes being made to the Use Classification Chapter.
- The amendment creates one new Land Use Category: “Custom Arts and Crafts,” (page 41) recently established as part of the Tigard Downtown District Development and Design Standards. During that update, this land use category was inserted into the Commercial Zones Use Table, and the Definitions chapter, but not the Use Classifications chapter. The amendment corrects this omission.
- Includes specific exceptions for incidental and temporary outdoor activities, such as Christmas Tree Lots, which historically have been regulated the same as permanent land uses conducting “Outdoor Sales.”
- The proposal includes new uses not addressed in past versions of the code, including, “doggy-daycares” and “beverage container redemption centers.”
- In order to achieve consistency and clarity regarding their intent, two land use categories are seeing a change in their allowed uses:
  1. Personal Services and Repair-Oriented Retail (Pages 56-57)
  2. Basically, dry-cleaners and other uses requiring more than one visit per transaction are being moved from Personal Services to Repair-Oriented Retail.
  3. This change required the City to send out Measure 56 notices to approximately 150 property owners in the C-P, MUR-1, and MUR-2 zoning districts, predominantly located in the Metzger Area and along Scholls Ferry Road.
- Finally, staff has alphabetized the land uses categories and “raised” them up in the hierarchy. This change is most readily seen at the top of Page 7, where Subchapter headings are listed in red. The idea is to reduce the length and complexity of citations.

No public comments have been received by staff, either orally or in writing, though some general inquiries were made by recipients of the Measure 56 notices. These were generally asking for clarification of what changes were being made, and how specific projects may or may not be affected.

### **Recommendation:**

Staff recommends that the Planning Commission find in favor of the proposed code text amendments (Attachment 1 to the staff report), with any alterations as determined through the public hearing process, and make a final recommendation to City Council.

## QUESTIONS OF STAFF

**John, can you explain what the practical effect of the change, for example, the modification for dry cleaners... practically...what does it mean for those businesses?** “In the MUR1 zone district - basically in the urban district personal services are allowed. Repair oriented retail is not. Should you wish to develop this property and include dry cleaners as part of that, he will not be able to do so. That would be a practical effect of that change.”

**Are there any other changes like that, besides the dry cleaners?** “Basically the pet groomers are affected if you drop off your animal and come back to pick it up – that would be moved; however, if it was more of a self dog-wash type of place – that would make it personal services.”

Susan Hartnett, Assistant Community Development Director, stepped in to clarify a point: “As we’ve been working on this, we’ve really asked ourselves ‘why’ repair-oriented is not allowed in those zones - and we cannot find a solid basis for that. It may be something we want to revisit, but what we were really clear about in this project was we were not going to start changing what use categories were allowed in the zones. We didn’t want to suddenly say that all repair-oriented was allowed in those three zones. That may be a question you may want to ask and have us answer, but not as part of this project because it has a much broader implication. When I look at the two use categories though, I look at the impact... and I don’t see a significant difference, which is why I say – ‘why is one allowed and one not allowed?’ But that is an historic issue and not one we’re trying to correct today.”

**Do we know if there are any existing businesses that are affected by these changes, as opposed to undeveloped properties that prospectively may be affected by them?**

Hartnett answered, “We’re not aware of any and, as John Floyd mentioned, all the properties affected by this were sent notification that clarified what these changes would mean to them. If there were any out there, they would be considered legal non-conforming uses – they would not lose their status – they would be allowed to continue under that grandfathering.”

## TESTIMONY IN FAVOR OF THE APPLICATION

Larry Knudsen, 8660 SW 82<sup>nd</sup> Portland, OR 97223 [owner of “Larry’s Custom Christmas Tree Lot”] spoke neither for, nor against, but wanted to clarify his businesses’ status. He said he was the ‘one in question’ last year that had to leave rather abruptly [on the corner of Oak and Hall Blvd.] One of the commissioners said he thinks the City is *still* apologizing about that and that no one was happy about being the Christmas “Grinch.” Mr. Knudsen said he understood that, and that he’d tried to make things work but they just didn’t seem to work out, however; by the grace of God he said they were able to move and finish the season out – so that was a good thing. His main question was “What does it look like for the future – for somebody in the MUR-2 zone [in his line of business]?” John Floyd answered, “This is the amendment that will help this situation. As I understand it, in the past, the Christmas tree lots were regulated in the same way as permanent outdoor sales. Under this amendment

package, there is a very specific exception for Christmas tree lots. They are not considered outdoor sales. They will be considered 'temporary activities' and regulated as such."

At this point, Susan Hartnett spoke about the difference between 'temporary activities' and 'outdoor sales.' She said, "The 'Temporary Uses' chapter was recently revised for the Farmer's Market amendments. That chapter still needs some work. We have created a clarification in this new chapter under outdoor sales - to clarify that anything that is a temporary use is not considered an outdoor sales use. One of the things we are going to be doing in the next package is revising that entire chapter, in part, to step away from the use of the word "use" - because these are not temporary 'uses', but are temporary 'activities' - and that's what a Christmas tree lot is. It's there for a month, 6 weeks at the most, and then it's gone. It's not like a 'use' - which is a permanent on-site, having ongoing impacts. The temporary activities chapter, as it's going to be renamed, will clarify how long this kind of impact should be allowed based on the zones. And in the mixed-use zones, the anticipation is that it's a more likely active zone and, therefore, temporary activities of this nature for sure should be allowed. Right now we have a little bit of a glitch - a kind of 'circular argument' - but staff all knows that we're going to ignore that little circular link until we get that fixed. The intention is - temporary activities are not outdoor sales and therefore not subject to the zoning requirement that outdoor sales be allowed in the zone in which a Christmas tree lot is going to be proposed."

Commissioner Vermilyea said, "That was perfectly stated and I'm glad you said it just that way because now it's on the record so if we make this recommendation to Council, and City Council passes it, the intent will be to enforce it as Susan has just stated it. So you [Mr. Knudsen] should be 'good to go' for this season." Knudsen thanked them and said that's what he needed to clarify.

## **TESTIMONY IN OPPOSITION OF THE APPLICATION**

There was no one present in opposition.

## **PUBLIC HEARING - CLOSED**

## **DELIBERATIONS**

Some of the commissioner comments follow:

"The way this is written makes it very, very clear as to what's covered and what's not covered." "I like the way this is laid out - it makes it much clearer for the user. I did get an email from Commissioner Walsh and his email indicated he didn't have any issues with it - he thought it worked well." "All in all - I think this is a good package and very non-controversial, which is nice."

## MOTION

The following motion was made by Commissioner Doherty, seconded by Commissioner Muldoon:

**“I move that the Planning Commission forward a recommendation of approval to the City Council of application number DCA2010-00004 and adoption of the findings and conditions of approval contained in the staff report as amended on page 31.**

The motion **CARRIED** on a recorded vote, the Commission voted as follows:

**AYES:** Commissioner Anderson, Commissioner Doherty,  
Commissioner Gaschke, Commissioner Hasman,  
Commissioner Muldoon, and Commissioner Vermilyea (6)  
**NAYS:** None (0)  
**ABSTAINERS:** None (0)  
**ABSENT:** Commissioner Ryan and President Walsh (2)

Vice President Vermilyea noted this will go before Council for a vote on September 14<sup>th</sup>.

### 6. WORK SESSION – Economic Opportunities Analysis Meeting

Senior Planner Darren Wyss introduced Steve Faust as a Senior Planner with Cogan, Owens, Cogan (COC). He said they are the consultants who are working on the Economic Opportunities Analysis (EOA) with the City. He said they are here to give an update on the progress and future activities in the EOA.

There are three items to cover:

1. The schedule;
2. The Community Economic Development Objectives; and
3. The interviews that have taken place and will continue to take place in the next few weeks.

#### 1. The schedule:

- Project was funded by a grant from the state. The grant will be completed by May 31<sup>st</sup> of next year.
- Included in the packets are: 1) Scope of work with general timelines, 2) Grant agreement schedule for submitting reports.
- We are finalizing Task 1, which includes drafting the Community Economic Development Objectives; defining the planning area; gathering data; and coordinating with state/regional partners by conducting interviews.
- We will continue working on these things the next couple of months
- We’ve begun Task 2 (the transit houses). We’ve collected data from the state and Steve’s team has started to analyze that data and that will continue through the rest of the summer. In September, you’ll have data to look at.

- Task 3 – Site Suitability Analysis will start after task 2 is complete.
- Task 4 – We’ve started GIS analysis – we need to meet again and refine that analysis. In September, when we come back on this, we’ll have some good information for you to look at and give feedback on.
- Task 5 – the assessment and potential will be late autumn
- Task 6 – the implementation policies, based on the previous steps, will be early winter (PC in the form of advisory committee feedback will be important & meetings will probably be monthly in the fall)
- Completed draft EOA is planned for about the end of March (workshops with PC in Feb/March for review)

## 2. Community Economic Development Objectives

- This will define our approach to economic development
- Goal 9 used as guide
- Condensed into a set of broad brushed objectives

## COMMENTS / QUESTIONS

**“I have a question on ‘Development and redevelopment of vacant and underutilized industrial and commercial land-use.’ Do we have a method by which we’re going to identify those before we begin promoting them? And, what’s our process for that?”**

Wyss answered: Task 4 will be the inventory of suitable sites and will define what we consider to be redevelop-able. And we already have our vacant billable lands inventory that we update every year.

**“Do we have any develop-able land left?”** Yes, we have some vacant commercial and industrial sites in the City. It’s pretty limited. We’ll have all those numbers for you and a map that you can look at when we come back in September.

## 3. Interviews

At this point, Steve Faust gave a brief update on the five interviews to-date. The following are key points from those interviews:

- Consensus that the City’s location is its primary asset, particularly with regard to transportation corridors and the Portland metro area.
- Quality of life and skilled workforce are also cited as strengths.
- Many regard the Tigard Triangle as a successful/competitive area.
- There is general agreement with the City’s priority areas, especially downtown and the Triangle. There is concern that future development/redevelopment will compound existing traffic problems.

- To attract business and population, it is recommended that the City lower business taxes, develop transportation alternatives, and improve infrastructure (particularly related to transportation).
- There is some support for diversifying housing stock and types of businesses, including mixed-use districts that bring people downtown and are active outside of business hours (i.e. evenings).
- There is a need for workforce/low-income housing, particularly near grocery stores and other neighborhood services.
- No one identified any business clusters or specific opportunities to expand the traded sector.

**NEXT STEPS MEETING - SEPTEMBER 20**

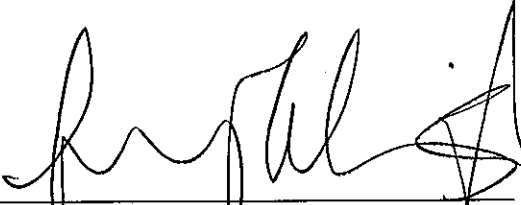
- Finalize Task 1 and continue working on 2, 3, & 4
- Bring more info to review in September
- Begin having monthly agenda items related to EOA

7. **OTHER BUSINESS** – None.

8. **ADJOURNMENT**

Vice President Vermilyea adjourned the meeting at 7:58 pm.

  
 Doreen Laughlin, Planning Commission Secretary

  
 ATTEST: Vice President Jeremy Vermilyea