



City of Tigard

Tigard Business/Workshop Meeting - Minutes

TIGARD CITY COUNCIL & LOCAL CONTRACT REVIEW BOARD (LCRB)

MEETING DATE/TIME: July 21, 2009/6:30 Business/Workshop Meeting

MEETING LOCATION: City of Tigard – Town Hall, 13125 SW Hall Blvd., Tigard, OR 97223

- **BUSINESS MEETING**

- a. At [6:35:44 PM](#) Mayor Dirksen called to order the Tigard City Council and Local Contract Review Board.
- b. Deputy City Recorder Krager called the roll.

	Present	Absent
Councilor Webb		x
Council President Wilson	x	
Councilor Buehner	x	
Mayor Dirksen	x	
Councilor Henderson		x

- c. Pledge of Allegiance
- d. Council Communications & Liaison Reports - None
- e. Call to Council and Staff for Non-Agenda Items - None

1. **CONSENT AGENDA:** (Tigard City Council and Local Contract Review Board)

- 1.1 Approve City Council Minutes for May 26, 2009
- 1.2 Extend Intergovernmental Agreement through June 30, 2010, with Metro Providing Police Department Support for the Enforcement of Metro’s Illegal Disposal Ordinance
- 1.3 Local Contract Review Board:
 - a. Award Pavement Overlay Pavement Major Maintenance Program (PMMP) Contract
 - ~~b. Approve Purchase of Five New Patrol Vehicles through the State of Oregon Contract~~

Note: Item 1.3.b removed from Agenda on July 17, 2009.

Councilor Buehner moved to approve the Consent Agenda. Council President Wilson seconded the motion and all voted in approval.

		Yes	No
Councilor Webb	Absent		
Council President Wilson		x	
Councilor Buehner		x	
Mayor Dirksen		x	
Councilor Henderson	Absent		

• **WORKSHOP MEETING**

2. DISCUSSION WITH CITIZENS ON THE FORMATION OF AN AQUATIC DISTRICT TO FUND THE OPERATION OF THE TIGARD-TUALATIN SCHOOL DISTRICT’S SWIMMING POOLS

6:38:20 PM Public Works Director Koellermeier introduced this item. He said the swimming pools at the high schools in Tigard and Tualatin are suffering financially and the Tigard-Tualatin School District (TTSD) is talking about closing them. He said a group of concerned citizens has proposed a solution to keep the pools open. He introduced spokesperson Pam Griffith, representing a group of citizens wanting to preserve the pools at each high school for the community’s benefit.

Ms. Griffith said the swimming pools have been operating at a loss for the Tigard-Tualatin School District (TTSD) and the District indicates that they cannot continue to accept these annual losses, which are calculated to be \$500,000 to \$600,000 per year. Options include mothballing or closing the pools, on which construction costs are still being paid by people in the TTSD and will be until the year 2016.

She said the group proposes the formation of a special Aquatics Park and Recreation District under ORS Chapter 266. The essential features of the proposal are:

- 1) District boundary would be the same as the current TTSD boundary.
- 2) The District would be managed by a five-person board of directors, elected at-large from members of the new District.
- 3) The District would be funded by a permanent tax levy (9 cents per \$1,000 of assessed property in the district)
- 4) TTSD would continue to own the pools and the new District would operate them. They are considering a lease arrangement.

This is a limited special district request, and is only for the purpose of continuing the status quo operation of the pools. No expansion is being contemplated. The communities are major users of these pools, at a level of 100% in the summer and 80% the rest of the year. Benefits to the cities (Tigard, Tualatin, King City and Durham) include swimming lessons, recreational opportunities for all ages, family swims, lap swims, water polo, swim teams, rehabilitation and exercise, and training for law enforcement, firefighters and the FBI. Swimming pools also provide added value to neighborhood homes.

Regarding process, Ms. Griffith said the group has spoken with representatives from the cities of Tigard and Tualatin, Washington County, both city’s park boards and the TTSD. She said they are asking the cities for certified resolutions of support, consenting to the formation of this special district. She said they need to present a petition to Washington County by September, 2009 and this needs to be on the ballot by May of 2010. People would be voting on:

- Approving the formation of the district
- Approving the tax levy
- Electing a board of directors

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[6:46:34 PM](#) Council President Wilson expressed concern that part of Tigard isn't in TTSD or the Tualatin Hills Park and Recreation District and wouldn't be part of this proposed special district either. He said Council recently approved a Parks Master Plan that for the first time had a recreation program component and he would like to see an analysis of how an aquatic district (that doesn't quite cover all of Tigard) and a citywide recreation program (that might include aquatics) could coordinate.

[6:48:13 PM](#) Ms. Griffith responded that the primary reason for using the TTSD boundary is that citizens within that district are still paying for the construction of the pools so it makes sense to have those same people pay for the operation. Residents who are not in the TTSD boundaries would not be discouraged from using the pools but there might be a slightly increased fee for them. Another reason for choosing that boundary is a TTSD recommendation that the boundaries match. She said an additional complication is obtaining a new boundary map. She said they understand that it is easier to annex additional territory after a district is formed than to include the entire cities of Tigard and Tualatin.

She said their effort won't interfere with any plans that Tigard may have for parks and recreation, and in fact it could be complimentary. She reiterated that this is a limited effort, solely to fund the pools at this crisis stage. She said, "If we wait until other plans are in place, the pools may be lost."

[6:50:52 PM](#) Council President Wilson said that Tigard is contemplating a Parks Bond and while the timing is uncertain at this point, Council is concerned about both being on the ballot at the same time.

[6:52:26 PM](#) Mayor Dirksen asked how they arrived at the figure of nine cents. Ms. Griffith said their volunteer accountant obtained and analyzed historical financial information and projected the anticipated operating costs for the next ten years. The assessed property values were given to them by TTSD.

Councilor Buehner asked, "Things happen and major infrastructure needs come up. Is money being set aside for a major revamp if necessary?" Ms. Griffith said they did plan for contingencies.

[6:54:20 PM](#) Mayor Dirksen said an economic feasibility study is required in order to put this on the ballot. He said before Council considers a resolution, this would need to be reviewed. He referred to comments made by Council President Wilson regarding the proposed boundary and said he would favor including all areas of Tigard in the aquatic district. He said a separate boundary study would not be required because one exists already.

City Manager Prosser asked Finance and Information Services Director LaFrance to discuss the financial analysis with Ms. Griffith. He mentioned that the City Attorney reviewed the draft resolution and indicated it goes farther than required. He asked Council for their comments or suggestions on the proposed resolution. Mayor Dirksen said Council would want to follow the wording recommendations from the City's legal counsel.

Mayor Dirksen commented that everyone is struggling in this economy and commended the group for coming together to work towards a solution.

Note: The following item was heard out of order. Agenda Item 4 was heard before Agenda Item 3.

3. PRESENTATION OF THE RESULTS OF THE PARKS BOND SURVEY AND DISCUSSION REGARDING PARKS BOND MEASURE ELECTION DATE

[7:12:08 PM](#) Public Works Director Koellermeier introduced representatives from the Trust for Public Lands (TPL), Geoff Roach and Joshua Alpert. He said TPL has been assisting the City recently with acquiring the Fowler property from the Tigard-Tualatin School District. In addition, TPL assists government agencies and municipalities in analyzing and organizing other conservation and park land issues. He said one of Council's goals this year is to continue planning for park acquisition and a parks bond is anticipated for 2010. He said TPL helped the City with a voter attitude survey and are present to interpret the results.

[7:14:04 PM](#) TPL's NW Conservation Services Director Joshua Alpert said the Trust for Public Lands helps communities determine whether the timing is right to go forward with conservation finance measures and if so, assists with campaigns. He described the May 2009 telephone survey process. He said there is a very high voting populace in Tigard which is helpful when putting something on the ballot. He said 68% felt the City is going in the right direction – an unusually high number - and 85% of those polled said they felt good about the City.

[7:21:09 PM](#) Council President Wilson asked who wrote the survey questions. Mr. Alpert said they are based on a template but City representatives such as City Manager Prosser were pulled in to work with the pollsters.

[7:22:24 PM](#) Mr. Alpert said TPL recommends that the City put a \$20 million bond measure on the ballot this November for natural area preservation, water quality protection and wildlife habitat conservation. He said, "The timing issue may be the surprising part here but when we see surveys like this, our immediate inclination is to go as quickly as possible." He said with the current economy, timing is critical. He said there is still time to go ahead with this in November and run a robust campaign with a lot of public involvement. The filing deadline is September 3 which gives the City time to work with the City Attorney and bond counsel to put the correct language in place. He said at that time TPL's work with the City would end and they would become de facto campaign consultants.

[7:24:43 PM](#) City Manager Prosser cautioned that under state law, no public body can engage in campaigns; they can only provide impartial information. He suggested Mr. Alpert discuss the role of a citizen's group as a campaign organization. Mr. Alpert said they work with citizens to help run a campaign. He pointed out that Council, as elected officials, can campaign.

[7:26:04 PM](#) Councilor Buehner asked what they think the impact of the economy had on a survey taken in May and how that relates to how people might vote in November. Mr. Alpert said surveys are generally considered valid for one year, but in this economy surveys have a shelf-life of seven or eight months. He noted that even in this economy, the Trust for Public Lands had an 86% passing rate last year for measures they were involved with across the country. He said these survey numbers would be right on track for November. May election results would depend on what is happening in the economic climate at that time.

[7:27:54 PM](#) Council President Wilson asked where they got the \$20 million figure and the cost per thousand. Mr. Alpert said, "We have a rule of thumb that \$50 per household is standard. \$65.00 per household is not out of reach."

[7:29:09 PM](#) Public Works Director Koellermeier said we are trying to fill the non-SDC (System Development Charge) gap. Council President Wilson asked him if he was comfortable with the cost estimates in the Parks Master Plan. Mr. Koellermeier said there were as good as they could be at this point. Mayor Dirksen said the figures are promising, and Council has made the purchase and preservation of open space a priority. He said, "If we wait any longer, the land will be gone."

[7:31:16 PM](#) Councilor President Wilson said he also favored moving forward quickly because he didn't think property was ever going to be cheaper. Councilor Buehner said that she is convinced as well that the City should move ahead in November.

[7:31:59 PM](#) City Manager Prosser said the September 3 deadline could be an issue for Council as the next meeting is not until August 11. He asked Council to give him direction if they are interested in a ballot measure in November because the City Attorney will need to be contacted and discussions held about the types of projects to include.

[7:33:41 PM](#) Council President Wilson asked the TPL representatives to comment on why some projects didn't score as highly in the survey, such as the downtown plaza project. He asked if including such projects would jeopardize the bond. Mr. Alpert said, "No, I don't think it would jeopardize it as long as the package that Council puts together reflects the top tier items that were selected as, 'extremely important' or 'very important' priorities by those surveyed." He said he didn't know why the downtown plaza or trails didn't test as highly but this would not preclude adding them to the list of projects for a bond. Mayor Dirksen said he hoped this reflects that citizens feel the same sense of urgency as he does towards purchasing property and preserving it as open space.

Note: Agenda Item No. 4 was heard out of order. It was heard prior to Agenda Item No. 3

4. REPORT ON WASHINGTON COUNTY URBAN AND RURAL RESERVES PROCESS

[7:02:41 PM](#) Community Development Director Bunch reported that Washington County is asking local jurisdictions to advise them on the size and locations of urban and rural reserve candidate areas. After that the County Commission will forward its recommendation to the Metro Reserves Steering Committee. He said the County has designated 46,000 acres as urban reserves study areas. He said this 46,000 acres also includes the land Tigard acknowledged that it expects to provide services to in the next 30-50 years.

There is some opposition from the farming community to the designation of the 46,000 acres. The County will host an open house on August 20th for public comment on the proposed urban and rural study areas. Tigard City staff will be in attendance and will also have a written narrative available. Washington County asked for a report by Monday, July 27, and Mr. Bunch indicated to them that Tigard's City Council would need to review it first. He said he would have a report to Council in the Council Newsletter on Friday or in a Study Session.

Community Development Director Bunch said it was his understanding that Tigard's position is that they are satisfied with the amount of land the City is expected to serve in the future. The expected use for this land is low and medium density housing. And because the City is not contiguous with any of the land out there it is not the City's priority. He asked Council if this was still their position regarding this matter.

[7:07:53 PM](#) Council concurred that nothing has changed with their earlier direction. Mayor Dirksen commented that while it is anticipated this land will become low to medium density housing, since it is not going to come into the Urban Growth Boundary for 20 years or so, we cannot really speculate about what the needs for this land will be.

[7:09:35 PM](#) Councilor Buehner said the City's policy may change if petitions are received from citizens living outside the Urban Growth Boundary and within Area 64. She said she met with Metro Councilor Harrington who suggested Tigard include in their narrative that land near Roy Rogers Road could eventually be employment land (as well as residential development) given its excellent transportation, infrastructure and proximity to a light rail station in Sherwood. She said Metro Councilor Harrington also suggested that Tigard

consider a joint presentation with Tualatin, Sherwood and King City as to how this area should develop over the next 50 years.

[7:10:59 PM](#) Council President Wilson said the current situation of Areas 63 and 64 is of concern to Council in that Tigard has no active role in their planning but their further development would impact Tigard.

5. FINAL REPORT REGARDING THE STREET MAINTENANCE FEE PUBLIC OUTREACH EFFORT

Engineer Duenas introduced staff team members Finance and Information Services Director LaFrance, Community Development Director Bunch, Public Works Director Koellermeier, Rights-of-Way Administrator McCarthy, Assistant Planner Daniels, and Associate Planner Floyd.

[7:37:35 PM](#) Engineer Duenas introduced members of the reconstituted Transportation Financing Strategies Task Force who were in attendance: Bev Froude, Chris Warren, Tony Rivano, and Rick Parker. He noted that Councilor Buehner was the Council representative on the Committee.

He discussed the process used for public outreach and asked the team members for their impressions. He said they started in February by creating a Street Maintenance booklet and met with stakeholders, as Council requested. A wide variety of meetings were held with businesses, non-profits and churches. They attended the Tigard Farmers Market twice to talk with people. Other venues for public comment were also provided. He said the report shows that the charges do not seem to be of great concern to Tigard residents. A small minority of residents don't want to pay more, especially at this time. Small businesses are very concerned as well as non-profit organizations and churches, who have been hit with lower budgets. Larger businesses said while they don't want to pay more, they understood the problem and would not oppose an increase. He said \$1.1 million in stimulus funds would help with arterial road restoration and provide some flexibility, which will be addressed later in the financial recommendation.

[7:41:32 PM](#) Task Force Member Warren said he is a plumber and his perspective is to take care of things that are working and keep them working so they don't get more expensive to fix. He said, "It is important to keep the infrastructure maintained to make sure we don't let things deteriorate until it costs three to five times more to replace them." He attended several meetings and was sympathetic to small businesses but felt that everyone should shoulder the responsibility. Mayor Dirksen asked if anything he heard or saw changed his opinion. Mr. Warren said he commiserated with some small businesses but felt that now is not the time to start a downward cycle. He suggested there be adjustments for non-profit organizations and churches.

[7:45:43 PM](#) Task Force Member Parker said he didn't attend the public forums because he was opposed to any increase from the beginning. He said the City missed the mark years ago when evaluating infrastructure which put them in this position now. He said not enough money was requested when the street maintenance fees were originally enacted. He said he met with four downtown business owners who were all against a fee increase. He said three owners expressed concern that they wouldn't even be in business next year and he wished they would have been present tonight. He said two businesses understood the connection between better roads and customer access. He said the downtown businesses community is in tune with the local economy and he said that public comment is clear. He said Council has two options: tabling increases for a few years and pulling in the business community more, or directing City staff to find money elsewhere.

[7:50:25 PM](#) Task Force Member Rivano said he didn't attend any public meetings but discussed feedback from the community in the Transportation Financing Strategies Task Force meetings. He suggested looking at the scope of each job since construction businesses are in bad shape right now and it might cost the City less than what the consultants said it would cost. He asked why the City couldn't bid the jobs for the next 3-4 years and then come back with a number. He mentioned the economy, the bond measure just discussed tonight, and business owner concerns as his reasons for remaining on the fence regarding this issue.

Task Force Member Froude mentioned that she was on the previous Transportation Financing Strategies Committee and attended some meetings but thought the City needs to look at this more closely. She declined to say whether she was for or against the fee increase.

[7:52:56 PM](#) Mayor Dirksen asked the Task Force members to comment on the public outreach process and whether they found it a valid program that gave citizens adequate opportunity to give input.

Task Force Member Parker said he was amazed at the level of planning and time commitment City staff put in to receive comment and he was pleased to see the response volume.

Task Force Member Warren said he was surprised at the lack of people who showed up. He said 75% of individuals, after hearing an explanation of the physical and fiscal situation, agreed that this made sense. He commented that democracy is about showing up and he questioned why the four business owners referred to by Mr. Parker earlier didn't attend.

Rights-of-Way Administrator McCarthy said his outreach participation included attendance at the Farmers Markets and Chamber of Commerce and one-on-one discussions with about 60 people, the majority of which were residents, not business owners. His perspective as a staff person is that he is providing data and not advocating one way or another. The majority of people he talked to were positive about it. He did hear from 15 of the 60 who were somewhat negative about fee increases for any purpose. He noted that larger businesses were favorable and smaller businesses worried about their bottom line. He noted that recent bids received for the upcoming slurry seal project were within 10% of the City's estimate.

Assistant Planner Daniels summarized new ways used by staff to reach citizens:

- Attending Tigard's Farmers Market, advertising that the City would be there at a certain time to discuss a particular topic. There were people who attended the market specifically to talk about this issue.
- More comments were received online.
- A street maintenance fee outreach video was created and shown on TVCTV and online

Associate Planner Floyd said he attended six of the meetings and wanted to add two comments to the items mentioned previously. He stressed that it is important to businesses that both residents and businesses share this fee. There was a rumor out in the business community that residents don't pay for this. His second item is that for smaller businesses, timing is the big issue, not necessarily the need for the fee.

[8:03:45 PM](#) Councilor Buehner said she attended three of the meetings. She said she was shocked at how few business owners showed up to voice their opinions. She mentioned attending one meeting with a large business which was very positive about the fee.

[8:04:45 PM](#) Council President Wilson asked about the differences in street ratings obtained in 1999 and 2007. Engineer Duenas replied that an overall condition index was not completed in 1999 and this new system relies on the Pavement Condition Index (PCI). He said the average now is 68, although 75 would be a comfortable range to be in since a variety of treatments can be applied. He said a rating lower than 60

would mean we are going downhill. He emphasized that in 2003, there were four different items proposed to Council but they only approved the pavement maintenance part.

Finance & Information Services Director LaFrance said from a financial perspective the goal is to bring Tigard up to a service level where the pavement condition index (PCI) is 75%. He said they learned that regular maintenance is cheaper than rebuilding deteriorating roads. He said about \$2.5 million each year is required to maintain Tigard's transportation system. He said the recommendation from the Transportation Financing Strategies Task Force was to do this through a street maintenance fee to maintain the \$2.5 million target, maintain the service level goal of a 75 PCI rating, and to maintain the current fee split methodology (businesses 55%/residential 45%). Based upon outreach there are some changes proposed by staff:

- Residential fee will now be phased in over two years.
- Commercial and non-profit fees will not be raised in 2010; the total increase will be over a four year period up to full implementation by 2013. This is in line with Councilor Henderson's suggestion that commercial fees not be increased this year.
- The ARRA stimulus money will help with arterials, for which the commercial side is largely responsible.

Finance & Information Services Director LaFrance said staff would like to bring a proposal to Council at the August 25, 2009 business meeting.

[8:12:00 PM](#) Mayor Dirksen noted that there were only three of five Council members present. He said the proposal is interesting and moving in the right direction, but he wanted time to review it. He mentioned hearing from those opposing a fee increase that this outreach was useless because the city "had already made up their minds." He said this is not true as Council has been waiting for the input summarized tonight and no decisions have been made.

[8:14:15 PM](#) Councilor Buehner spoke on behalf of Councilor Webb about recommendations regarding non-profits and churches. Engineer Duenas said religious institutions pay 50% and are classed the same as commercial properties, which will not see any increase the first year.

[8:14:55 PM](#) In response to a question from Council President Wilson, Engineer Duenas confirmed that the current proposal includes right-of-way maintenance. He said this gives people a good impression of the City if the right of way is maintain and also prevents fire hazards.

Community Development Director Bunch asked if Council needed any additional information in order to make a decision. Mayor Dirksen said he wants to see the proposal both with and without right of way maintenance, for comparison.

Councilor Buehner agreed and said the addition of anything new should be deferred because of the economy. She said she understands that Summerfield residents are concerned about this and suggested they come to the City and propose a contract with the city to take care of their right of way.

Council President Wilson said that Council will have to make decisions without having certain information. He commented that the street maintenance fee has to be raised at some point – the only question is when.

City Manager Prosser said he will meet with staff and the Mayor and schedule time for discussion at a future Council meeting.

Councilor Buehner thanked staff and committee members for their work on this.

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6. DISCUSS BUILDING DIVISION FEE ADJUSTMENTS

[8:23:17 PM](#) Finance and Information Technology Director LaFrance discussed the process used to establish service levels in the building division. He said through the budget process the Budget Committee decided that \$300,000 of the deficit in the Building Division Operating would come from the General Fund. Staff was instructed to come back with options and recommendations to raise an additional \$250,000. He noted that fee tables need to be sent to the State for 45 days so hearings can be held. Because of this timeline, the City has already lost one quarter of the year in which to raise this money. He asked Council to confirm that the Building Department has 12 months to come up with the \$250,000, not nine months. Council agreed to the 12-month timetable.

Finance and Information Technology Director LaFrance discussed three options. Option #1 shows model fees from jurisdictions in the West Portland Metro area. He recommends taking part of Option #1 and some of Option #3. He said that basically, Tigard's fees would be around the top of the market, plus 6%.

Interim Building Official Van Domelan gave additional information on the State's required 45-day period. He said the 45-day period is an appeal period. Any appeals would require further justification from the City. It is up to the State to determine whether a city's fees are within reason.

[8:34:36 PM](#) Councilor Buehner asked if Tigard's building permit fees were far below the market. Interim Building Official Van Domelan said Tigard's fees are below the City of Beaverton's and there was also a fee decrease three years ago based on valuations. City Manager Prosser said building fees are set by the City and then applied to a valuation table set by the State. The State started updating their valuation tables every six months. Council Buehner asked if, given the current economy, many other jurisdictions were going through the same process. Interim Building Official Van Domelan said they were. He said other assumptions include the number of permits the City thinks they can sell this year.

Finance and Information Technology Director LaFrance mentioned a community safety component and said there are times where the actual costs of inspecting a water heater are not charged because they would almost equal the cost of a new water heater. He said, "We don't want to discourage proper inspections of gas water heaters, for example, due to the cost being too high."

Community Development Director Bunch said that with the current economy and the fiscal crisis, the City needs to become sophisticated in terms of permit modeling and costing. He said that with the model presented tonight staff feels that the \$250,000 can be raised to help lower the subsidization from the General Fund. He expressed appreciation for the work Finance and Information Technology Director LaFrance and Interim Building Official VanDomelen have done on this.

Council agreed that Interim Building Official VanDomelen's models that are based on Option #1 and the 6% increase could be submitted to the State to begin the 45-day period.

7. DISCUSS BUILDING DIVISION SERVICE SCHEDULE

Mayor Dirksen asked Council if they had read through the proposed Building Division service schedule in their packets and if there was a need for discussion. Council indicated they were familiar with the proposal. Mayor Dirksen said the justification for staggering hours and limiting days so that people are working full shifts made sense. Interim Building Official VanDomelen commented that this fits in with Finance and Information Technology Director LaFrance's model and Council's prior direction on inspection service levels.

8. DISCUSS INITIATION OF A CODE AMENDMENT EXPANDING OPPORTUNITIES FOR OUTDOOR FUNDRAISING EVENTS

[8:53:27 PM](#) Associate Planner Pagenstecher said the purpose of this item was to open a discussion on whether a Community Development Code amendment should be issued to expand opportunities for public benefit and community service organization outdoor sales events.

He said this was precipitated by the Tigard Grange wanting to hold outdoor sales in their parking lot and finding that it is not allowed under the current Development Code. They questioned how the Tigard Farmers Market is allowed to operate in the parking lot of Young's Funeral Home.

Mayor Dirksen said the current Code doesn't really prohibit this; it just doesn't address it very well. Councilor Buehner asked if seasonal temporary sales, such as Christmas trees or berries, were a problem with the current Code. Associate Planner Pagenstecher said these uses are listed in the Code but "Saturday Markets" or farmers markets are not and they would not meet the current criteria of a limited duration to 30 days, for example.

[8:55:46 PM](#) Community Development Director Bunch pointed out another difference with the Grange's request is it is undertaken solely by a non-profit entity for the benefit of that entity. He said with Saturday markets, it is a chartered organization but the people who actually sell the goods are making a profit for themselves. He said the Grange wants to sponsor a farmer's market where operators would pay a small rental fee to the Grange, but make an individual profit. This does not follow the Code.

[8:56:40 PM](#) Councilor Buehner asked if the City can specify what is governed by this Code, i.e. flea markets, or farmer's markets, etc. Associate Planner Pagenstecher said that can be handled simply by issuing a permit that specifies time, place, manner and type of product. Farmers' market products are fruits, produce and flowers. Sometimes arts and crafts can be added if they are secondary to the produce sales, and food may be allowed.

Councilor Buehner and Council President Wilson mentioned these concerns:

- Parking issues
- Visual Clearance
- Impacts on nearby neighborhoods
- Perpetual flea markets or on-going garage sales should not be allowed

Associate Planner Pagenstecher said currently visual clearance and parking can be regulated with very specific, time-tested regulations. He said these uses can be limited to Commercial, Light Industrial or Heavy Industrial Zones. Associate Planner Pagenstecher said Lake Oswego, for example, limits these events to east and west end Commercial Zones and the Lake Grove Industrial zone. Tigard currently limits seasonal sales to the Commercial, Heavy and Light Industrial Zones but there are also cities that pre-approve certain properties for this use, such as the City of Portland does by leasing public parks for the purpose of Saturday Markets.

[9:01:27 PM](#) Council President Wilson commented that these uses are most viable on arterials since they depend on drive-by traffic for customers.

[9:02:31 PM](#) Community Development Director Bunch said staff will develop a proposal taking into account Council's concerns, and bring it forward to the Planning Commission. Mayor Dirksen said, "As always, our goal should be to make our Code such that citizens are allowed to do things as long as they don't impose a burden on others."

9. ADJOURNMENT

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