

120 DAYS = N/A  
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## CITY OF TIGARD

Washington County, Oregon

# NOTICE OF FINAL ORDER BY THE CITY COUNCIL

Case Number:	<b>DEVELOPMENT CODE AMENDMENT (DCA) 2007-00001</b>
Case Name:	<b>ENTERTAINMENT-ORIENTED CODE AMENDMENT</b>
Applicant's Name/Address:	City of Tigard 13125 SW Hall Boulevard Tigard, OR 97223-8189
Owner's Names/Addresses:	N/A
Address of Property:	Citywide
Tax Map/Lot Nos.:	N/A

A FINAL ORDER INCORPORATING THE FACTS, FINDINGS AND CONCLUSIONS **APPROVING** A REQUEST FOR A **DEVELOPMENT CODE AMENDMENT (ORDINANCE NO. 07-12)**.

THE CITY OF TIGARD PLANNING COMMISSION AND CITY COUNCIL HAVE REVIEWED THE APPLICANT'S PLANS, NARRATIVE, MATERIALS, COMMENTS OF REVIEWING AGENCIES, THE PLANNING DIVISION'S STAFF REPORT AND RECOMMENDATIONS FOR THE APPLICATION DESCRIBED IN FURTHER DETAIL IN THE STAFF REPORT. THE PLANNING COMMISSION HELD A PUBLIC HEARING TO RECEIVE TESTIMONY ON **MAY 7, 2007** FOR THE PURPOSE OF MAKING A RECOMMENDATION TO THE CITY COUNCIL ON THE REQUEST. THE CITY COUNCIL ALSO HELD A PUBLIC HEARING TO RECEIVE TESTIMONY ON **JUNE 12, 2007** PRIOR TO MAKING A DECISION ON THE REQUEST. THIS DECISION HAS BEEN BASED ON THE FACTS, FINDINGS AND CONCLUSIONS CONTAINED WITHIN THIS FINAL ORDER.

**Subject:** ➤ A Development Code Amendment amending the Residential Zoning Districts Chapter (18.510) and Conditional Use Chapter (18.330) of the Tigard Community Development Code. This amendment specifically allows Major Event Entertainment (athletic, cultural or entertainment events) as a conditional use on public school sites within all residential zones and adds additional development standards for the use.

**ZONE:** All Residential Zones. **APPLICABLE REVIEW CRITERIA:** Community Development Code Chapters 18.330, 18.330, 18.390 and 18.510; Comprehensive Plan Policies 1, 2 and 6; The Metro Urban Growth Management Plan Titles 1, 8 and 12; Metro Regional Framework Plan Policies 1.14 and 8.3; and Statewide Planning Goals 1, 2, and 10.

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

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

**Final Decision:**

**THIS IS THE FINAL DECISION BY THE CITY AND IS EFFECTIVE ON JUNE 12, 2007.**

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

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

**Questions:** If you have any questions, please call the City of Tigard Planning Division or the City Recorder at (503) 639-4171.

CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
ORDINANCE NO. 07-12

AN ORDINANCE AMENDING THE TIGARD COMMUNITY DEVELOPMENT CODE (DCA2007-00001) CHAPTERS 18.330 - CONDITIONAL USE AND 18.510 - RESIDENTIAL ZONING DISTRICTS, SPECIFICALLY TO ALLOW MAJOR EVENT ENTERTAINMENT AS A CONDITIONAL USE ON PUBLIC SCHOOL SITES WITHIN ALL RESIDENTIAL ZONES AND ADD ADDITIONAL DEVELOPMENT STANDARDS FOR THE USE AND DECLARING AN EMERGENCY.

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WHEREAS, the Tigard City Council directed Staff to prepare a Development Code Amendment to allow Major Event Entertainment uses such as community theatre on school sites; and

WHEREAS, these uses may have adverse impacts on residential areas and it is therefore necessary to require a Conditional Use permit and additional limitations on school sites; and

WHEREAS, notice was provided to the Department of Land Conservation and Development 45 days prior to the first scheduled public hearing; and

WHEREAS, the Tigard Planning Commission held a public hearing on May 7, 2007, and recommended approval of the proposed amendment with a 8-0 vote; and

WHEREAS, notice of the public hearings was published in the Tigard Times Newspaper at least 10 business days prior to the public hearings; and

WHEREAS, the Tigard City Council finds that the individual Major Event Entertainment uses can be further restricted through the Conditional Use process in order to protect livability of residential neighborhoods, while providing cultural opportunities for the citizens of Tigard that may not otherwise be available; and

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

WHEREAS, the City Council has found the following to be the applicable review criteria: Community Development Code Chapters 18.330, 18.380, 18.390 and 18.510; Comprehensive Plan Policies 1, 2 and 6; The Metro Urban Growth Management Plan Titles 1, 8 and 12; Metro Regional Framework Plan Policies 1.14 and 8.3; and Statewide Planning Goals 1, 2 and 10; and

WHEREAS, the Tigard City Council held a public hearing on June 12, 2007 to consider the proposed amendments; and

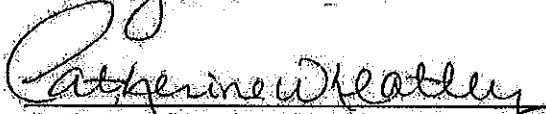
WHEREAS, the Tigard City Council has determined that the proposed development code amendment is consistent with the applicable review criteria, and that approving the request would be in the best interest of the City of Tigard.

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

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

SECTION 2: In order to encourage the timely development of cultural activities an emergency is declared and this ordinance shall take effect upon passage by the Council, signature by the Mayor, and posting by the City Recorder.

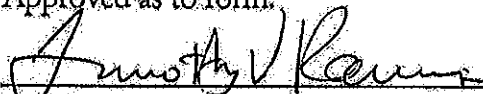
PASSED: By UNANIMOUS vote of all Council members present after being read by number and title only, this 12<sup>th</sup> day of June, 2007.

  
Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this 12<sup>th</sup> day of June, 2007.

  
Craig Dirksen, Mayor

Approved as to form:

  
City Attorney

June 12, 2007  
Date

EXHIBIT A

DCA2007-00001  
ENTERTAINMENT - ORIENTED USE CODE AMENDMENT  
April 2007

**Explanation of Formatting**

These text amendments employ the following formatting:

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

Proposed code language is as follows:

TABLE 18.510.1  
USE TABLE

USE CATEGORY	R-1	R-2	R-3.5	R-4.5	R-7	R-12	R-25	R-40
Schools	<u>C<sup>13</sup></u>	<u>C<sup>13</sup></u>	<u>C<sup>13</sup></u>	<u>C<sup>13</sup></u>	<u>C<sup>13</sup></u>	<u>C<sup>13</sup></u>	<u>C<sup>13</sup></u>	<u>C<sup>13</sup></u>

<sup>13</sup>Permitted as a conditional use on public school sites.

CHAPTER 18.330  
CONDITIONAL USE

13. Major Event Entertainment:

a. The minimum lot size shall be two acres;

b. Setbacks:

(1) The front yard setback shall be a minimum of 30 feet;

(2) On corner lots and through lots, the setback shall be a minimum of 25 feet on any side facing a street, plus meets visual clearance areas, Chapter 18.795;

(3) The side yard setback shall be a minimum of 25 feet;

(4) The rear yard setback shall be a minimum of 30 feet; and

(5) Each setback shall be increased five feet for every 10 feet of building height over 45 feet.

c. With regard to off-street parking: Exempt, if constructed with a school use for school activities only. Otherwise, requirements shall comply with Section 18.765;

d. On school sites the use must be within existing buildings of 10,000 square feet or greater. Expansions based on the original square footage, up to a maximum of 50% are allowed.

