

120 DAYS = N/A



CITY OF TIGARD
Community Development
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CITY OF TIGARD

Washington County, Oregon

NOTICE OF FINAL ORDER BY THE TIGARD CITY COUNCIL

Case Number:	<u>ZONE ORDINANCE AMENDMENT (ZOA) 2004-00001</u>
Case Name:	<u>CODE AMENDMENT TO ALLOW BULK SALES IN THE IP ZONE</u>
Names of Owners:	<u>N/A</u>
Name of Applicant:	<u>Paul Schatz III and Robert Smetts</u>
Address of Applicant:	<u>6600 and 6830 SW Bonita Road</u>
Address of Property:	<u>Citywide</u>
Tax Map/Lot Nos.:	<u>N/A</u>

A FINAL ORDER INCORPORATING THE FACTS, FINDINGS AND CONCLUSIONS APPROVING A REQUEST FOR A ZONE ORDINANCE AMENDMENT (ORDINANCE NO. 04-14).

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 NOVEMBER 15, 2004 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 DECEMBER 14, 2004 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 Zone Ordinance Amendment allowing bulk sales in the IP zone as a restricted use. These limited uses, shall only be allowed in IP zoned property east of SW 72nd Avenue. These uses, separately or in combination shall not exceed 60,000 square feet of gross leasable area in a single building, or commercial retail uses with a total of more than 60,000 square feet of retail sales area on a single lot or parcel, or on contiguous lots or parcels, including those separated only by transportation right-of-way.

ZONE: Citywide. **APPLICABLE REVIEW CRITERIA:** Statewide Planning Goals 1 and 2; Comprehensive Plan Policies 1 and 2; and Community Development Code Chapters 18.380, 18.390 and 18.530.

Action: ➤ Approval as Requested Approval with Restrictions 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 BECOMES EFFECTIVE ON JANUARY 13, 2005.

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) 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

ORDINANCE NO. 04- 14

AN ORDINANCE AMENDING THE LANGUAGE OF THE TIGARD COMMUNITY DEVELOPMENT CODE CHAPTER 18.520 TO ALLOW BULK SALES WITHIN CERTAIN AREAS OF INDUSTRIAL PARK ZONES, SUBJECT TO LIMITATIONS ON SIZE AND OUTDOOR ACTIVITY (ZOA2004-00001).

WHEREAS, the applicant has requested a Zone Ordinance Amendment to amend the language of the Tigard Community Development Code Chapter 18.520 to allow bulk sales in the Industrial Park Zones as a permitted use; and

WHEREAS, planning staff notified the appropriate agencies of the request and received comments from Metro regarding compliance with Title 4 of the Regional Framework Plan; and

WHEREAS, staff evaluated Metro's designated Industrial Lands and Employment Lands, and found that the majority of eligible IP zoned land for limited retail uses was on the east side of SW 72nd Avenue; and

WHEREAS, to further comply with the Title 4 requirements, the maximum allowable size for a single bulk sales use or combination of uses on one parcel is 60,000 gross square feet; and

WHEREAS, to maintain the campus like character for the Industrial Park zone, additional limitations on outdoor storage and activity should be imposed; and

WHEREAS, staff modified the proposal so that bulk sales would be allowed only as a restricted use in IP Zoned property, east of SW 72nd Avenue, limited to a maximum size of 60,000 square feet, and with restrictions on outside sales, storage or activity; and

WHEREAS, the Planning Commission considered the request at their November 15, 2004 public hearing, and unanimously voted in favor of the modified amendment on a 7-0 vote; and

WHEREAS, the City Council held a public hearing on the request on December 14, 2004 and determined that the proposed language adequately addressed concerns regarding protecting the health, safety, and welfare of the Tigard citizens, as well as, the interests of business in Tigard; and

WHEREAS, the City Council has considered the 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 determined that the proposed zone ordinance 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:

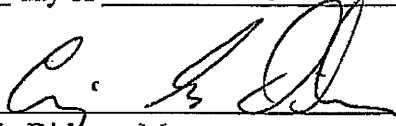
SECTION 1: The specific text amendments attached as "EXHIBIT A" to this Ordinance are hereby adopted and approved by the City Council.

SECTION 2: This ordinance shall be effective 30 days after its 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 14th day of December, 2004.


Cathy Wheatley, City Recorder

APPROVED: By Tigard City Council this 14th day of December, 2004.


Craig Dirksen, Mayor

Approved as to form:


City Attorney

Date

Recommended Development Code Text Amendment

TABLE 18.530.1
USE TABLE: INDUSTRIAL ZONES

USE CATEGORY	I-P	I-L	I-H
RESIDENTIAL			
Household Living	R ¹	R ¹	R ¹
Group Living	N	N	N
Transitional Housing	N	N	N
Home Occupation	N	N	N
CIVIC (INSTITUTIONAL)			
Basic Utilities	C	C	P
Colleges	N	N	N
Community Recreation	C ¹⁰	C ¹⁰	C ¹⁰
Cultural Institutions	N	N	N
Day Care	R ^{3 9}	R ^{3 9}	R ^{3 9}
Emergency Services	P	P	P
Medical Centers	N	N	N
Postal Service	P	P	P
Public Support Facilities	P	P	P
Religious Institutions	N	N	N
Schools	N	N	N
Social/Fraternal Clubs/Lodges	N	N	N
COMMERCIAL			
Commercial Lodging	P	N	N
Eating and Drinking Establishments	R ²	N	N
Entertainment-Oriented			
- Major Event Entertainment	N	N	N
- Outdoor Entertainment	P	N	N
- Indoor Entertainment	P	N	N
- Adult Entertainment	N	N	N
General Retail			
- Sales-Oriented	R ²	N	N
- Personal Services	R ²	N	N
- Repair-Oriented	P	N	N
- Bulk Sales	<u>N R^{4, 11}</u>	N	N
- Outdoor Sales	N	P	P
- Animal-Related	P	P	P
Motor Vehicle Related			
- Motor Vehicle Sales/Rental	N	P	P
- Motor Vehicle Servicing/Repair	C	P	P
- Vehicle Fuel Sales	P	P/C ⁷	P
Office	P	N	N
Self-Service Storage	P	P	P
Non-Accessory Parking	P	P	P

TABLE 18.530.1 (CON'T)

USE CATEGORY	I-P	I-L	I-H
INDUSTRIAL			
Industrial Services	N	P	P
Manufacturing and Production			
- Light Industrial	P	P	P
- General Industrial	N	P	P
- Heavy Industrial	N	N	P
Railroad Yards	N	N	P
Research and Development	P	P	P
Warehouse/Freight Movement	N	P	P
Waste-Related	N	N	P
Wholesale Sales	R ⁴	P	P
OTHER			
Agriculture/Horticulture	P ⁵	P ⁵	P ⁵
Cemeteries	N	C	N
Detention Facilities	C	N	C
Heliports	C	C	C
Mining	N	N	P
Wireless Communication Facilities	P/R ⁶	P	P
Rail Lines/Utility Corridors	P	P	P
Other	NA	NA	P ⁸

P=Permitted

R=Restricted

C=Conditional Use

N=Not Permitted

¹ A single-family detached dwelling or single-family mobile or manufactured home allowed for caretaker or kennel owner/operator when located on the same lot as the permitted use and is exclusively occupied by the caretaker or kennel owner/operator and family.

² These limited uses, separately or in combination, may not exceed 20% of the entire square footage within a development complex. No retail uses shall exceed 60,000 square feet of gross leasable area per building or business.

³ In-home day care which meets all state requirements permitted by right.

⁴ Permitted if all activities, except employee and customer parking, are wholly contained within a building(s).

⁵ When an agricultural use is adjacent to a residential use, no poultry or livestock, other than normal household pets, may be housed or provided use of a fenced run within 100 feet of any nearby residence except a dwelling on the same lot.

⁶ See Chapter 18.798, Wireless Communication Facilities, for definition of permitted and restricted facilities in the I-P zone.

⁷ Vehicle fuel sales permitted outright unless in combination with convenience sales, in which case it is permitted conditionally.

⁸ Explosive storage permitted outright subject to regulations of Uniform Fire Code.

⁹ Day care uses with over 5 children are permitted subject to an Environmental Impact Assessment in accordance with Section 18.530.050.C.1. The design of the day care must fully comply with State of Oregon requirements for outdoor openspace setbacks.

¹⁰ Limited to outdoor Recreation on (1.) land classified as floodplain on City flood maps, when the recreational use does not otherwise preclude future cut and fill as needed in order to develop adjoining industrially zoned upland; and (2.) land located outside the floodplain as shown on City flood maps, when the Recreation Use is temporary and does not otherwise preclude allowed uses or Conditional Uses other than Recreation within the district.

¹¹ These limited uses, shall only be allowed in IP zoned property east of SW 72nd Avenue. These uses, separately or in combination shall not exceed 60,000 square feet of gross leasable area in a single building, or commercial retail uses with a total of more than 60,000 square feet of retail sales area on a single lot or parcel, or on contiguous lots or parcels, including those separated only by transportation right-of-way.