



# SHORT-TERM PRIORITY CODE BUNDLE

*Tualatin City Council*  
*April 22, 2024*

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# AGENDA

- Project Purpose
- Overview of Changes
- Approval Criteria
- Planning Commission Recommendation



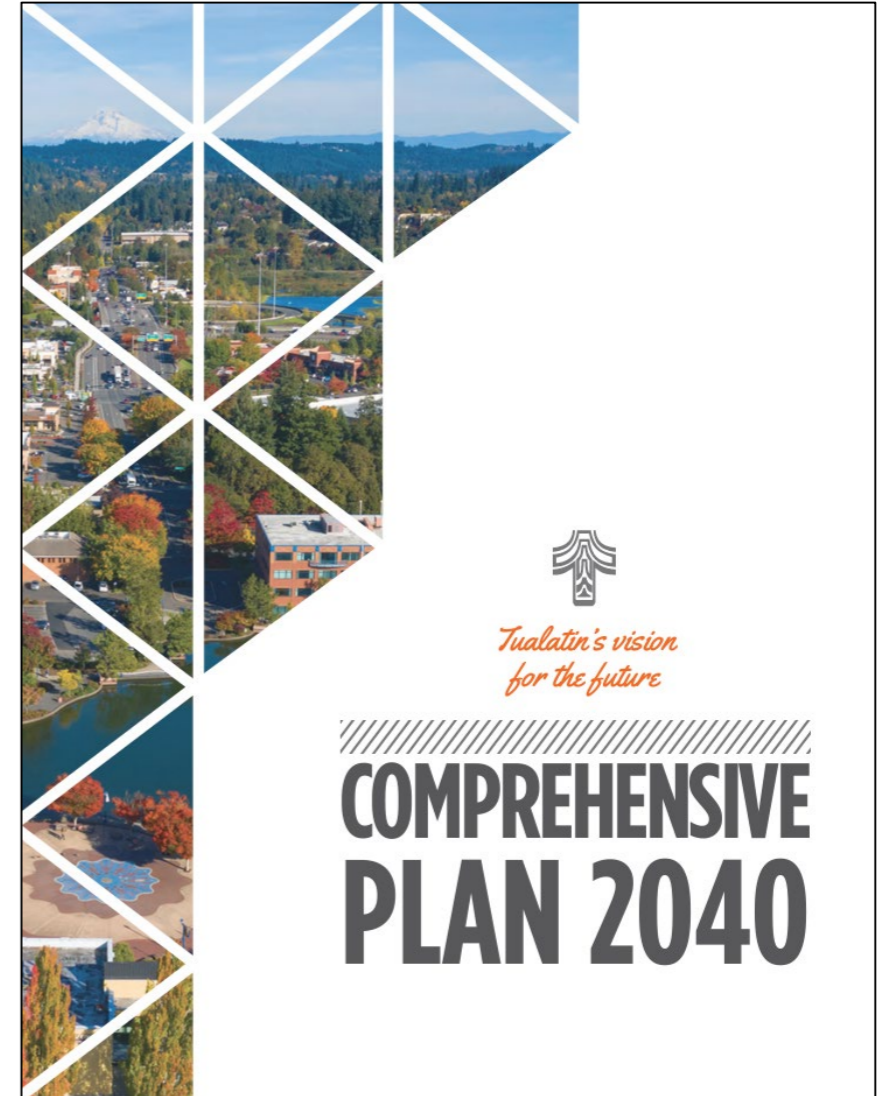
# PROJECT PURPOSE

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## Background

- 2023: Staff received various requests to amend the code by property and business owners;
- January 22: Council directed staff to implement the code bundle amendment;
- February 26: Council previewed draft code; and
- March 27: Planning Commission recommendation to approve the proposed amendments

*Project supports Comprehensive Plan Goal 4.2*



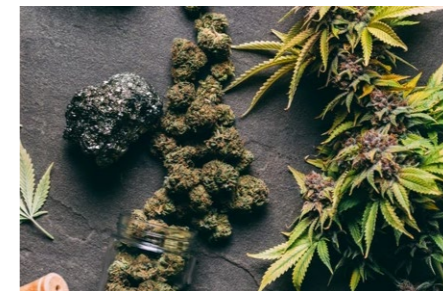
# PROJECT PURPOSE

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## Short-term code bundle

This project is a plan text amendment that would:

- Add Retail Sales of Home Improvement Materials as a limited use in the Central Commercial (CC) Zone;
- Add Health and Fitness Facility as a limited use in the General Commercial (CG) Zone;
- Add Battery Electric Vehicle Showroom as a limited use in the Mixed Use Commercial (MUC) Zone; and
- Expand hours of operation for retail sales and medical cannabis facilities.



# OVERVIEW OF CHANGES

Chapter	Title	Draft Amendment to Code
39	Use Categories	<ul style="list-style-type: none"> <li>• Use definition additions in support of amendments.</li> <li>• Adds battery electric vehicle showroom as an example of Durable Good Sales; clarifies that outdoor storage of automobiles or sales of automobiles that are not battery electric vehicle showrooms or automobile leasing offices is not permitted in any zone.</li> </ul>
53	Central Commercial Zone	<ul style="list-style-type: none"> <li>• Adds retail sales of home improvement materials and supplies as a limited Durable Goods Sales use. This use is subject to a square footage limitation of 65,000 square feet.</li> <li>• Corrects dated code citation for temporary use permit.</li> <li>• Clarifies approval criteria for an outdoor storage conditional use.</li> </ul>
54	General Commercial Zone	<ul style="list-style-type: none"> <li>• Adds Health and Fitness Facility as a Commercial Recreation use.</li> <li>• Outdoor fitness facility uses are subject to additional standards and limitations.</li> </ul>
57	Mixed Use Commercial Zone	<ul style="list-style-type: none"> <li>• Adds Battery Electric Vehicle Showroom as a Durable Goods Sales use.</li> <li>• Battery electric vehicle showroom uses are subject to additional standards and limitations.</li> </ul>
80	Cannabis Facilities	<ul style="list-style-type: none"> <li>• Expands hours of operation for retail sales of cannabis facilities &amp; medical dispensaries (<i>Existing</i>: 10:00 a.m. to 8:00 p.m. → (<i>Proposed</i>: 7:00 a.m. to 10:00 p.m.).</li> </ul>

# OVERVIEW OF CHANGES

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## CHAPTER 39 - USE CATEGORIES

### TDC 39.115 - Use Definitions.

Battery Electric Vehicle Showroom. Means an establishment engaged in the sale or lease of new vehicles designed to operate exclusively on electricity stored in a rechargeable battery, multiple batteries, or battery pack. Showrooms do not include exterior vehicle storage or activities related to vehicle repair and servicing.

### TDC 39.320. - Durable Goods Sales.

(2) *Examples of Uses.*

- Battery electric vehicle showroom (as defined in TDC 39.115) and automobile leasing office.

(3) *Exceptions.*

- Outdoor storage of automobiles or sale of automobiles that are not battery electric vehicle showrooms or automobile leasing offices, is not permitted in any zone.

# CHAPTER 53 CENTRAL COMMERCIAL ZONE (CC)

## Use Categories in the CC Zone

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
<b>COMMERCIAL USE CATEGORIES</b>		
Durable Goods Sales	P (L)	Permitted uses limited to: <ul style="list-style-type: none"> <li>• Furniture store, including antiques and second-hand furniture; <del>and</del></li> <li>• Appliance store, subject to TDC 53.210(<del>12</del>); <u>and</u></li> <li>• <u>Retail sales of home improvement materials and supplies, subject to TDC 53.210(3).</u></li> </ul>

### TDC 53.210. Additional Limitations on Uses.

[...]

- (3) Retail Sales of Home Improvement Materials and Supplies. The retail sales of home improvement materials and supplies must not be greater than 65,000 square feet of gross floor area per building or tenant. ~~Outdoor Uses.~~ [...]
- (4) Outdoor Uses. All uses must be conducted wholly within a completely enclosed building, except off-street parking and loading, Basic Utilities, Wireless Communication Facilities, outdoor play areas of child day care centers, as required by state day care certification standards, and as provided in (a)—(b), below.

[...]

## CHAPTER 54 - GENERAL COMMERCIAL ZONE (CG)

### Use Categories in the CG District

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
<b>COMMERCIAL USE CATEGORIES</b>		
Commercial Recreation	P/C (L)	Permitted uses limited to: <ul style="list-style-type: none"> <li>• <u>Health studio or fitness facility, outdoor uses limited subject to TDC 54.220(2).</u></li> </ul>

### **TDC 54.220. Outdoor Uses.**

- (2) Limited Uses. Health and Fitness Facility uses that include outdoor activities are limited and subject to additional standards.
- (a) The subject lot is not within 500 feet of a residential planning district.
- (b) The outdoor area must:
- (i) Be completely enclosed with a minimum 8-foot-tall sight-obscuring fence. Slatted chain link fencing is not an appropriate screening measure; and
  - (ii) Outdoor activities must not occur between the hours of 10:00 pm and 7:00 am.



## CHAPTER 57 MIXED USE COMMERCIAL ZONE (MUC)

Table 57-1  
Use Categories in the MUC

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
<b>COMMERCIAL USE CATEGORIES</b>		
Durable Goods Sales	P/C (L)	Permitted uses limited to: <ul style="list-style-type: none"> <li>• Retail sale of furniture and large appliances, pursuant to TDC 57.210; and</li> <li>• <u>Battery electric vehicle showroom, subject to TDC 57.210.</u></li> </ul> [...]

### TDC 57.210. Additional Limitations on Uses.

- (1) *Durable Goods Sales*. Uses are limited to the retail sale of furniture and large appliances and battery electric vehicle showroom subject to the following standards:
- (a) Retail sale of furniture and large appliances. ~~The building footprint is less than 60,000 square feet of gross floor area.~~
    - (i) The building footprint is less than 60,000 square feet of gross floor area.
    - (ii) Incidental repair of appliances is permitted as an accessory use.
  - (b) Battery Electric Vehicle Showroom. ~~Incidental repair of appliances is permitted as an accessory use.~~
    - (i) The gross floor area must not exceed 10,000 square feet and the showroom must not exceed 7,500 square feet;
    - (ii) Must contain all sales inventory, materials, equipment, and up to four vehicles for test drives inside a building.
- [...]

## CHAPTER 80 – CANNABIS FACILITIES

[...]

### **TDC 80.070. Cannabis Facility Operating Restrictions.**

- (1) Retail sales and medical dispensary Cannabis facilities are restricted to the following operating hours:
  - (a) The hours of operation that a retail sales Cannabis facility may be open to the public is between 7~~10~~:00 a.m. and 10~~8~~:00 p.m. of the same day.
  - (b) The hours of operation that a medical dispensary Cannabis facility may be open to registry identification cardholders is between 7~~10~~:00 a.m. and 10~~8~~:00 p.m. of the same day.

# APPROVAL CRITERIA

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- Statewide Planning Goals
- Oregon Administrative Rules
- Metro Code
- Tualatin Development Code:
  - Chapter 33.250 Type IV-B
  - Chapter 33.070 Plan Amendments



# RECOMMENDATION

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The Tualatin Planning Commission recommends that City Council approve the proposed amendments.



# COUNCIL ACTION

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Council is asked to consider:

- (1) Ordinance No. 1484-24 (all amendments, *except* for those to TDC Chapter 80 – Cannabis Facilities)
- (2) Ordinance No. 1485-24 (amendments to TDC Chapter 80 – Cannabis Facilities)

