



Appeal Case No. NT 25- 0001

Jason Perry, Chief Operating Officer, Honey
Bucket

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City Council's Role

- The City Council has the final say to interpret the City's code.
See TDC 31.070(4).
- This hearing requires "discretion, interpretation, [and] policy [and] legal judgment." TDC 32.010(2)(d).
- The City Council must follow rules of "statutory construction."
TDC 31.105(3).
- That means the City Council must determine the "intent" of the code, based on the text of the code read as a whole. See ORS 174.020.
- Ultimately, this is a policy decision. If there are multiple plausible interpretations, the City

Wholesale Sales (TDC 39.450)

- Characteristics: "Wholesale Sales are the **sale, lease, and/or rental of products primarily to businesses**. On-site sales to the general public are limited."
- Example: "Wholesale sales, **service and rental of construction and industrial equipment**, such as tractors, loaders, hoes, lifts, cranes, and utility trucks, to contractors and industrial firms." (emphasis added)

Honey Bucket's Equipment



Solid Waste Treatment and Recycling (TDC 39.420)

- Characteristics: "Solid Waste Treatment and Recycling uses **receive, process and/or recycle solid waste materials.**"
- Examples:
 - "Portable toilet collection, storage **and pumping.**"
 - "Energy recovery plants."
 - "Recycling Collection Center."
 - "Commercial waste composting and/or compost production."
- ML Zone: "Conditional uses limited to recycling collection center."
- MG Zone: "Conditional uses limited to recycling collection center; waste transfer station; and

Requested Motion

"I move to reverse the INT25-0001 Decision and adopt a written order that clearly states that:

1. The Wholesale Sales use category defined at TDC 39.450 includes the sale, lease, and/or rental of construction and industrial equipment not directly used to perform construction; and
2. The rental of portable toilets and related equipment, as described by the Applicant, is a Wholesale Sales use."