

**CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 22-09**

AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE (TITLE 18) AND NUISANCE CODE (TITLE 6) OF THE CITY OF TIGARD, FOR THE PURPOSE OF ADOPTING URBAN LIVESTOCK REGULATIONS (DCA2022-00003).

WHEREAS, the City has initiated an application to amend the text of the Community Development Code (Title 18) and Nuisance Code (Title 6.02), for the purpose of adopting urban livestock regulations; and

WHEREAS, in 2018, the City adopted Ordinance 18-04 amending Tigard Municipal Code Chapter 6.02 to remove specific requirements on keeping livestock and poultry; and

WHEREAS, since 2018 the remainder of Tigard Municipal Code Chapter 6.02 has been used to regulate offensive odors, unsanitary or offensive conditions, and excessive noise potentially cause by livestock or poultry; and

WHEREAS, Tigard residents have expressed concern regarding a lack of clarity surrounding what level of livestock activity is allowed; and

WHEREAS, the City Council recognizes reasonable urban livestock activity as a valuable part of the Tigard community; and

WHEREAS, the City Council also recognizes that there are potential hazards and nuisances associated with urban livestock activity; and

WHEREAS, the City Council desires to provide specific, clear, and enforceable regulations that allow reasonable livestock activity while mitigating associated hazards and nuisances; and

WHEREAS, the purpose of the amendments is to implement changes to improve the code and honor the input of Tigard's residents; and

WHEREAS, notice was provided to the Department of Land Conservation and Development and Metro at least 35 days prior to the first evidentiary public hearing; and

WHEREAS, notice to the public was provided in accordance with the Tigard Community Development Code; and

WHEREAS, the Tigard Planning Commission held a public hearing on October 17, 2022 and recommended by unanimous vote that Council approve the proposed amendments; and

WHEREAS, the Tigard City Council held a public hearing on November 1, 2022 to consider the proposed amendments; and

ORDINANCE No. 22-09

WHEREAS, the Tigard City Council has considered the recommendation of the Planning Commission; and

WHEREAS, the Tigard City Council has determined that the proposed amendments are consistent with the applicable review criteria as demonstrated in the City's findings.

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

SECTION 1: Tigard City Council adopts the findings contained in "Exhibit A" to this Ordinance. The findings and conclusions that are attached as Exhibit A are hereby adopted as the basis in support of this Ordinance.

SECTION 2: The Tigard Community Development Code (Title 18) is amended as shown in "Exhibit B".

SECTION 3: The Tigard Nuisance Code (Title 6) is amended as shown in "Exhibit C".

SECTION 4: 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 majority vote of all council members present after being read by number and title only, this 1st day of November, 2022.

Carol A Krager
Carol A. Krager, City Recorder

APPROVED: By Tigard City Council this 1st day of November, 2022.

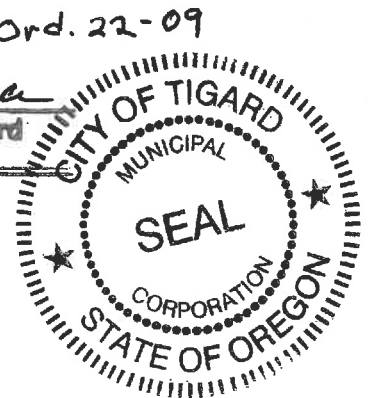
[Signature]
Jason B. Snider, Mayor

Approved as to form:

[Signature]
City Attorney

11/2/2022
Date

Certified to be True Copy of Ord. 22-09
Original on File
By Carol A Krager
City Recorder - City of Tigard
Date NOV. 2, 2022



**PLANNING COMMISSION
RECOMMENDATION TO CITY COUNCIL
FOR THE CITY OF TIGARD, OREGON**



120 DAYS = N/A

SECTION I. APPLICATION SUMMARY

FILE NAME: Urban Livestock Regulations
CASE NO: Development Code Amendment (DCA) DCA2022-00003

APPLICANT: City of Tigard
 13125 SW Hall Blvd.
 Tigard, OR 97223

PROPOSAL: The proposal removes references to the Agriculture/Horticulture use category in the Tigard Development Code and introduces new urban livestock regulations to the Tigard Municipal Code. Proposed new regulations are intended to allow reasonable livestock activity within city limits while mitigating potential associated nuisances and hazards.

LOCATIONS: Citywide.

ZONES: Citywide.

APPLICABLE PROVISIONS: Oregon Statewide Planning Goals: 1 (Citizen Involvement) and 2 (Land Use Planning)
 Metro Urban Growth Management Functional Plan (Chapter 3.07) Title 8 (Compliance Procedures)
 Tigard Comprehensive Plan Goals: 1 (Citizen Involvement) and 2 (Land Use Planning)
 Tigard Community Development Code Chapters: 18.60 Use Categories, 18.110 Residential Zones, 18.120 Commercial Zones, 18.130 Industrial Zones, 18.140 Parks and Recreation Zone, 18.710 Land Use Review Procedures, and 18.790 Text and Map Amendments.

SECTION II. PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommends to the Tigard City Council **APPROVAL** of the proposed Development Code Amendments and Tier 2 Municipal Code amendments (Attachments 1 and 2), with any alterations as determined through the public hearing process, as complying with all applicable Development Code Chapters, Comprehensive Plan policies, Statewide Planning Goals, and Metro policies.

SECTION III. BACKGROUND INFORMATION

Proposal Description:

The proposal removes references to the Agriculture/Horticulture use category in the Tigard Development Code and introduces new regulations to the Tigard Municipal Code. The intent of the proposal is to remove existing ambiguities within the Development Code and Municipal Code, allow for reasonable livestock activity within Tigard, and mitigate potential nuisances and hazards associated with some urban farms. Under existing regulations, the Agriculture/Horticulture use category applies primarily to commercial uses, while smaller-scale and backyard livestock are regulated primarily by the nuisance code, which prohibits general nuisances such as noise, debris, and environments attractive to vermin.

The proposal regulates commercial-scale agricultural activity as an industrial use in the Development Code, while introducing new regulations specific to smaller-scale and backyard livestock activity to the Municipal Code.

Project Background:

Before 2018, livestock in Tigard were regulated under Chapter 6.02.070 of the Municipal Code, with the requirement that “no poultry or livestock, other than normal household pets, may be kept unless housed or retained within a fenced run at least 100 feet from any nearby residence except a dwelling on the same lot”. However, on February 27, 2018, the City Council voted unanimously to remove this requirement from the code and allow other sections of the nuisance code to govern public interest and safety surrounding livestock activity, given the public feedback regarding the difficulty of the standard. The staff report and minutes from that meeting indicate that Council had directed staff several years earlier to suspend enforcement of the 100-foot buffer. At the 2018 hearing, staff also announced plans to begin a project that would build new regulations through a full public process. Since that time, livestock activity has been regulated by the nuisance code including, but not limited to, sections from Chapter 6.02.010 prohibiting:

- “Accumulations of debris, rubbish, manure, or other refuse that affect the health of surrounding persons.”—Chapter 6.02.010.B
- “Any animal, substance or condition on the premises that is in such a state or condition as to cause an offensive odor detectable at a property line, or that is in an insanitary condition.”—Chapter 6.02.010.E
- “Animals, including livestock...maintained...in such a manner that they are offensive or annoying to the residents within the immediate vicinity, or maintaining the premises in such a manner as to be a breeding place or likely breeding place for rodents, flies and other pests.”—Chapter 6.02.010.H

Of the 1,441 code complaints received since 2017, there have been 6 complaints regarding livestock (approximately .4 percent of complaints received). All six complaints have been resolved through the code compliance process, wherein the Code Compliance Officer works with the violator to bring their property into compliance and resolve the source of the complaint.

On May 17, 2022, staff introduced the Tigard HOME (Housing, Opportunity, Mobility, and Ease) project to the Planning Commission and City Council at a joint briefing. Urban agriculture and livestock regulations were included as a part of the project scope. However, due to the mounting public comment received on the subject this year, including concerns regarding vermin and improper storage of materials, the Commission and Council deemed urban agriculture and livestock regulations a priority. Therefore, staff was directed to fast track the urban agriculture and livestock component of the project and work with the community to develop a solution.

Public Involvement

Since project commencement in June, the community has been very closely involved in helping staff write regulations to govern livestock in Tigard. While at the start of this project there appeared to be a strong demand for more intensive regulations, many community members have since gathered to express a groundswell of support for no change to the current regulations. Community members representing all sides of the issue have continued to write in, make phone calls, and attend events to make their voices heard.

With an interested parties list of 167 individuals, email and mail correspondence with about 55 individuals, phone calls, other written comments, and event attendance, the level of public involvement in this project has been significant (Attachments 5-6). This engagement has been shared with the Planning Commission and City Council in previous briefings (Attachment 5) but is summarized again here.

Fourteen community members attended an open house on June 29, where attendees viewed examples of code from other Cities and shared their thoughts on how regulations in Tigard should be approached. Most of the examples from other Cities limited livestock to two to six animals, based on lot size. Most attendees agreed with this approach, seeking reasonable regulations.

Following the first open house, staff worked on developing draft regulations that reflected input from the community while also integrating knowledge gained from research and interviews with experts. The approach allowed a basic number of small livestock by right, while allowing a path forward for experienced livestock owners to exceed this number. Regulations also included standards for minimum and maximum shelter sizes, ground cover requirements, feed storage, and licensing.

Staff sent a copy of draft regulations to the community on September 13 and held an open house on September 20, by which point news of the project had spread. Twenty-two people attended the September 20 Open House. Most attendees found the draft regulations too strict and stated that the existing nuisance code adequately addresses most concerns. Alongside comments received at the event, staff also received an influx of emailed comments urging the City not to adopt more stringent regulations and stating that existing regulations adequately address any concerns.

Draft Regulations

At a public hearing to the Planning Commission on October 17, 2022, staff presented three options to the Planning Commission for consideration, including a pared back version of the draft regulations that focuses exclusively on clear and objective standards—such as requiring all feed to be stored in lidded containers—that would directly mitigate nuisances and hazards, rather than regulating the many nuanced details of livestock keeping. Staff presented these options to the Planning Commission as three tiers—a minimalist, moderate, and prescriptive approach. **The Planning Commission recommends adoption of Tier 2 (moderate) regulations, as summarized below.**

Approval of Tier 2 means:

- Continuing to enforce existing nuisance code regulations, including prohibiting the following:

- Accumulations of debris, rubbish, manure, or other refuse that affect the health of surrounding persons.
- Any animal, substance or condition on the premises that is in such a state or condition as to cause an offensive odor detectable at a property line, or that is in an insanitary condition.
- Animals, including livestock, or buildings for the purpose of maintaining livestock or animals, maintained in such places or in such a manner that they are offensive or annoying to the residents within the immediate vicinity, or maintaining the premises in such a manner as to be a breeding place or likely breeding place for rodents, flies and other pests.
- In addition to the above, enhancing the existing nuisance code to provide additional clear and objective standards specific to livestock.
 - Structure requirements
 - Must be located a minimum 5 feet from all property lines.
 - Flyaway barriers required for beehives within 10 feet of a property line.
 - Must not cause a lot to exceed maximum lot coverage.
 - Livestock must be within an enclosed shelter during non-daylight hours.
 - Required storage of materials: All feed must be stored in securely lidded containers.
 - Response to complaints: Respond to bee swarming incidents within 36 hours and remediate other valid complaints in a timely manner.
 - Response to livestock illness: Contact a licensed veterinarian to examine any animal believed to have a disease contagious to animals (e.g., mange, eczema) or humans (e.g., ringworm, hepatitis, rabies). If an animal is affirmatively diagnosed, livestock keepers must comply with all veterinary instructions for care and confinement until the animal is declared free of disease.
- Providing educational resources outside of the code to assist community members in understanding expectations.

Development Code

In addition to the Municipal Code regulations introduced above, the proposal includes the following amendments to the Development Code. These amendments would remain the same regardless of which Tier is adopted for Municipal Code regulations.

This project removes all references to the Agriculture/Horticulture use category from the Development Code. Agriculture will be treated as an accessory or industrial use, depending on the nature of the activity, while keeping livestock on a casual smaller or family scale will be regulated by the Municipal Code.

18.00 Introduction

18.60 Use Categories

Remove Agriculture/Horticulture from use categories. Treat as an industrial use or under the municipal code, depending on the nature of the activity.

18.100 Base Zones

18.110 Residential Zones

Remove all references to the Agriculture/Horticulture use category and remove all references to poultry and livestock.

18.120 Commercial Zones

Remove all references to the Agriculture/Horticulture use category and remove all references to poultry and livestock.

18.130 Industrial Zones

Remove all references to the Agriculture/Horticulture use category and remove all references to poultry and livestock.

18.140 Parks and Recreation Zone

Remove all references to the Agriculture/Horticulture use category and remove all references to poultry and livestock.

18.410 Off-Street Parking and Loading

18.410.090 On-Street Parking Credit

Remove all references to the Agriculture/Horticulture use category and remove all references to poultry and livestock.

18.660 Tigard Triangle Plan District

18.660.060 Land Use Standards

Remove all references to the Agriculture/Horticulture use category and remove all references to poultry and livestock.

18.760 Home Occupations

18.760.020

Remove all references to the Agriculture/Horticulture use category.

SECTION IV. APPLICABLE PROVISIONS, FINDINGS, AND CONCLUSIONS

This section contains all applicable city, regional, and state provisions that apply to the proposed Comprehensive Plan Amendment and Development Code Amendment, and findings detailing how each provision is met.

TIGARD COMMUNITY DEVELOPMENT CODE (TCDC)

Title 18 of the Tigard Municipal Code

Chapter 18.710.110 (Legislative Procedure) and Chapter 18.790 (Text and Map Amendments)

- 18.790.020.A Approval process. A legislative amendment application is processed through a
- 18.710.110.A Legislative procedure, as provided in Section 18.710.110.

FINDING: The proposed Development Code Amendment (DCA) is being processed through a legislative procedure, as provided in TCDC Section 18.710.110, using the approval criteria outlined in TCDC Section 18.790.020. Additionally, TCDC Section 18.710.110 requires two public hearings: one before Planning Commission (scheduled for October 17, 2022), and one before City Council (scheduled for November 1, 2022). Following a recommendation from Planning Commission, City Council will make a decision on this application. These requirements have been or will be met.

- 18.790.020.B Approval considerations. A recommendation or a decision for a legislative amendment application may be based on consideration of the applicable legal requirements. They may, but do not necessarily include: Oregon Revised Statutes, Oregon Administrative Rules, one or more Statewide Planning Goals, Metro's Urban Growth Management Functional Plan and any other regional plans.

FINDING: The following city, regional, and state provisions apply to the proposed DCA: Tigard Community Development Code Chapters 18.60, 18.710, and 18.790; Tigard Comprehensive Plan Goals 1 and 2; Statewide Planning Goals 1 and 2; Metro’s Urban Growth Management Functional Plan Title 8. As detailed in the findings below, the applicable city, regional, and state provisions are met for this proposal.

Chapter 18.60 Use Categories

18.60 This chapter classifies land uses and activities into use categories on the basis of common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and certain site factors. The use categories provide a systematic basis for assignment of present and future uses to zones. The decision to allow or prohibit the use categories in the various base zones is based on the goals and policies of the comprehensive plan

FINDING: The DCA proposal removes the Agriculture/Horticulture use category and allows commercial-scale agricultural activity to be considered as an accessory or industrial use, depending on the nature and context. This amendment allows for a more systematic, clear, and objective application of standards to agricultural and livestock activity within Tigard.

CONCLUSION: The applicable provisions of the Tigard Community Development Code are met.

TIGARD COMPREHENSIVE PLAN

Goal 1: Community Involvement

Goal 1.1 Provide community members, affected agencies, and other jurisdictions the opportunity to participate in all phases of the planning process.

FINDING: City staff followed the legislative notice requirements in TCDC Section 18.710.110, including the required 35-day notices to DLCD, ODOT, and Metro. As a courtesy, Notice of Public Hearing for the October 17, 2022 Planning Commission Hearing was mailed to individuals on the citywide interested parties list and emailed to individuals on the project-specific interested parties list on September 28, 2022. Notice was also published in the Tigard Times on September 29, 2022. Notice of Public Hearing was also posted on the city’s website and on City boards, and the two public hearings scheduled before Planning Commission and City Council provide another opportunity for the public to provide input. Extensive community engagement was also conducted throughout the urban livestock regulations project. The proposal is consistent with this policy.

The project’s community engagement strategy included:

- An interested parties list composed of 167 individuals.

- Two open house events:
 - June 29, 2022: attended by 14 people
 - September 20, 2022: attended by 22 people
- Presence at the Tigard Street Fair on September 10, 2022, where staff received 13 written comments and provided information for community members to sign up for the September 20 open house.
- Emailed correspondence with approximately 54 individuals.
- Phone calls, site visits, and other written correspondence.

- Goal 1.2 Ensure all citizens have access to:
- A. Opportunities to communicate directly to the City; and
 - B. Information on issues in an understandable form

FINDING: City staff maintained steady email communication with an extensive and consistently evolving interested parties list. Email correspondence led to follow-up phone conversations, site visits, and alterations to draft regulations. Community members were also given opportunity to connect in a variety of other formats. Information about the project and how to participate was provided through social media campaigns, citywide newsletters, and community events. Community members were invited to share feedback via email, phone, mail, in-person conversations, in-person written comments, and interactive informational sessions. The proposal is consistent with this policy.

Goal 2: Land Use Planning

- Goal 2.1 Maintain an up-to-date Comprehensive Plan, implementing regulations and action plans as the legislative foundation of Tigard’s land use planning program.

- Policy 1 The City’s land use program shall establish clear policy direction, comply with state and regional requirements, and serve its citizens’ own interests.

FINDING: The DCA proposal provides the City with more clear and objective regulations that serve the interests of community members interested in maintaining healthy urban livestock while mitigating potential associated nuisances. The proposal serves citizens’ interests and is consistent with this policy.

- Policy 2 The City’s land use regulations, related plans, and implementing actions shall be consistent with and implement its Comprehensive Plan.

FINDING: The proposed amendments allow the City’s regulations to align more closely with community member interests, which allows the City to be more consistent with the Comprehensive Plan policy of serving citizen interests’ and allowing a mixture of land use activity appropriate to Tigard. The proposal is consistent with this policy.

- Policy 3 The City shall coordinate the adoption, amendment, and implementation of its land use program with other potentially affected jurisdictions and agencies.

FINDING: The City requested comments on the proposed amendments from potentially affected jurisdictions and agencies 35 days in advance of the Planning Commission Hearing. As of the date of this staff report, staff has received no comments in response. The proposal is consistent with this policy.

Policy 11 The City shall adopt regulations and standards to protect public safety and welfare from hazardous conditions related to land use activities.

FINDING: The City initiated this project in response to community members' concern regarding the potential hazardous conditions associated with some urban agriculture and livestock activity. Proposed regulations incorporate community member feedback, interviews with livestock experts, and research to allow reasonable livestock activity while mitigating potential associated nuisances and hazards. The proposal is consistent with this policy.

CONCLUSION: The applicable provisions of the Tigard Comprehensive Plan are met.

METRO URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN

Title 8 The purpose of Title 8 is to establish a process for ensuring city or county
Compliance compliance with requirements of the Urban Growth Management Functional Plan
Procedures and for evaluating and informing the region about the effectiveness of those
 requirements.

FINDING: This title has been met by complying with the Tigard Development Code notice requirements set forth in Section 18.710.121 (Legislative Procedure), as detailed earlier in this report. The proposal is consistent with this Title.

CONCLUSION: The applicable provisions of the Metro Urban Growth Management Function Plan are met.

OREGON STATEWIDE PLANNING GOALS

Goal 1 Public Involvement

FINDING: Goal 1 requires the City to provide opportunities for the public to participate in all phases of land use decision making. In this case, the City's Goal 1 obligations are satisfied by compliance with the procedural requirements for a Legislative Amendment in TCDC Section 18.710.110 and by the extensive community engagement that are detailed earlier in this report in response to the City's community involvement goal. The proposal is consistent with this goal.

Goal 2 Land Use Planning

FINDING: Goal 2 requires local governments to adopt a comprehensive plan and implementing ordinances that are consistent with its plan. The DCA proposal

updates the Tigard Development Code and Municipal Code for more consistency with the Comprehensive Plan, as detailed earlier in this report.

Goal 2 also requires an “adequate factual base” for legislative decisions. The DCA proposal was developed through intensive community engagement regarding existing livestock activity within the city, interviews and site visits with livestock experts, and research into existing ordinances regarding urban livestock.

Finally, Goal 2 requires coordination between local governments and state agencies. The City’s Goal 2 obligations in this regard were satisfied through notices to affected local, regional, and state governmental entities. The proposal is consistent with this goal.

CONCLUSION: The applicable provisions of the Oregon Statewide Planning Goals are met.

SECTION V. CITY STAFF AND AGENCY COMMENTS

The following agencies, departments, and jurisdictions had an opportunity to review the proposed Development Code Amendment:

- **City of Tigard Public Works**
- **City of Tigard Finance**
- **City of Tigard Police**
- **City of Beaverton**
- **City of Durham**
- **City of King City**
- **City of Lake Oswego**
- **City of Portland**
- **City of Tualatin**
- **Metro**
- **Oregon Department of Land Conservation and Development (DLCD)**
- **Oregon Department of Transportation (ODOT)**
- **Oregon Department of Environmental Quality**
- **Oregon Department of Fish and Wildlife**
- **Oregon Department of Geology and Mineral Industries**
- **Washington County Department of Land Use and Transportation**
- **Clean Water Services**
- **NW Natural**
- **Portland & Western Railroad**
- **Tigard Water District**
- **Tualatin Hills Parks and Recreation District**
- **Tualatin Valley Fire and Rescue**
- **Tualatin Valley Water District**
- **Tri-Met Transit Development**

- **Tualatin Riverkeepers**
- **Tualatin Water and Soil Conservation District**
- **Oregon Department of Agriculture**
- **Portland Community College**

The City of King City responded by mail with no objections, the City of Beaverton responded via phone with general questions, Tualatin Riverkeepers responded via email with suggestions for including a buffer between livestock and streams (the suggestion has since been incorporated into both Tier 2 and Tier 3 regulations), and Tualatin Water and Soil Conservation responded via email with a statement of general support. As of the writing of this report, no other agency comments have been received.

SECTION VI. PUBLIC COMMENTS

City staff followed the legislative notice requirements in CDC Section 18.710.110. Notice of the proposed Development Code Amendment was sent to individuals on the citywide interested parties list. Notice was also published in the Tigard Times and on the city's website. Additional public outreach was conducted as part of the project. Further details are provided earlier in this report in the findings for Tigard Comprehensive Plan Goal 1 (Community Involvement).

On October 17, 2022, the Tigard Planning Commission held a public hearing on this case. Nine members of the public provided testimony, representing a range of opinions on the proposed regulations. Commentary was generally evenly split between residents who desired more intensive regulations and those who desired no new regulations but recognized Tier 2 as a viable option. Among those who desired more intensive regulations, the primary concerns were rats, odor, and noise. While the Planning Commission recognizes the complexity and seriousness of these issues, Tier 2 regulations appear to be the cleanest option for addressing these types of concerns. Along with existing nuisance code regulations that limit noise and odor, Tier 2 provides additional clear standards that require proper feed storage, animal care and hygiene, and maximum structure sizes, therefore minimizing the likelihood of attracting vermin and limiting other livestock-specific impacts. Some callers also expressed concern regarding a requirement that beehives be located at least five feet from any property line. Because other requirements in the Tier 2 regulations ensure that any hive within 10 feet of a property line must have a flyaway barrier that restricts bees' flight onto adjacent properties, the Planning Commission found the 5-foot setback unnecessary. The Planning Commission voted unanimously to recommend Tier 2 regulations to Council with three amendments.

SECTION VII. CONCLUSION

The proposed Development Code Amendment meets all applicable provisions of the Tigard Community Development Code, Tigard Comprehensive Plan, Metro Urban Growth Management Functional Plan, and Oregon Statewide Planning Goals. Therefore, staff recommends that the Planning Commission recommend approval of the proposed Development Code Amendment and Tier 2 Municipal Code amendments to the Tigard City Council as provided by the public hearing process.



PREPARED BY: Hope Pollard
Associate Planner

October 17, 2022
DATE



APPROVED BY: Tom McGuire
Assistant Community Development Director

October 17, 2022
DATE



APPROVED BY: Yi-Kang Hu
Planning Commission President

October 18, 2022
DATE

OMNIBUS AMENDMENTS

CHAPTER 18.60 USE CATEGORIES

18.60.060 Commercial Use Categories

B. Animal-Related Commercial.

1. **Characteristics:** Animal-Related Commercial uses are those engaged in breeding or boarding of normal household pets. Limited animal sales may or may not be part of the use.
2. **Accessory uses:** Accessory uses commonly found include parking, office space, and storage space.
3. **Examples:** Examples include animal breeders, kennels, and overnight boarding facilities.
4. **Exceptions:**
 - a. Facilities where the primary activity is animal sales are classified as Sales-Oriented Retail.
 - b. Does not include animal grooming, which is classified as Personal Services or Repair-Oriented Retail.
 - c. Does not include veterinary clinics, which are classified as Office.
 - ~~d. Does not apply to poultry or livestock, which are classified as *Agriculture/Horticulture*.~~
 - e. **d.** Overnight boarding facilities for household pets when these facilities and all their activities, with the exception of parking, are completely enclosed within a building, are classified as Personal Services.

18.60.080 Other Use Categories

A. ~~Agriculture/Horticulture.~~

- ~~1. **Characteristics:** Agricultural/Horticultural uses are open areas devoted to the raising, production, or keeping of plants or animals. Sales of products grown on site may be included.~~
- ~~2. **Accessory uses:** Accessory uses include dwelling units for proprietors and animal training.~~
- ~~3. **Examples:** Examples include breeding or raising of fowl or livestock, stables, riding academies, farming, and truck gardening.~~
- ~~4. **Exceptions:**~~
 - ~~a. Does not include nurseries, which are classified as Outdoor Sales.~~
 - ~~b. Does not include uses involving common household pets, which are classified as Animal Related Commercial.~~

CHAPTER 18.110 RESIDENTIAL ZONES

18.110.030 Land Use Standards

Table 18.110.2 Use Table								
Use Categories	R-1	R-2	R-3.5	R-4.5	R-7	R-12	R-25	R-40
Agriculture/Horticulture	A[7]	A[7]	A[7]	A[7]	A[7]	P	P	P

[7] Where adjacent to a residential use, poultry or livestock must be housed a minimum of 100 feet from any dwelling unit, except a dwelling unit on the same lot.

**CHAPTER 18.120
COMMERCIAL ZONES**

18.120.030 Land Use Standards

Table 18.120.1 Commercial Zone Use Standards										
Use Categories	C-N [1]	C-C [1]	C-G	C-P	MU- CB D [2]	MU E	MUC -1	MU C	MUE 1 and 2	MUR 1 and 2
Other Use Categories										
Agriculture/Horticulture	P	P	P	P	P	P	P	P	P	P

**CHAPTER 18.130
INDUSTRIAL ZONES**

18.130.030 Land Use Standards

Other Use Categories	I-P	I-L	I-H
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Agriculture/Horticulture [12]	A	A	A
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[12] Where adjacent to a residential use, poultry or livestock must be housed a minimum of 100 feet from any dwelling unit, except a dwelling unit on the same lot.

**CHAPTER 18.140
PARKS AND RECREATION ZONE**

18.140.040 Land Use Standards

Use Category	
Agriculture/Horticulture	A/C [2]

**CHAPTER 18.410
OFF-STREET PARKING AND LOADING**

18.410.090 On-Street Parking Credit

Use Category	Vehicle Minimum [1]	Vehicle Maximum (Zone A) [1]	Vehicle Maximum (Zone B) [1]	Bicycle Minimum
Agriculture/Horticulture	2.5/1,000 sales area but no less than 4	None	None	None

**CHAPTER 18.660
TIGARD TRIANGLE PLAN DISTRICT**

Use Category	
Agriculture/Horticulture	P

**CHAPTER 18.760
HOME OCCUPATIONS**

- B. Exemptions. The following activities and uses are exempt from the provisions of this chapter:
1. Garage sales;
 2. For-profit production of produce or other food products grown on the premises that meet the ~~Agriculture/Horticulture~~ use category characteristics, as provided in Chapter ~~18.60~~, Use Categories. This may include temporary or seasonal sale of produce or other food products;

Chapter 6.02 Article VII**KEEPING LIVESTOCK****6.02.610 Definitions**

- A. “Bee” – a honey-producing insect of the species *Apis mellifera* commonly known as honeybee.
- B. “Hive” – a moveable structure for housing a collection of bees with a single queen.
- C. “Livestock facility” – structure(s) and land for keeping livestock, excluding bees, that includes both of the following elements:
 - 1. “Shelter” – a roofed structure, such as a coop, hutch, animal carrier, or cage, that protects livestock from the elements and predators.
 - 2. “Run or yard” – a fenced area that gives livestock access to the outdoors and prevents their escape.
- D. “Livestock keeper” – any person who harbors, cares for, or exercises control over livestock.
- E. “Livestock” – honeybees and animals that are typically kept outside; may produce milk, meat, wool, honey, or eggs; and may be kept humanely in urban backyards. Livestock does not include common household pets or exotic animals.

6.02.620 General Provisions

Livestock keepers must comply with all provisions of this Title and any administrative rules for best practices determined applicable by the city. Failure to comply is declared to be a public nuisance in violation of this Title.

6.02.630 Keeping Livestock

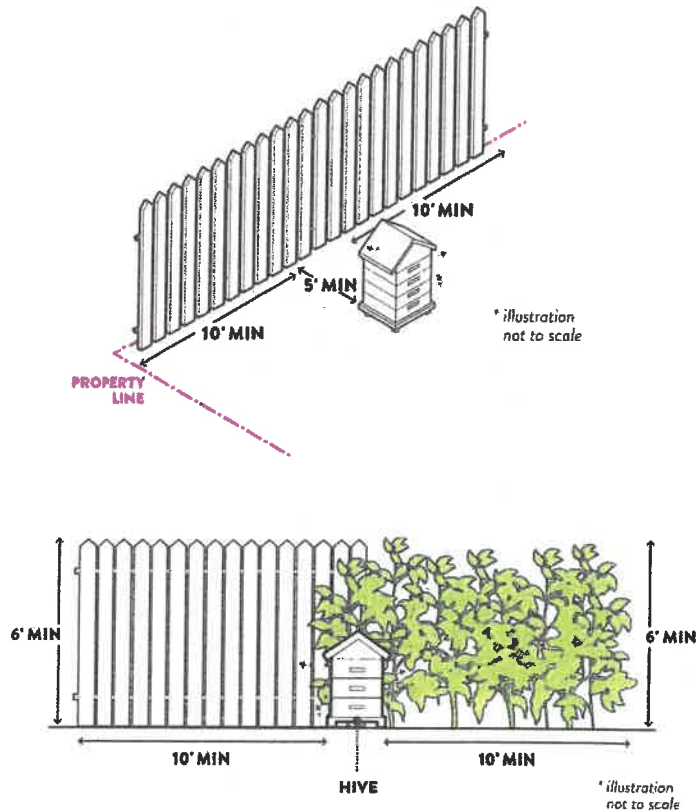
- A. Complaints. Livestock keepers must respond to and remediate valid complaints in a timely manner. Valid complaints include, but are not limited to, the identifiable presence of vermin or noxious odors.
- B. Prohibited animals. Roosters over three months old are prohibited.
- C. Bees.
 - 1. *Hive care and maintenance*. Beekeepers must:
 - a. Respond to bee swarming incidents within 36 hours.
 - b. Keep hives in good repair and provide adequate space to prevent overcrowding and swarming.

- c. Provide bees with a clean and accessible source of water on the lot where the hive is located from March through October.

2. Hive locations.

- a. Livestock keepers with hives located within 10 feet of a lot line or public access easement must provide a flyaway barrier that meets the following requirements:
 - i. Measures at least 6 feet in height;
 - ii. Consists of a solid wall, fence, dense vegetation, or combination thereof; and
 - iii. Extends 10 feet in length beyond the hive in each direction, as shown in Figure 6.02.1.

Figure 6.02.1: Flyaway Barrier Examples



D. Other Livestock.

1. *Livestock Care and Maintenance*

- a. Livestock keepers must contact a licensed veterinarian to examine any animal believed to have a disease contagious to animals (e.g., mange, eczema) or

humans (e.g., ringworm, hepatitis, rabies). If an animal is affirmatively diagnosed, livestock keepers must comply with all veterinary instructions for care and confinement until the animal is declared free of disease.

- b. Animal feed must be stored in a lidded container and managed so as not to become a nuisance.
 - c. No person may dye or color any fowl or rabbit under three months of age.
2. *Livestock Facilities.* Livestock must be kept within a livestock facility as defined in Section 6.02.010 and shown in Figure 6.02.2, and provided in Table 6.02.2.
- a. Livestock facilities must be kept in good repair and maintained in a manner that does not endanger the health or well-being of the livestock.
 - b. Multiple species are allowed within a single facility.
 - c. Runs or yards must be fenced with materials designed to safely contain the specific livestock being kept.
 - d. Livestock must be kept within a shelter during non-daylight hours, as provided in Table 6.02.3.
 - e. Shelters must be located a minimum of 5 feet away from all lot lines and public access easements and within a fenced run or yard.
 - f. An individual shelter may be a maximum of 15 feet in height and 528 square feet in size. Multiple shelters may be provided.
 - g. Shelters may or may not be permanently fixed to the ground.
 - h. Shelters that are permanently fixed to the ground may not cause the lot to exceed the maximum lot coverage allowed in the base zone.

Figure 6.02.2: Example of an Allowed Livestock Facility

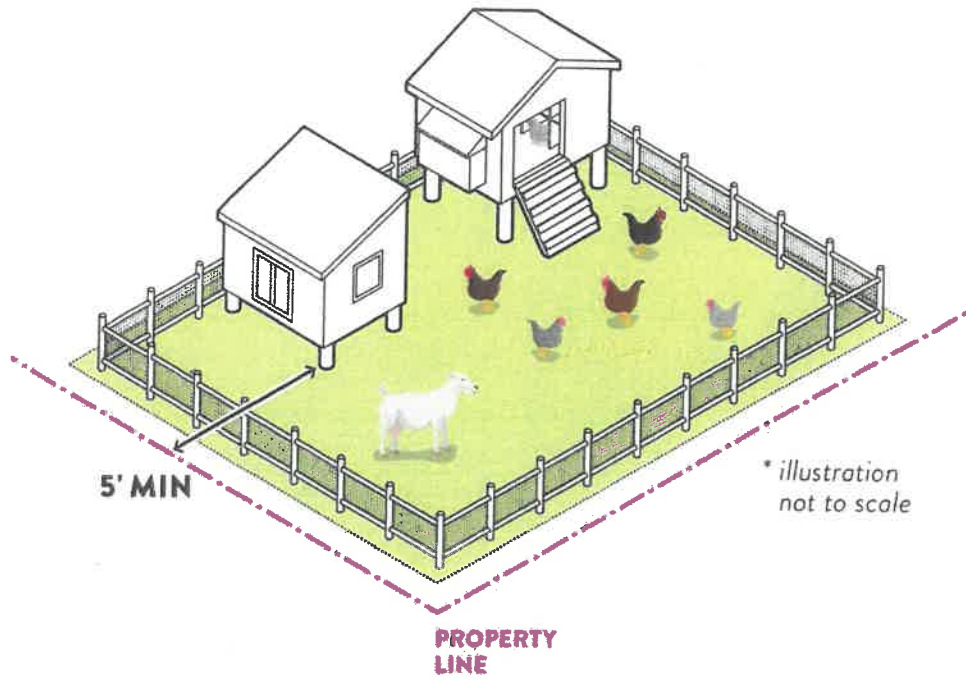


Table 6.02.3: Where Livestock are Allowed

Location			
Time of Day	Livestock Facility		Fenced Yard (outside of fenced run)
	<i>Shelter</i>	<i>Fenced Run</i>	
Daylight hours	Allowed	Allowed	Allowed
Non-daylight hours	Required	Prohibited	Prohibited