



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

11/29/2011

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Tualatin Plan Amendment
DLCD File Number 011-11

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, December 13, 2011

This amendment was not submitted to DLCD for review prior to adoption pursuant to OAR 660-18-060, the Director or any person is eligible to appeal this action to LUBA under ORS 197.830 to 197.845.

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: William Harper, City of Tualatin
Angela Lazarean, DLCD Urban Planning Specialist
Jennifer Donnelly, DLCD Regional Representative

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FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

In person electronic mailed

DEPT OF

NOV 23 2011

LAND CONSERVATION AND DEVELOPMENT

DATE
STAMP

For Office Use Only

Jurisdiction: **City of Tualatin**

Local file number: **PTA-11-04**

Date of Adoption: **6/27/2011**

Date Mailed: **11/22/2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date:

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amending the Tualatin Development Code (TDC) Chapter 74 - Public Improvement Requirements- to allow regional public facilities to treat private development's stormwater and amending TDC 74.650. Plan Text Amendment (PTA-11-04).

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD File No. 011-11 (19068) [16845]

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Clean Water Services

Local Contact: **William Harper, Senior Planner**

Phone: (503) 691-3027 Extension: 0

Address: 18880 SW Martinazzi Avenue

Fax Number: 503-692-

City: **Tualatin**

Zip: 97062-

E-mail Address: **wharper@ci.tualatin.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)

per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light **green paper if available**.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 **green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

<http://www.oregon.gov/LCD/forms.shtml>

Updated April 22, 2011



City of Tualatin
www.ci.tualatin.or.us

NOTICE OF ADOPTION

On June 27, 2011 the City of Tualatin adopted Ordinance #1327-11 (File No. PTA-11-04), an Ordinance Amending Tualatin Development Code (TDC) Chapter 74 -Public Improvement Requirements- to allow to allow regional public facilities to treat private development's stormwater and amending TDC 74.650.

A copy of the ordinance is also available for review at the Tualatin Planning Department located at 18876 SW Martinazzi Avenue from 8 a.m. to 12 noon and from 1:00 to 5:00 p.m., Monday through Friday.

Review of land use decisions is commenced by filing a Notice of Intent to Appeal with the Land Use Board of Appeals as provided in ORS 197.830 to 197.845. The notice of intent to appeal a land use decision must be filed within 21 days of the date the decision is mailed to parties entitled notice under ORS 197.615.

Date notice mailed: November 22, 2011

Cc Engineering Manager (KH)

file: PTA-11-04



STAFF REPORT CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL
Date 6-27-11
Recording Secretary [Signature]

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Linda Odermott, Paralegal
Brenda Braden, City Attorney

DATE: 06/27/2011

SUBJECT: Ordinance Allowing Regional Public Facilities to Treat Private Development's Stormwater;
and Amending TDC 74.650 (PTA-11-04)

ISSUE BEFORE THE COUNCIL:

Council will decide whether to approve a Plan Text Amendment Ordinance allowing Public Facilities to treat private development stormwater.

RECOMMENDATION:

Staff recommends that the City Council approve the Ordinance.

EXECUTIVE SUMMARY:

On June 13, 2011, the City Council held a public hearing on PTA 11-04. At the conclusion of the public hearing, the City Council approved the Planned Text Amendment with a vote of 5-1; with Councilor Bubenik opposed and Councilor Barhyte absent. The City Council instructed staff to bring back an Ordinance at the June 27, 2011 meeting.

Attachments: PTA 11-04 Ordinance

ORDINANCE NO. 1327-11

AN ORDINANCE ALLOWING REGIONAL PUBLIC FACILITIES TO TREAT PRIVATE DEVELOPMENT'S STORMWATER; AND AMENDING TDC 74.650 (PTA-11-04)

WHEREAS upon the application of the Engineering Department, a public hearing was held before the City Council of the City of Tualatin on June 13, 2011, related to a Plan Text Amendment of the TDC; and amending TDC 74.650 (PTA-11-04); and

WHEREAS notice of public hearing was given as required under the Tualatin Development Code by publication on in The Times, a newspaper of general circulation within the City, which is evidenced by the Affidavit of Publication marked "Exhibit A," attached and incorporated by this reference; and by posting a copy of the notice in two public and conspicuous places within the City, which is evidenced by the Affidavit of Posting marked "Exhibit B," attached and incorporated by this reference; and

WHEREAS the Council conducted a public hearing on June 13, 2011, and heard and considered the testimony and evidence presented by the City staff and those appearing at the public hearing; and

WHEREAS after the conclusion of the public hearing, the Council vote resulted in approval of the application by a vote of [5-1]; with Councilor Bubenik opposed and Councilor Barhyte absent; and

WHEREAS based upon the evidence and testimony heard and considered by the Council and especially the City staff report dated June 13, 2011, the Council makes and adopts as its Findings of Fact the findings and analysis in the staff report attached as "Exhibit C," which are incorporated by this reference; and

WHEREAS based upon the foregoing Findings of Fact, the City Council finds that it is in the best interest of the residents and inhabitants of the City and the public; the public interest will be served by adopting the amendment at this time; and the amendment conforms with the Tualatin Community Plan; and therefore, the Tualatin Development Code should be amended.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TDC 74.650 is amended to read:

The applicant shall comply with the water quality, storm water detention and erosion control requirements in the Surface Water Management Ordinance. If required:

(1) On subdivision and partition development applications, prior to approval of the final plat, the applicant shall arrange to construct a permanent on-site water quality facility and storm water detention facility and submit a design and calculations indicating that the

requirements of the Surface Water Management Ordinance will be satisfied and obtain a Stormwater Connection Permit from ~~the Unified Sewerage Agency~~ Clean Water Services; or

(2) On all other development applications, prior to issuance of any building permit, the applicant shall arrange to construct a permanent on-site water quality facility and storm water detention facility and submit a design and calculations indicating that the requirements of the Surface Water Management Ordinance will be met and obtain a Stormwater Connection Permit from Clean Water Services ~~the Unified Sewerage Agency~~.

(3) For on-site private and regional non-residential public facilities, ~~the~~ applicant shall submit a stormwater facility agreement, which will include an operation and maintenance plan provided by the City, for the water quality facility for the City's review and approval. The applicant shall submit an erosion control plan prior to issuance of a Public Works Permit. No construction or disturbing of the site shall occur until the erosion control plan is approved by the City and the required measures are in place and approved by the City.

INTRODUCED AND ADOPTED this 27th Day of June, 2011.

CITY OF TUALATIN, OREGON

BY 

Mayor

ATTEST:

BY 

City Recorder

ITEMS REFERRED TO AS EXHIBITS IN THE FOREGOING ORDINANCE ARE ATTACHED TO THE ORIGINAL. THEY HAVE BEEN OMITTED FROM THE COUNCIL PACKET AS A CONSERVATION MEASURE. IF THESE EXHIBITS NEED TO BE EXAMINED, PLEASE CONTACT THE CITY RECORDER.

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11/22/2011
US POSTAGE \$01.28⁰

ZIP 97062
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DEPT OF
NOV 23 2011
**LAND CONSERVATION
AND DEVELOPMENT**



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City of Tualatin
18880 SW Martinazzi Avenue
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