



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

AMENDED NOTICE OF ADOPTED AMENDMENT

September 21, 2007

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Tualatin Plan Amendment
DLCD File Number 003-07



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: October 4, 2007

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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 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.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Marguerite Nabeta, DLCD Regional Representative
Cindy Hahn, City of Tualatin

<paa> ya/

2 Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

DATE
STAMP
DEPT OF
SEP 14 2007
**LAND CONSERVATION
AND DEVELOPMENT**
For DLCD Use Only

Jurisdiction: City of Tualatin Local file number: PTA-07-03
Date of Adoption: 9/10/2007 Date Mailed: 9/14/2007
Date original Notice of Proposed Amendment was mailed to DLCD: 6/7/2007

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: _____

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

This plan text amendment proposes to amend the Mixed Use Commercial Overlay District (MUCOD) regulations of TDC 57.040 and 57.050 to apply the MUCOD to one parcel (Tax Lot 1300 on Assessors Map 2S113DC) designated General Commercial (CG) located at 18045 SW Lower Boones Ferry Road in the Durham Quarry Area (as defined on TDC Figure 57-1).

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".

SAME

Plan Map Changed from: n/a to: _____
Zone Map Changed from: n/a to: _____
Location: n/a Acres Involved: _____
Specify Density: Previous: n/a New: _____
Applicable Statewide Planning Goals: none

Was and Exception Adopted? YES NO

DLCD File No.: 003-07(16227)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

- Forty-five (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

Affected State or Federal Agencies, Local Governments or Special Districts:

n/a

Local Contact: Cindy Hahn, Assist. Planner Phone: (503) 691-3029 Extension: _____
Address: 18880 SW Martinazzi Avenue City: Tualatin
Zip Code + 4: 97062- Email Address: chahn@ci.tualatin.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:
ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to **maru.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 1246-07

AN ORDINANCE APPLYING THE MIXED USE COMMERCIAL OVERLAY DISTRICT (MUCOD) DESIGNATION TO ONE PARCEL CURRENTLY DESIGNATED GENERAL COMMERCIAL (CG) IN THE DURHAM QUARRY AREA; AMENDING TDC 57.040 AND 57.050 (PTA-07-03).

WHEREAS upon the application of Trammel Crow Residential (TCR) Pacific NW Acquisitions LP and the property owner Parkland Development, LLC, a public hearing was held before the City Council of the City of Tualatin on August 27, 2007, related to applying the Mixed Use Commercial Overlay District (MUCOD) designation to one parcel currently designated General Commercial (GC) in the Durham Quarry Area (Assessor's Map 2S1 13DC 1300); and amending TDC Chapter 57 – MUCOD Sections 57.040 and 57.050 (PTA-07-03); and

WHEREAS notice of public hearing was given as required under the Tualatin Community Plan by publication on August 9, 2007, 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; 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 by mailing to all potentially affected property owners and to all neighborhood organizations recognized by the City Council, which is evidenced by the Affidavit of Mailing marked "Exhibit C," attached and incorporated by this reference; and

WHEREAS the Council conducted a public hearing on August 27, 2007, and heard and considered the testimony and evidence presented by the City staff and those appearing at the hearing; and

WHEREAS after the conclusion of the public hearing the Council vote resulted in approval of the application by a vote of 6-0, with Council Barhyte absent; and

WHEREAS based upon the evidence and testimony heard and considered by the Council and especially the City staff report, the Council makes, enters, and adopts as its Findings of Fact the findings and analysis in the staff report dated August 27, 2007, marked as "Exhibit D," attached and incorporated by this reference; and,

WHEREAS based upon the foregoing Findings of Fact, the City Council finds that it is in the best interests 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. Therefore,

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TDC 57.040 is amended to read as follows (Language to be removed in ~~strikeout~~ / New language in ***Bold Italic***):

Section 57.040 Application of the Mixed Use Commercial Overlay District (MUCOD).

- (1) The MUCOD is applied to:
 - (a) ~~the~~ ***The Durham Quarry Site*** (see Fig. 57-2).
 - (b) ***Tax Lot 1300 on Assessor's Map 2S1 13DC within the Durham Quarry Area*** (see Fig. 57-1).
- (2) In the future, the MUCOD may be applied to ***additional tax lots within the Durham Quarry Area*** (see Fig. 57-1) through the Plan Text Amendment application process. The City or another applicant would propose amending Subsection (1), above, to apply the MUCOD to additional lands in Fig. 57-1.
- (3) When the MUCOD is applied to the Durham Quarry Site, or in the future to the Durham Quarry Area, where TDC Chapter 57 does not include a particular regulation or standard, the existing regulation or standard from TDC Chapter 54, 73, or elsewhere in the TDC shall apply. [Ord. 1062.00, §12, passed December 11, 2000; Ord. 1062-00, Add, 01-03/2001; Ord. ____-07, 9-10-07]

Section 2. TDC 57.050 is amended to read as follows (Language to be removed in ~~strikeout~~ / New language in ***Bold Italic***):

Section 57.050 Development Standards.

- (1) Development shall comply with applicable development standards, except where variances and minor variances are granted in accordance with TDC Chapter 33.
- (2) Development standards:
 - (a) Minimum lot area: None.
 - (b) Minimum building setbacks: None.
 - (c) Except as determined in the Architectural Review Process, maximum building setbacks are:
 - (i) Commercial: 10 feet front and street side; 0 interior side and rear, except when the side and rear abut a residential district it is 20 feet.
 - (ii) Residential: 20 feet front; 0 rear and interior side, except when the side and rear abut a residential district it is 20 feet; 20 feet street side.
 - (d) Minimum structure height: Except for theaters and cinemas which can be one story, 20 feet.
 - (e) Maximum structure height:
 - (i) Any portion of a structure within 100 feet of the Durham Quarry Site Boundary, except that portion of the Boundary contiguous with the City of Tigard, 50 feet.
 - (ii) Any portion of a structure greater than 100 feet from the Durham Quarry Site Boundary and that portion of the Boundary contiguous with the City of Tigard, 70 feet.

(iii) **Any portion of a structure within the Durham Quarry Area, 50 feet.**

- (f) Maximum site coverage: 90%.
- (g) Minimum landscape coverage: 10%.
- (h) Density requirements. For determining floor area ratio (FAR) and residential densities, TDC 57.060 shall be used to establish the lot area.
 - (i) The minimum FAR for non-residential development and mixed-use development which includes a residential component is 0.50. In mixed-use developments, residential floor area is included in the calculations of FAR.
 - (ii) The minimum density for residential-only projects is 25 dwelling units per net acre. There is no FAR for residential-only projects.
 - (iii) The maximum density for residential-only projects is 50 dwelling units per net acre. [Ord. 1062.00, §14, passed December 11, 2000.] (Ord. 1062-00, Add, 01/03/2001.)

INTRODUCED AND ADOPTED this 10th day of Sept. 2007.

CITY OF TUALATIN, Oregon

BY 

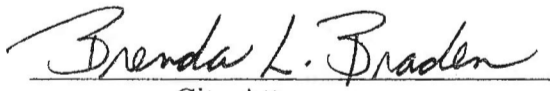
Mayor

ATTEST:

BY 

City Recorder

Approved as to legal form

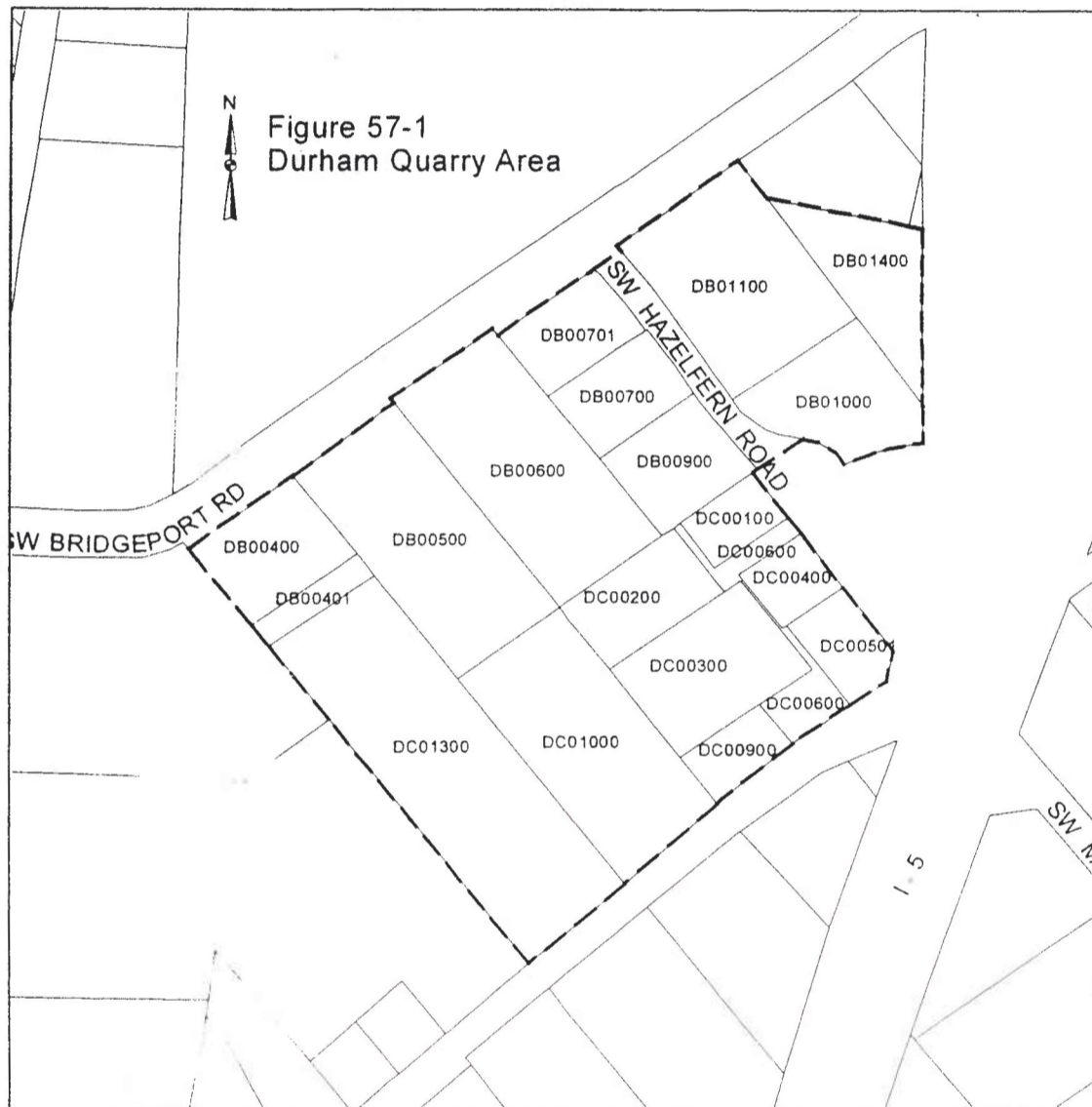

City Attorney

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.

Tualatin Development Code

57.900

- [1] Buffers are not required between abutting uses that are of a different type when the uses are separated by a street as specified in TDC 57.400(2)(a)(ii). (Ord. 1062.00, passed December 11, 2000.) (Ord. 1062-00, Add, 01/03/2001)



Tualatin Development Code

