



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Costal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

July 19, 2006

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 001-06



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: August 4, 2006

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
Stacy Hopkins, DLCD Regional Representative
Willaim Harper, City of Tualatin

<paa> ya/ph



FORM 2

DEPT OF

JUL 17 2006

LAND CONSERVATION
AND DEVELOPMENT

DLCD 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

Jurisdiction: City of Tualatin

Local File Number: PTA-06-03

Date of Adoption: July 10, 2006

Date Mailed: July 14, 2006

Date the Notice of Proposed Amendment was mailed to DLCD? April 6, 2006

- 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 amends the development regulations for the General Commercial (CG) Planning Districts to allow "Gateway Tower Elements" within 3 acre or larger commercial developments located within 1,000 ft. of the center of the Interstate I-5 Exit 289 and Exit 290 Interchanges. The proposal amends TDC 31.060 Definitions; adds TDC 54.035 with standards for Gateway Tower Elements and amends TDC 54.070 Structure Height, to allow a maximum 60 ft. height for a Gateway Tower Element.

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: NA to -

Zone Map changed from: NA to -

Location: _____ Acres Involved: NA

Specific Density: Previous: NA New: _____

Applicable Statewide Planning Goals: None

Was an Exception Adopted? Yes: No:

DLCD No: 001-06 (15135)

Did the Department of Land Conservation and Development **receive** a Notice of Proposed Amendment **FORTY-FIVE (45) days prior to the 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: OECD, Metro

Local Contact: William Harper Area Code + Phone Number: (503) 691-3027

Address: 18880 SW Martinazzi Avenue City: Tualatin

Zip Code+4: 97062-7092 Email: wharper@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 ST NE, STE 150
SALEM, OR 97301-2540**

2. Submit **TWO (2) copies** of 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 be extended if you do not 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 the persons who participated in the local hearing and requested notice of the final decision.
7. **Need more copies?** You may copy this form on to 8½ x 11" 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 Mara.Ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

City of Tualatin, Oregon
AGENDA STATEMENT

Meeting Date July 10, 2006

Agenda Item No. _____

Item Title AN ORDINANCE RELATING TO STRUCTURE HEIGHT; ALLOWING GATEWAY TOWER ELEMENTS UP TO 60 FT. IN MAJOR COMMERCIAL CENTERS IN GENERAL COMMERCIAL (CG) PLANNING DISTRICTS LOCATED WITHIN 1,000 FEET OF THE INTERSTATE I-5 NYBERG STREET (EXIT 289) AND LOWER BOONES FERRY ROAD (EXIT 290) INTERCHANGES; AMENDING TDC 31.060 AND 54.070, AND ADDING TDC 54.035 (PTA 06-03)

Prepared by Brenda Braden *BB*

Department Legal Services

Explanation

On June 26, 2006 the City Council approved the staff report with an amendment that would allow the gateway features on developments of 3.0 or more acres, instead of the recommended 5.0 acre minimum development size. The vote was 7-0. Council directed staff to prepare an ordinance adopting PTA 06-03.

Special Issues None

Financial Statement Not applicable.

Account No. Not applicable

Recommendation

Pass the ordinance.

Board/Commission Recommendation Not applicable

mk

Attachments (Listed Below)

Ordinance
Affidavit of Publication (Exhibit A)
Affidavit of Posting (Exhibit B)
Affidavit of Mailing (Exhibit C)
Staff Report dated June 26, 2006 (Exhibit D)

Approved By Tualatin City Council

Date 7-10-06

Recording Secretary *[Signature]*

ORDINANCE NUMBER 1214-06

AN ORDINANCE RELATING TO STRUCTURE HEIGHT; ALLOWING GATEWAY TOWER ELEMENTS UP TO 60 FT. IN MAJOR COMMERCIAL CENTERS IN GENERAL COMMERCIAL (CG) PLANNING DISTRICTS LOCATED WITHIN 1,000 FEET OF THE INTERSTATE I-5 NYBERG STREET (EXIT 289) AND LOWER BOONES FERRY ROAD (EXIT 290) INTERCHANGES; AMENDING TDC 31.060 AND 54.070, AND ADDING TDC 54.035 (PTA 06-03)

WHEREAS upon the application of the City of Tualatin Community Development Department, a public hearing was held before the City Council of the City of Tualatin on June 26, 2006, relating to structure height; allowing gateway tower elements up to 60 feet in major commercial centers in General Commercial (CG) planning districts located within 1,000 feet of the Interstate I-5 Nyberg Street (exit 289) and Lower Boones Ferry Road (exit 290) interchanges; and amending TDC 31.060 and 54.070 and adding TDC 54.035 (PTA 06-03); and

WHEREAS notice of public hearing was given as required under the Tualatin Community Plan by publication on June 8, 2006, 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

WHEREAS a notice of public hearing was given as required by mailing to affected property owners 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 June 26, 2006, 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 7-0; and

WHEREAS based upon the evidence and testimony heard and considered by the Council and especially the City staff report, the Council makes and adopts as its Findings of Fact the findings and analysis in the staff report attached as "Exhibit D," 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. A new definition is added in alphabetical order to TDC 31.060 to read as follows:

Gateway Tower Element. A tall structure, rectilinear or round in plan view, that rises to a greater height than the surrounding buildings and which is located in a 3.0 acre or larger commercial center development that is in the GC Planning District and within a 1,000 foot radius of either (1) the intersection of the centerline of SW Nyberg Street with the centerline of Interstate 5, or (2) the intersection of the centerline of SW Lower Boones Ferry Road with the centerline of Interstate 5.

Section 2. A new section, TDC 54.035, is added to read as follows:
Section 54.035 Gateway Tower Elements.

Gateway Tower Elements are permitted in the GC Planning District, subject to the following restrictions. A Gateway Tower Element shall not be located within a Mixed Use Commercial Overlay District (MUCOD).

(1) The Gateway Tower element shall be located within a 3.0 acre or larger commercial center development that is in a CG Planning District and within a 1,000 foot radius of:

(a) The intersection of the centerline of SW Nyberg Street with the centerline of Interstate I-5.

(b) The intersection of the centerline of SW Lower Boones Ferry Road with the centerline of Interstate I-5.

(2) **Number:** a maximum of two (2) Gateway Tower Elements are permitted within a commercial center development, with a minimum separation of 200 feet.

(3) **Height:** a Gateway Tower Element feature shall not exceed a structure height of 60 feet.

(4) **Width and depth:** no Gateway Tower Element shall have exterior width, depth, or diameter dimensions greater than 20 feet nor less than 6 feet.

(5) **Design.**

(a) Gateway Tower Elements shall incorporate architectural details including, but not limited to, fenestrations; eaves; window openings; and variations in roofline, volume, massing, and exterior materials. Architectural materials and details shall be of a high quality and shall relate to the design elements used on other structures in the development site.

(b) Gateway Tower Elements shall include a gable, hip, dome or pitched roof form without a spire or pinnacle above. The roof material shall be opaque and not transparent or translucent.

(c) Clocks, bells and similar features are prohibited.

(6) **Lighting:** A Gateway Tower Element may be illuminated by indirect illumination. Direct illumination or internal illumination other than light emitted from approved windows or fenestrations is prohibited.

(7) **Signage:** Signs are prohibited on a Gateway Tower Element structure.

Section 3. TDC 54.070 is amended to read as follows:

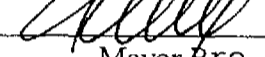
(1) Except for flagpoles displaying the flag of the United States of America, either alone or with the State of Oregon flag which shall not exceed 100 feet in height above grade, and except as provided in TDC 54.070(2) or (3), the maximum height of any structure is 45 feet.

(2) Maximum structure height for a wireless communication support structure and antennas located within 300 feet of the centerline of I-5 is 120 feet.

(3) **Maximum structure height for Gateway Tower Elements is 60 feet.**

INTRODUCED AND ADOPTED this 10 day of July, 2006.

CITY OF TUALATIN, Oregon

BY 
Mayor Pro tem

ATTEST:

BY 
Interim City Recorder