



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

11/26/2012

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 003-12

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: Friday, December 07, 2012

This amendment was submitted to DLCD for review 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 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: Colin Cortes, City of Tualatin  
Gordon Howard, DLCD Urban Planning Specialist  
Jennifer Donnelly, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

# Notice of Adoption

In person  electronic  mailed

DATE  
STAMP

DEPT OF

NOV 19 2012

LAND CONSERVATION  
AND DEVELOPMENT

For Office Use Only

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

Jurisdiction: **City of Tualatin**

Local file number: **PTA-12-04**

Date of Adoption: **11/13/2012**

Date Mailed: **11/16/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: 9/14/2012

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".

The sole purpose of this Plan Text Amendment (PTA) is to correct a discrepancy between proposed text approved by the City Council on 11/22/2010 and the text of of the enabling ordinance adopted by the Council on 12/13/2010. Although PTA-09-09 (Ord. No. 1317-10) didn't amend Tualatin Development Code (TDC) 41.030, it overwrote that entire section by duplicating 41.020 in error. The City Attorney advised correction through a PTA; Tualatin has an integrated comp plan and development code.

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

Plan Map Changed from: **n/a**

to:

Zone Map Changed from: **n/a**

to:

Location: **n/a**

Acres Involved: **0**

Specify Density: Previous: **n/a**

New:

Applicable statewide planning goals:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
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Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

35-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. 003-12 (19506) [17242]

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**DLCD file No.** \_\_\_\_\_

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

None.

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Local Contact: **Colin Cortes, AICP, Asst. Planner**

Phone: **(503) 691-3024** Extension:

Address: **18880 SW Martinazzi Ave**

Fax Number: **503-692-147**

City: **Tualatin**

Zip: **97062-**

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

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## **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**.

ORDINANCE NO. 1352-12

AN ORDINANCE AMENDING MEDIUM LOW DENSITY RESIDENTIAL PLANNING DISTRICT (RML) CONDITIONAL USES; AND AMENDING TDC 41.030 (PTA-12-04)

WHEREAS upon the application of the Community Development Department, a public hearing was held before the City Council of the City of Tualatin on October 22, 2012, related to a Plan Text Amendment of the Tualatin Development Code (TDC); and amending TDC 41.030 (PTA-12-04); and

WHEREAS the City provided notice to the Oregon Department of Land Conservation and Development as provided under ORS 197.610; and

WHEREAS the Council conducted a public hearing on October 22, 2012, 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 [6-0] with Councilor Beikman absent; and

WHEREAS based upon the evidence and testimony heard and considered by the Council, especially the City staff report dated October 22, 2012, makes and adopts as its Findings of Fact the findings and analysis in the staff report dated October 22, 2012 are incorporated by this reference; and

WHEREAS the City Council finds that granting the amendment is in the public interest; the public interest is best protected by granting the amendment at this time; the amendment conforms with the Tualatin Community Plan and the amendment complies with the applicable provisions of TDC 1.032.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TDC 41.030 is amended to read as follows:

~~No building, structures or land shall be used, and no building or structures shall be erected, enlarged or altered, except for the following uses:~~

- ~~(1) Townhouses and multi-family dwellings, including duplexes and triplexes.~~
- ~~(2) Condominiums constructed in accordance with TDC 40.030(2).~~
- ~~(3) Manufactured dwelling parks, in the locations designated by the Tualatin Community Plan Map and constructed in accordance with TDC 34.190.~~
- ~~(4) Single-family dwellings in a small-lot subdivision.~~

~~(5) Greenways, and Natural Areas, including but not limited to bike and pedestrian paths and interpretive stations.~~

~~(6) Density transfer project approved by the City prior to April 25, 1994, subject to TDC 41.320.~~

~~(7) Residential homes.~~

~~(8) Residential facilities.~~

~~(9) Nursing facility.~~

~~(10) Family day care provider, provided that all exterior walls and outdoor play areas shall be a minimum distance of 400 feet from the exterior walls and pump islands of any automobile service station, irrespective of any structures in between.~~

~~(11) Sewer and water pump stations and pressure reading stations.~~

~~(12) Wireless communication facility attached, provided it is not a single family dwelling or its accessory structures.~~

~~(13) Wireless communication facility located within 300 feet of the centerline of I-5.~~

~~(14) Accessory dwelling units in a small lot subdivision as provided in TDC 34.300-34.310.~~

~~(15) Transportation facilities and improvements.~~

The following uses and their accessory uses are permitted as conditional uses when authorized in accordance with TDC Chapter 32.

(1) A conditional use listed in TDC 40.030(4).

(2) Small-lot subdivisions conforming to the following:

(a) All subdivision improvements shall conform to TDC Chapter 36.

(b) All dwelling units constructed shall conform to the construction standards of the State of Oregon Uniform Building Code as adopted by the City of Tualatin.

(c) The minimum lot area shall be 4,500 square feet.

(d) The minimum average lot width shall be 30 feet.

(e) The minimum lot width shall be 30 feet on a cul-de-sac street.

(f) The maximum building coverage shall be 45 percent.

(g) For flag lots the minimum lot width at the street shall be sufficient to comply with at least the minimum access requirements contained in TDC 73.400(8)-(12).

(3) Wireless communication facility, except within approved small lot subdivisions.

INTRODUCED AND ADOPTED this 13th Day of November, 2012.

CITY OF TUALATIN, OREGON

BY

  
Mayor

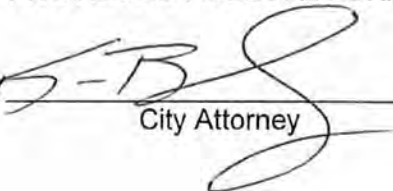
ATTEST:

BY

  
City Recorder

APPROVED AS TO LEGAL FORM

BY

  
City Attorney

#106

neopost<sup>®</sup>  
11/16/2012  
US POSTAGE \$01.10<sup>0</sup>  
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ZIP 97062  
041L11225620



City of Tualatin  
18880 SW Martinazzi Avenue  
Tualatin, Oregon 97062-7092

DEPT OF  
NOV 19 2012  
LAND CONSERVATION  
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Attn: Plan Amendment Specialist  
Dept. of Land Conservation and Dev.  
635 Capitol Street NE, Suite 150  
Salem, OR 97301-2540