



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

August 21, 2006

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Tigard Plan Amendment
DLCD File Number 002-06



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: September 5, 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
Sean Farrelly, City of Tigard

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FORM 2 Notice of Adoption

DEPT OF

AUG 15 2006

LAND CONSERVATION AND DEVELOPMENT

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

For DLCD Use Only

Jurisdiction: City of Tigard Local file number: DCA2006-00002

Date of Adoption: August 8, 2006 Date Mailed: August 14, 2006

Date original Notice of Proposed Amendment was mailed to DLCD: April 21, 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".

The City proposes amending the uses allowed under Civic uses (Section 18.130.120.B.4). For Public Institutions, incidental and subordinate commercial uses (such as a gift shop, bookstore, and limited food and beverage services) would be allowed. In addition, a new category "Cultural Institution Auxiliary Signs" would be created in the Special Condition Sign section (18.780.090).

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".

N/A

Plan Map Changed from: N/A to: N/A

Zone Map Changed from: N/A to: N/A

Location: Citywide Acres Involved: N/A

Specify Density: Previous: N/A New: N/A

Applicable Statewide Planning Goals: 1 & 2

Was and Exception Adopted? YES NO

DLCD File No.: 002-06 (15160)

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:

City of Tigard

Local Contact: Sean Farrelly, Associate Planner Phone: (503) 639-4171 Extension: 2420

Address: 13125 SW Hall Boulevard City: Tigard, Oregon

Zip Code + 4: 97223-8189 Email Address: sean@tigard-or.gov

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.

COPIES TO:

Metro Land Use & Planning
600 NE Grand Avenue
Portland, OR 97232-2736

ODOT - Region 1, District 2-A
Sam Hunaidi, Assistant District Manager
6000 SW Raab Road
Portland, OR 97221

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 **mara.ulloa@state.or.us** - **ATTENTION: PLAN AMENDMENT SPECIALIST.**

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 06-13

AN ORDINANCE AMENDING THE LANGUAGE OF THE TIGARD COMMUNITY DEVELOPMENT CODE, CHAPTERS 18.130 AND 18.780, TO ALLOW INCIDENTAL AND SUBORDINATE COMMERCIAL USES IN CULTURAL INSTITUTIONS AND TO CREATE A "CULTURAL INSTITUTION AUXILIARY SIGN" CATEGORY (DCA 2006-00002.)

WHEREAS, the applicant has requested an amendment to the Tigard Community Development Code Chapters 18.130 and 18.780, to allow incidental and subordinate commercial uses in Cultural Institutions and create a new "Cultural Institution Auxiliary Sign" category; and

WHEREAS, notice was provided to the Department of Land Conservation and Development 45 days prior to the first scheduled public hearing; and

WHEREAS, the Tigard Planning Commission held a public meeting on June 5, 2006, and recommended approval of the proposed amendment by motion with a unanimous vote; and

WHEREAS, the Tigard City Council has considered applicable Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197; any federal or state statutes or regulations found applicable; any applicable Metro regulations; any applicable Comprehensive Plan Policies; and any applicable provisions of the City's implementing ordinances; and

WHEREAS, the Tigard City Council has found the following to be the only applicable review criteria: Community Development Code Chapters 18.130, 18.380, 18.390, and 18.780; Comprehensive Plan Policies 1 and 2; and Statewide Planning Goals 1 and 2.

WHEREAS, the Tigard City Council has determined that the proposed development code amendment is consistent with the applicable review criteria, and that approving the request would be in the best interest of the City of Tigard.

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

SECTION 1: The specific text amendments attached as "EXHIBIT A" to this Ordinance are hereby adopted and approved by the City Council.

SECTION 2: 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 8th day of August, 2006.

Catherine Wheatley
Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this 8th day of August, 2006.

C. Dirksen
Craig Dirksen, Mayor

Approved as to form:

Jon Fustera
City Attorney

08/08/06
Date

Certified to be a true copy of the Original on file at City of Tigard City Hall.

By Catherine Wheatley 8.14.06
City Recorder, City of Tigard Date



DCA 2006-00002

PROPOSED AMENDMENTS TO THE TIGARD COMMUNITY
DEVELOPMENT CODE

ADDITIONS indicated by *Italics and Bold*

PROPOSED DEVELOPMENT CODE TEXT CHANGES:

Chapter 18.130 USE CLASSIFICATIONS

Section 18.130.020 Listing of Use Categories

B. Civic use types.

4. Cultural Institutions: Public or non-profit cultural facilities including libraries, museums and galleries. *May include incidental and subordinate commercial uses such as a gift shop, bookstore, and limited food and beverage services.*

Chapter 18.780 SIGNS

Section 18.780.015 Definitions

12. *“Cultural Institution Auxiliary Sign” means a sign placed and maintained by, or on behalf of, a subordinate commercial use in a Cultural Institution.*

[Re-number definitions after No. 12 according to the above amendment.]


Section 18.780.090 Special Condition Signs

J. Cultural Institution Auxiliary Signs

1. *Cultural Institution Auxiliary Signs shall be permitted in all zoning districts.*
2. *Cultural Institution Auxiliary Signs are limited to one sign and must be either within the same sign structure as another free-standing sign on the property where the Cultural Institution is located or on a wall of the primary building of the Cultural Institution. A wall sign must be consistent in structure and materials with any existing wall sign on the Cultural Institution. The sign area of a Cultural Institution Auxiliary Sign shall not exceed 4 square feet per face.*

ATTACHMENT:

EXHIBIT A: PROPOSED AMENDMENTS TO THE TIGARD COMMUNITY DEVELOPMENT CODE.



PREPARED BY: Sean Farrelly
Associate Planner

May 24, 2006
DATE



APPROVED BY: Tom Coffey
Interim Community Development Director

May 24, 2006
DATE