



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

February 11, 2008

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 006-07



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: February 22, 2008

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
Darren Nichols, DLCD Community Services Division Manager
William Harper, City of Tualatin

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FORM 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



Jurisdiction: City of Tualatin Local file number: PTA-07-05
Date of Adoption: 1/28/2008 Date Mailed: 2/1/2008
Date original Notice of Proposed Amendment was mailed to DLCD: 11/19/2007

- 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 Industrial Business Park Overlay Planning District (IBPOD) regulations of the Tualatin Development Code (TDC) 69.020 to allow Child Day Care uses as a permitted use when the IBPOD is applied to a property in the Light Manufacturing (ML) and selected General Manufacturing (MG) Planning District areas when the site is 10 acres or greater.

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".

Minor language added to TDC Section 69.065 (1, 2) providing standards for the maximum percent of a IBPOC development's floor area allowed for child day care center use.

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 an Exception Adopted? YES NO

DLCD File No.: 006-07 (16539)

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: William Harper, Assoc. Planner Phone: (503) 691-3027 Extension: _____

Address: 18880 SW Martinazzi Avenue City: Tualatin

Zip Code + 4: 97062- Email Address: 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 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.

ORDINANCE NUMBER 1251-08

AN ORDINANCE RELATED TO AMENDING THE INDUSTRIAL BUSINESS PARK OVERLAY PLANNING DISTRICT (IBPOD) TO ALLOW A CHILD DAY CARE CENTER USE IN AN IBPOD DEVELOPMENT GREATER THAN 10 ACRES IN SIZE; AMENDING TDC 69.020 AND 69.065 (PTA-07-05).

WHEREAS upon the application of Mike Berry of Berry Properties, owner and developer of the 17-acre Meridian Business Park development, a public hearing was held before the City Council of the City of Tualatin on January 14, 2008, related to amending the Industrial Business Park Overlay Planning District (IBPOD) to allow a child day care center use as a permitted use when the IBPOD is applied to a property in the Light Manufacturing (ML) and selected General Manufacturing (MG) Planning District areas when the site is 10 acres or greater; amending TDC Chapter 69 – IBPOD Sections 69.020 and 69.065 (PTA-07-05); and

WHEREAS notice of public hearing was given as required under the Tualatin Community Plan by publication on December 20, 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; 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 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 January 14, 2008, 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 4-0, with Councilor Harris not participating and Councilors Truax and 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 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. Therefore,

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TDC 69.020 is amended to read as follows:

Section 69.020 Permitted Uses.

(1) The following additional uses are permitted when the Industrial Business Park Overlay District is applied to a property in the Light Manufacturing (ML) District or to a property in one of the selected General Manufacturing (MG) District areas and the site is 10 acres or greater:

- (a) Business offices.
- (b) Commercial offices.
- (c) Branch banks and banking kiosks.
- (d) General offices, but not government offices.
- (e) Medical and healing arts offices.
- (f) Real estate offices.
- (g) Child day care center, 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.**

(2) The following additional uses are permitted when the Industrial Business Park Overlay District is applied to a property in the Light Manufacturing (ML) District or to a property in one of the selected General Manufacturing (MG) District areas and the site is 20 acres or greater:

- (a) Retail Uses:
 - (i) Food store of less than 4,000 square feet of gross floor area.
 - (ii) Restaurant, without drive-up or drive through facilities.
- (b) Service Uses:
 - ~~(i) Child day care center, 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.~~
 - (ii) (i) Correspondence, trade and vocational schools, except vocational high schools.
 - ~~(iii)~~ (ii) Health or fitness facility.
 - ~~(iv)~~ (iii) Job training and related services.
 - ~~(v)~~ (iv) Mailing operations.
 - ~~(vi)~~ (v) Reproduction, photocopying.

(3) The properties in the General Manufacturing (MG) District where the Industrial Business Park Overlay District may be applied in accordance with TDC 69.040 are:

- (a) North of the G.I. Joe's/Safeway Shopping Center and more particularly described as:
 - (i) Tax Map T2S, R1W, Section 13A, Tax Lot 800. (As of September 1, 1994 described as T2S, R1W, 13AA, Tax Lot 1200).
 - (ii) Tax Map T2S, R1E, Section 18BB, Tax Lots 2200, 2300, and 2400.
 - (iii) Tax Map T2S, R1E, Section 18BC, Tax Lots 200, 300, and 400. (As of September 1, 1994 described as T2S, R1E, 18BC, Tax Lots 200, 202, 300, and 400).

(b) PacTrust Area (Upper and Lower Boones Ferry Road) and more particularly described as Tax Map T2S, R1W, Section 24B, Tax Lots 1000, 1007, and 1008.

(c) Drake Management Company ownership at the northwest corner of SW Tualatin-Sherwood Road and Avery Street and more particularly described as Tax Map TS1, R1W, Section 27B, Tax Lots 100, 102 and 200.

Section 2. TDC 69.065 is amended to read as follows:

Section 69.065 Mixed Use Percentage.

(1) When the Industrial Business Park Overlay District site size is 10.00 to 19.99 acres, the **combined** gross floor area of office **and child day care center** uses shall not be greater than 50 percent of the total gross floor area of buildings on the site. **The gross floor area of a child day care center use listed in TDC 69.020(1)(g) may occupy up to 10 percent of the total gross floor area of buildings on the site, except as provided in TDC 69.065(2)(a).**

(2) When the site size is 20.00 acres or greater:

(a) The gross floor area of office, service and retail buildings combined shall not be greater than 50 percent of the total gross floor area of buildings on the site.

(b) The gross floor area of office uses listed in TDC 69.020(1) may occupy up to 50 percent of the total gross floor area of buildings on the site, except as provided in TDC 69.065(2)(a).

(c) The gross floor area of retail uses listed in TDC 69.020(2)(a) may occupy up to 10 percent of the total gross floor area of buildings on the site, except as provided in TDC 69.065(2)(a).

(d) The gross floor area of service uses listed in TDC 69.020(2)(b) **and a child day care center use listed in TDC 69.020(1)(g)** may occupy up to 10 percent of the total gross floor area of buildings on the site, except as provided in TDC 69.065(2)(a).

(3) The percentages in (1) and (2) of this section shall not be exceeded and may be reduced in the Architectural Review decision when information shows the impact, or the cumulative impact, of the development generated by the uses allowed through the Industrial Business Park Overlay District exceed the capacity of the onsite or offsite public infrastructure to support the development.

INTRODUCED AND ADOPTED this 28th day of January, 2008.

CITY OF TUALATIN, Oregon

BY  Mayor/Pro tem

APPROVED AS TO LEGAL FORM

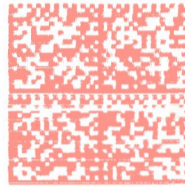

CITY ATTORNEY

ATTEST:

BY  City Recorder



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



ne:post

049J82043608

\$00.58₀

02/01/2008

Mailed From 97062
US POSTAGE

ATTN: PLAN AMENDMENT SPECIALIST
DLCD
635 CAPITOL STREET NE, SUITE 150
SALEM, OR 97301-2540

97301-2540 0007

