



Oregon

Theodore R. Kubongoski, 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

6/28/2010

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 001-10

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, July 09, 2010

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: William Harper, City of Tualatin
Gloria Gardiner, DLCD Urban Planning Specialist
Jennifer Donnelly, DLCD Regional Representative

<paa> YA



FORM

2

DLCD

Notice of Adoption

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

In person electronic mailed

DATE
STAMP

DEPT OF
JUN 21 2010
LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

Jurisdiction: **City of Tualatin**

Local file number: **PTA-10-01**

Date of Adoption: **6/14/2010**

Date Mailed: **6/18/2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 1/19/10

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".

Amending the Tualatin Development Code (TDC) Chapter 54-General Commercial Planning District, to allow indoor "Pet Day Care" (pet boarding service) as a permitted use in the CG Planning District and outdoor "Pet Day Care" as a conditional use with standards.

Does the Adoption differ from proposal? Yes. Revisions to terms, definitions, standards.

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: No Applicable Goals

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

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

DLCD file No. 001-10 (18073) [16178]

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

None other than City of Tualatin.

Local Contact: **William Harper, Associate Planner** Phone: (503) 691-3027 Extension:
Address: 18876 SW Martinazzi Ave Fax Number: 503-692-0417
City: Tualatin Zip: 97062 E-mail Address: wharper@ci.tualatin.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 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, please print this **Form 2** on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD 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**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

Updated December 22, 2009

ORDINANCE NO. 1305-10

AN ORDINANCE AMENDING THE GENERAL COMMERCIAL (CG) PLANNING DISTRICT TO ALLOW "DOGGIE DAY CARE," AND AMENDING TDC 31.060, 54.020 AND 54.030 (PTA-10-01)

WHEREAS upon the application of Drew Prell and Oswego Investors, LLC, a public hearing was held before the City Council of the City of Tualatin on April 12, 2010 and continued on June 14, 2010, to consider a Plan Text Amendment of the TDC; and amending TDC 31.060, 54.020 and 54.030 (PTA-10-01); and

WHEREAS notice of public hearing was given as required under the TDC by publication on 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," and by mailing a copy of the notice 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 April 12, 2010 and continued on June 14, 2010, 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] in favor with Councilor Harris absent; and

WHEREAS based upon the evidence and testimony heard and considered by the Council and especially the City staff reports dated April 12, 2010 and June 14, 2010, the Council makes and adopts as its Findings of Fact the findings and analysis in the staff reports 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.

Attachment D.1. Applicant suggested text amendment.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TDC 31.060 is amended to add the following definition in alphabetical order:

Pet Day Care A business providing pet care services for dogs and cats such as day care, sitting services, grooming, and retail sales of pet products. Pet Day Care is not allowed for animals other than dogs or cats including exotic animals or animals not considered ordinary household pets. Kennels for dog breeding and training are not allowed.

Section 2. TDC 54.020 is amended to read as follows:

No building, structure or land shall be used except for the following uses when conducted wholly within a completely enclosed building, except for utility facilities and wireless communication facilities, and provided retail uses on land designated Corridor or Industrial Area on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or business.

(1) Any use permitted outright in a Central Commercial Planning District, as provided in TDC 53.020.

(2) Others:

(a) Automobile glass shop; auto leasing office with no more than five autos stored on site; auto service shop, including but not limited to, service for air conditioners, electrical, brakes, washing, mufflers, oil or lubrication, sound, transmissions, tune-up, and upholstery; and auto tire shop.

(b) Automobile service station, with or without a mini-mart, subject to the following provisions:

(i) Minimum street frontage on each street on a corner lot: 120 feet.

(ii) Minimum street frontage on an interior lot: 150 feet.

(iii) Minimum building setback from any street right-of-way: 40 feet.

(iv) Minimum pump island setback from any lot line: 15 feet.

(v) Only two access points shall be allowed for an interior lot. A corner lot and a through lot shall be allowed only one access per street frontage.

(vi) The storage and display of merchandise such as tires and batteries offered for sale shall be conducted in the station building. However, small items such as oil and windshield wiper blades may be displayed outside the building.

(vii) No outside storage or sale of any vehicles is permitted.

(viii) All exterior walls and pump islands shall be a minimum distance of 400 feet from the exterior walls and outdoor play areas of any child day care center or family day care provider, irrespective of any structures in between.

(c) Automobile towing company office and dispatch office (no outdoor storage of towed vehicles).

(d) Boat, boat motor and boat trailer sales (does not include maintenance, service or repair), provided the boats do not exceed 18 feet in length, the boat motors do not exceed 40 horsepower and the boat trailers are single axle. An outdoor storage, display and sales area is allowed subject to the following provisions:

(i) boats, motors, and trailers are not the primary products sold by the store,

(ii) the outdoor area shall abut a wall of the store,

(iii) the outdoor area shall not exceed 10 percent of the store's gross floor area and shall not in any case exceed 5,000 square feet,

(iv) no less than 25 percent of the outdoor area shall be covered by a permanent roof,

(v) all sides of the outdoor area not abutting a wall of the store shall be screened with a sight obscuring fence, wall, berm, or dense evergreen landscaping not less than six feet in height as approved through the Architectural Review process, and

(vi) stored materials shall not exceed the height of the sight obscuring barrier when viewed from street level.

(e) Retail sales of building and home improvement materials and supplies, including garden tractors not exceeding 25 horsepower. An outdoor storage, display, and sales area is allowed subject to the following provisions:

(i) the store's gross floor area shall be not less than 50,000 square feet,

(ii) the outdoor area shall abut a wall of the store,

(iii) the outdoor area shall not exceed 10 percent of the store's gross floor area and shall not in any case exceed 15,000 square feet,

(iv) no less than 50 percent of the outdoor area shall be covered by a permanent roof,

(v) all sides of the outdoor area not abutting a wall of the store shall be screened with a sight obscuring fence, wall, berm, or dense evergreen landscaping not less than 6 feet in height as approved through the Architectural Review process, and

(vi) stored materials shall not exceed the height of the sight obscuring barrier when viewed from street level.

(f) Dental laboratory.

(g) Drive-in restaurant.

(h) Feed and seed store.

(i) Frozen food locker.

(j) Memorial planning and products center

(k) Motel or tourist court.

(l) Motorcycle sales and service.

(m) Nursery or greenhouse (allowed outdoors).

(n) Optical lens grinder.

(o) Photo processing.

(p) Publishing house.

(q) Rental of various small equipment, tools, and devices.

(r) Recreational water, snow, and land vehicles sales and service.

(s) Restaurant, take-out.

(t) Taxidermy shop.

(u) Testing laboratory.

(v) Veterinarian's office or animal hospital.

(w) Pet Day Care (Indoor Only)[not in the Central Urban Renewal District (CURD) Blocks 11, 28 & 29]

~~(w)~~ (x) Other uses of similar character, when found by the Planning Director to meet the purpose of this district, as provided herein by TDC 31.070.

Section 3. TDC 54.030 is amended to read as follows:

The following uses are permitted when authorized in accordance with TDC Chapter 32, and provided retail uses on land designated Corridor or Industrial Area on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or business.

(1) Any conditional use permitted in a Central Commercial Planning District in accordance with TDC 53.050.

(2) Adult business, as defined in TDC 31.060 and meeting the following requirements:

(a) The proposed use complies with all requirements set forth in Chapter 32 for the issuance of a conditional use permit.

(b) The subject lot is not within one thousand (1000) feet of the nearest residential Planning District or residential use.

(c) The lot is not within one thousand (1000) feet of any lot upon which there is located a church, educational institution primarily attended by minors, a public park or recreational facility, a day nursery or child day care center, a mobile home park, or any other public facility which is customarily utilized by minors.

(d) The lot is not within fifteen hundred (1500) feet of any lot upon which there is located another adult business.

(e) The exterior appearance of the structure shall be consistent with the appearance of existing commercial structures on abutting lots or within the immediate neighborhood, so as not to cause blight, deterioration, or avoidable depreciation in property values within the general vicinity.

(f) The business shall be permitted an identification sign but shall not exhibit advertisements, displays or any other promotional or advertising materials that may be visible to the public outside the structure.

(g) All doorways, windows and other openings shall be located, covered or screened in such a manner to prevent a view into the interior from any exterior public or semi-public area.

(h) The City Council may, at its discretion conduct a poll or survey of residents and property owners in the vicinity of a proposed adult business if such a poll or survey is determined to be necessary to adequately assess the social, economic or other impacts of the proposed adult business. Any such poll or survey shall be advisory only.

(3) Family recreation center, as defined in TDC 31.060.

(4) Automobile towing company office and dispatch office with outdoor vehicle storage, subject to the following provisions:

(a) Vehicle storage shall be screened with a solid sight-obscuring wall or fence not less than 6 feet in height, and

(b) A perimeter landscaped area at least 5 feet in width shall be provided on the outside of the storage area wall or fence as approved through the Architectural Review process. The perimeter landscaped area shall be planted with evergreen plant materials which will reach the height of the wall or fence within three years from the time of planting, and

(c) The storage area shall be paved with asphalt or concrete.

(5) Pet Day Care (indoor facility with outdoor activity area), subject to the following provisions:

(a) The subject lot is not within 500 feet of a Residential Planning District and is not in the Central Urban Renewal District (CURD) Blocks 11, 28 & 29.

(b) The outdoor activity area shall:

(i) be contained, continuously paved impervious surface;

(ii) have a drainage system that contains all animal waste material for discharge to the sanitary sewer system;

(iii) be completely enclosed with a minimum 8 feet high, sight-obscuring fence. Slatted chain link fencing is not an appropriate screening measure.

(c) No outdoor pet day care activity including exercise and training shall occur between the hours of 8:00 pm and 7:00 am.

(d) The applicant shall submit with the conditional use permit application a noise, odor and animal waste material mitigation plan for the design and management of the outdoor pet day care facility, showing how impacts on neighboring properties and businesses will be eliminated or minimized.

(56) Electrical substation.

(67) Natural gas pumping station.

(78) Water reservoir.

(89) Wireless communication facility, except on Block 11 of the Central Urban Renewal District where the use is prohibited.

INTRODUCED AND ADOPTED this 14th day of June, 2010.

CITY OF TUALATIN, OREGON

BY 
Mayor

ATTEST:

BY 
City Recorder

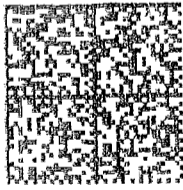
APPROVED AS TO LEGAL FORM


CITY ATTORNEY



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

ATTN: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION
& DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540



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