



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

09/20/2011

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 005-11

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: Thursday, October 06, 2011

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
Angela Lazarean, DLCD Urban Planning Specialist

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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

SEP 16 2011

LAND CONSERVATION
AND DEVELOPMENT
For Office Use Only

Jurisdiction: **City of Tualatin**

Local file number: **PTA-11-06**

Date of Adoption: **9/12/2011**

Date Mailed: **9/16/2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 7/6/2011

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".

Amend Tualatin Development Code (TDC) 2.060 to change the Tualatin Planning Advisory Committee (TPAC) by reducing the number of positions from 9 to 7 and easing term limits.

TPAC presently has 7 members and hasn't attracted more; TPAC exists in place of a planning commission and serves to meet Statewide Planning Goal 1. The amendment follows TPAC and City Council direction. Because the TDC incorporates the Tualatin comp plan, this change is processed as a plan text amendment (PTA).

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:

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

New:

Applicable statewide planning goals:

1 **2** **3** **4** **5** **6** **7** **8** **9** **10** **11** **12** **13** **14** **15** **16** **17** **18** **19**

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

DLCD File No. 005-11 (18853) [16765]

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

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

Local Contact: **Colin Cortes, Assistant Planner**

Phone: (503) 691-3024 Extension:

Address: 18876 SW Martinazzi Ave

Fax Number: 503-692-147

City: Tualatin

Zip: 97062-7092

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

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. 1332-11

AN ORDINANCE RELATING TO THE TUALATIN PLANNING ADVISORY COMMITTEE (TPAC); AND AMENDING TUALATIN DEVELOPMENT CODE (TDC) 2.060 (PTA-11-06)

WHEREAS upon the application of the City on behalf of TPAC, a public hearing was held before the City Council of the City of Tualatin on August 22, 2011, related to a Plan Text Amendment of the TDC; and amending TDC 2.060 (PTA-11-06); and

WHEREAS notice of public hearing was given as required under the Tualatin Development Code 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

WHEREAS the Council conducted a public hearing on August 22, 2011, 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],

WHEREAS based upon the evidence and testimony heard and considered by the Council and especially the City staff report dated August 22, 2011, the Council makes and adopts as its Findings of Fact the findings and analysis in the staff report attached as "Exhibit B," 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. TDC 2.060 is amended to read as follows:

(1) Number of members: 9.

(2) Selection criteria: good geographic balance; no more than three members with same occupation; no more than two members engaged in the real estate development profession; reside within City except for those members allowed to live outside the City who must reside within the Urban Growth Area.

(3) Term of office: ~~three years~~ Each committee member shall serve three years per term. The City Council may reappoint a member continually or appoint a successor.

(4) Powers and duties: recommend and make suggestions to the Council regarding preparation and revision of plans for the growth, development, and beautification of areas both inside the corporate limits of Tualatin and within the City's Urban Growth Boundary, such plans to incorporate elements and subelements, including but not limited to the following:

(a) Land Use

(b) Economic Development
Housing
Commercial and Industrial

(c) Public Facilities
Transportation
Water Supply
Sewerage
Drainage
Parks and Open Space
Institutions

(d) Historic Resources

(e) Recommend and make suggestions to the Council regarding preparation and revision of community development ordinances, including but not limited to the following:

Tualatin Development Code
Tualatin Sign Ordinance
Tree Planting Regulations

(f) Study and propose in general such measures as may be advisable for promotion of public interest, health, morals, safety, comfort, convenience, and welfare of the City and of the area within the City's Urban Growth Boundary.

INTRODUCED AND ADOPTED this 12th Day of September, 2011.

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

CITY OF TUALATIN, OREGON

BY


Mayor

ATTEST:

BY


City Recorder



8605 SE Lake Road, Portland, OR 97222 • PO Box 22108 Portland OR 97288-2108
 Phone: 503-684-0380 Fax: 503-620-3433
 E-mail: legals@commnewspapers.com

AFFIDAVIT OF PUBLICATION

State of Oregon, County of Washington, SS I, Charlotte Allsop, being the first duly sworn, depose and say that I am the Accounting Manager of *The Times* (serving Tigard, Tualatin & Sherwood), a newspaper of general circulation, published at Beaverton, in the aforesaid county and state, as defined by ORS 193.010 and 193.020, that

**City of Tualatin
 Notice of Hearing/PTA 11-06
 TT11592**

A copy of which is hereto annexed, was published in the entire issue of said newspaper for

1
 week in the following issue:
August 4, 2011

Charlotte Allsop
 Charlotte Allsop (Accounting Manager)

Subscribed and sworn to before me this August 4, 2011.

Suzette J. Curran
 NOTARY PUBLIC FOR OREGON
 My commission expires

Nov. 28, 2011

Acct #108462
 Attn: Heidi Blaine
 City of Tualatin
 Community Development Department
 18880 SW Martinazzi Ave
 Tualatin, OR 97062

Size: 2 x 7.75"
 Amount Due \$140.27*
 *Please remit to address above.



**NOTICE OF HEARING
 CITY OF TUALATIN, OREGON**

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Tualatin City Council at 7:00 p.m., Monday, August 22, 2011 at the Council Building at 18880 SW Martinazzi Avenue to consider:

PLANTEXT AMENDMENT (PTA) 11-06—AN ORDINANCE AMENDING THE TUALATIN PLANNING ADVISORY COMMITTEE (TPAC); AND AMENDING TDC 2.060 (PTA-11-06)

Before granting the proposed amendments, the City Council must find that: (1) Granting the amendments is in the public interest; (2) The public interest is best protected by granting the amendments at this time; (3) The proposed amendments are in conformity with the applicable objectives of the Tualatin Community Plan; (4) The factors listed in Section 1.032(4) were consciously considered; (5) The Tigard Tualatin School District Facility Plan was considered; (6) The amendments are consistent with the Statewide Planning Goals; (7) The amendments are consistent with the Metro Urban Growth Management Functional Plan; and (8) The amendments are consistent with Level of Service F for the PM peak hour and E for the one-half hour before and after the PM peak hour for the Town Center 2040 Design Type and E/E for the rest of the 2040 Design Types in the City's planning area.

Individuals wishing to comment may do so in writing to the Planning Division prior to the hearing and/or present written and/or verbal testimony to the City Council at the hearing. Hearings begin with a staff presentation, followed by testimony by proponents, testimony by opponents, and rebuttal. The time of individual testimony may be limited. If a participant requests, before the hearing is closed, the record shall remain open for at least 7 days after the hearing. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to the decision maker to respond to the issue precludes an action for damages in circuit court.

Copies of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing, and will be provided at reasonable cost. For more information contact Colin Cortes, AICP, CNU-A, Assistant Planner at ccortes@ci.tualatin.or.us or 503-691-3024. This meeting and any materials being considered can be made accessible upon request.

CITY OF TUALATIN, OREGON

By: Sherilyn Lombos
 City Recorder

ITEMS REFERRED TO AS EXHIBITS IN THE FOREGOING ORDINANCE ARE ATTACHED TO THE ORIGINAL. THEY HAVE BEEN OMITTED FROM THE COUNCIL PACKET AS A CONSERVATION MEASURE. IF THESE EXHIBITS NEED TO BE EXAMINED, PLEASE CONTACT THE CITY RECORDER.

PTA-11-06 ATTACHMENT B:

ANALYSIS AND FINDINGS

The approval criteria of the Tualatin Development Code (TDC), Section 1.032, must be met if the proposed PTA is to be granted. The plan amendment criteria are addressed below:

1. Granting the amendment is in the public interest.

Tualatin Development Code (TDC) 2.050, part of the City's comprehensive plan, designates the (Tualatin Planning Advisory Committee) TPAC as a citizen body responsible for fulfilling Goal 1 "Citizen Involvement."

The purpose of the amendment is to acknowledge a realistic number of potential TPAC members among the general public who are willing to attend meetings following Council appointment, to retain these members. The action is to decrease the number of positions from nine (9) to seven (7). (Of the 9 present positions, 7 are filled.) This action increases the ability of TPAC to conduct business regularly, a condition that is in and better serves the public interest. A second action is to remove the limit that a member may serve no more than two consecutive terms and allow the term of office to reside with Council's discretion. The City Council ultimately has the authority to approve new members and end the term of existing members as per the Tualatin Municipal Code Section 11-1-020(3).

Granting the amendment is in the public interest. Criterion "A" is met.

2. The public interest is best protected by granting the amendment at this time.

As examined for Criterion A, the purpose of the amendment is to acknowledge a realistic number of potential TPAC members among the general public who are willing to attend meetings following Council appointment, to retain these members. The action is to decrease the number of positions from nine (9) to seven (7). (Of the 9 present positions, 7 are filled.) This action increases the ability of TPAC to conduct business regularly.

A second action is to remove the limit that a member may serve no more than two consecutive terms. The City Council ultimately has the authority to approve new members and end the term of existing members. Eliminating term limits assists the Planning Advisory Committee with the ability to retain full membership, while keeping the ability to approve and remove members at Council discretion. In the past, members who are citizen volunteers and have shown great interest in land use issues affecting the community were forced to step down due to the current limit of terms that is three (3) years. This is a disservice to our community when there are

citizens who are interested in participating in decision making about the future of the City but are unable to participate. The public interest is in fact better protected through removal of the limit that a member may serve no more than two consecutive terms.

In 2010, primarily because of vacant positions TPAC failed to attain quorum for four meetings, including two consecutive meetings, delaying action items. The committee has attracted and retained seven (7) members though having nine (9) positions. These conditions make the amendment timely.

Granting the amendment at this time best protects the public interest.

3. The proposed amendment is in conformity with the applicable objectives of the Tualatin Community Plan.

In 1976 Tualatin Development Code (TDC) 2.050 designated TPAC as a citizen body responsible for fulfilling Goal 1 "Citizen Involvement." The amendment does not interfere with the Plan objective of TPAC fulfilling Goal 1.

The proposed amendment conforms with the objectives of the Tualatin Community Plan. Criterion "C" is met.

4. The following factors were consciously considered:

The various characteristics of the areas in the City.

The factor is not relevant to the proposed amendment because it does not affect any planning district designation or related regulation.

The suitability of the areas for particular land uses and improvements in the areas.

The factor is not relevant to the proposed amendment because it does not affect any planning district designation or related regulation.

Trends in land improvement and development.

The factor is not relevant to the proposed amendment because it does not relate to trends in land improvement and development.

The needs of economic enterprises and the future development of the area.

The factor is not relevant to the proposed amendment because it does not relate to the needs of economic enterprises and the future development of the area.

Needed right-of-way and access for and to particular sites in the area.

The factor is not relevant to the proposed amendment because it does not relate to needed right-of-way and access for and to particular sites in the area.

Natural resources of the City and the protection and conservation of said resources.

The factor is not relevant to the proposed amendment because it does not relate to natural resources of the City and the protection and conservation of said resources.

Prospective requirements for the development of natural resources in the City.

The consideration of the previous factor applies here also.

And the public need for healthful, safe, aesthetic surroundings and conditions.

The factor is not relevant to the proposed amendment because it does not relate to the public need for healthful, safe, aesthetic surroundings and conditions.

Proof of change in a neighborhood or area

Neither the applicant nor staff assert proof of change in a neighborhood or area.

Mistake in the Plan Text or Plan Map.

Neither the applicant nor staff assert a mistake in the Plan Text or Plan Map.

5. The criteria in the Tigard-Tualatin School District Facility Plan for school facility capacity have been considered when evaluating applications for a comprehensive plan amendment or for a residential land use regulation amendment.

Because the amendment does not relate to residential use, the criterion is not applicable.

6. Granting the amendment is consistent with the applicable State of Oregon Planning Goals and applicable Oregon Administrative Rules.

Of the 19 statewide planning goals, the applicable one is Goal 1 "Citizen Involvement."

The purpose of the amendment is to acknowledge a realistic number of potential TPAC members among the general public who are willing to attend meetings

following Council appointment, to retain these members, and allow TPAC a realistic quorum. Additionally, the purpose of the amendment is to remove the limit that a member may serve no more than two consecutive terms and change the terms of office to reside with Council's discretion. This action allows citizen volunteers the opportunity to continue serving the community as long as they and the City Council are willing.

The amendment does not interfere with the City Council designation of TPAC in Tualatin Development Code (TDC) 2.050 as a citizen body responsible for fulfilling Goal 1. The criterion is met.

7. Granting the amendment is consistent with the Metropolitan Service District's Urban Growth Management Functional Plan.

The Urban Growth Management Functional Plan (UGMFP), codified in Metro Code 3.07, neither precludes the amendment nor regulates how a local government constitutes its planning commission or equivalent. The criterion is met.

8. Granting the amendment is consistent with Level of Service F for the p.m. peak hour and E for the one-half hour before and after the p.m. peak hour for the Town Center 2040 Design Type (TDC Map 9-4), and E/E for the rest of the 2040 Design Types in the City's planning area.

Because the amendment does not relate to vehicle trip generation at a land use level, the criterion is not applicable.



DEPT OF
SEP 16 2011
LAND CONSERVATION
AND DEVELOPMENT



Colin Cortes #106

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

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