



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

August 21, 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 005-08



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 4, 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
Amanda Punton, DLCD Natural Resource Specialist
Colin Cortes, City of Tualatin

<paa> ya/

FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DATE STAMP

DEPT OF

AUG 15 2008

LAND CONSERVATION AND DEVELOPMENT

For DLCD Use Only

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-08-03**

Date of Adoption: **8/11/2008**

Date Mailed: **8/14/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **3/24/2008**

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".

Proposed plan text amendment (PTA) of Tualatin Development Code (TDC) Section 68.060(1)(a) "Demolition Criteria" of Chapter 68 "Historic Preservation" to clarify that among the criteria required to obtain approval of demolition of a historic landmark, an applicant must demonstrate that a landmark is either no longer historically significant or no longer architecturally significant and need not necessarily satisfy both of these criteria. (The comp plan and land dev regs are integrated.)

Does the Adoption differ from proposal? Yes, Please explain below:

Yes, the adopted text differs in wording but not intent from the initial proposed text.

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

to: **n/a**

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

to: **n/a**

Location: **n/a**

Acres Involved: **0**

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

New: **n/a**

Applicable statewide planning 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 checked="" 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

DLCD # 005-08 (16802)

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:

Tigard-Tualatin School District 23J

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

Phone: (503) 691-3024 Extension:

Address: 18876 SW Martinazzi Ave

Fax Number: 503-692-3512

City: Tualatin

Zip: 97062-7092

E-mail Address: ccortes@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 Complete Copies (documents and maps) 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. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: webserver.lcd.state.or.us. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing mara.ulloa@state.or.us.
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 now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also 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 NO. 1268-08

AN ORDINANCE AMENDING THE HISTORIC LANDMARK
DEMOLITION CRITERIA; AND AMENDING TDC 68.060 AND
68.080 (PTA-08-03).

WHEREAS Tualatin Development Code (TDC) 68.060 establishes criteria for the
for the demolition of a historic landmark; and

WHEREAS the Staff recommends to Council that the TDC be amended to clarify
the criteria and formally involve the Tualatin Historical Society (THS); and

WHEREAS the Tualatin Planning Advisory Committee (TPAC) recommends to
Council that the TDC be amended to clarify and improve the criteria; and

WHEREAS Council finds the amendment to be appropriate; and

WHEREAS upon the application of the City of Tualatin Community Development
Department, a public hearing was held before the Tualatin City Council on June 9,
2008, and continued on July 28, 2008, related to amending the historic landmark
demolition criteria, and amending TDC 68.060 and 68.080 (PTA-08-03); and

WHEREAS notice of public hearing was given as required under the Tualatin
Community Plan by publication on May 22, 2008, 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; 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 by
mailing to property owners within 300 feet of the subject property, which is evidenced by
the Affidavit of Mailing marked "Exhibit C," attached and incorporated by this reference;
and

WHEREAS the Council concluded the public hearing on July 28, 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 5-0 with Councilors Boryska and Maddux
absent; and

WHEREAS based upon the evidence and testimony heard and considered by the
Council and especially the City staff reports dated June 9, 2008, and July 28, 2008, 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

Ordinance No. 1268-08

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 68.060 is amended to read as follows:

- (1) In determining whether or not a request for demolition of a landmark shall be approved, ~~or approved with conditions or denied~~, the ~~Planning Community Development~~ Director shall ~~make a decision that the landmark is~~ find that one of the criteria (a), (b), or (c) has been met. If the request meets none of the criteria, the Community Development Director shall deny the request.
- (a) ~~No longer~~ The landmark is no longer historically or architecturally significant; ~~and,~~
- (b) The landmark is no longer architecturally significant.
- ~~(b)(c)~~ That ~~the~~ benefits of demolishing the landmark and the construction of the identified conflicting permitted uses(s) outweigh the value to the community of preserving the landmark.
- (2) The following factors shall be used by the ~~Planning Community Development~~ Director in making a decision on demolitions:
- (a) The information used in the original designation of the landmark;
- (b) Any evidence the applicant or property owner has provided demonstrating that there would be no reasonable, long-term economic benefit to the property owner from preservation of the landmark. In making this determination, the owner must show that all uses or adaptive uses of the landmark have been thoroughly examined. For example:
- (i) The fact that a higher economic return would result from demolition than preservation on its own is insufficient to meet ~~this criterion (b)~~.
- (ii) A lack of adequate funds to pursue potential uses or adaptive uses is insufficient to meet the criterion (i.e., selling, partially preserving, or moving the landmark ~~is~~ are an options that shall be considered).
- (c) Whether issuance of a Certificate of Appropriateness approving the demolition request would act to the detriment of the public welfare;
- (d) The Economic, Social, Environmental and Energy consequences to the community of demolishing the landmark as compared to pre-serving it; and
- (e) The physical condition of the landmark.
- (f) Whether the landmark is identified as a primary or secondary resource. Additional importance shall be accorded to preserving landmarks with a primary designation.

Section 2. A new subsection (10) is added to TDC 68.080 to read as follows:

- (10) In addition to any other persons entitled to notice, the Community Development Director or designee shall mail notice of application to demolish a landmark to the president of the Tualatin Historical Society. Such notice shall begin a comment period of two weeks.

INTRODUCED AND ADOPTED this 11th day of August, 2008.

CITY OF TUALATIN, OREGON

BY



Mayor

ATTEST:

BY


City Recorder

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

Ordinance No. 1268-08

049J82043608

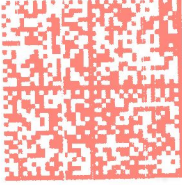
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08/14/2008

Mailed From 97062

US POSTAGE

neopost



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

ATTN: PLAN AMENDMENT SPECIALIST
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CONSERVATION AND DEVELOPMENT
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