



# City of Tualatin

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August 11, 2011

## INTERPRETATION DECISION INT-11-01

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Case:	INT-11-01
Use(s):	Afterschool [child] day care with private taekwondo instruction
Address:	19302 SW Mohave Court
Tax Lot:	2S1 23DA 02300
Planning District:	Light Manufacturing (ML) with Urban Renewal Block 28 overlay of General Commercial (CG) uses excluding Central Commercial (CC) uses pursuant to Tualatin Development Code (TDC) 60.030 and TDC Map 9-3.
Applicant:	Leann Bennett, Principal Broker, Metro West Realty (503-692-3050), representing owner Eggiman Bypass Trust

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### BACKGROUND

The applicant is Leann Bennett, Principal Broker with Metro West Realty in Tualatin, representing Taekwondo World, a business instructing adults and children in taekwondo, which is a Korean martial art. In Korean, *tae* means "to strike or break with foot," *kwon* means "to strike or break with fist," and *do* means "way", "method", or "art."<sup>1</sup>

In July 2011, Planning Division staff served Ms. Bennett at the counter by providing information about the proposed use and location within a Light Manufacturing (ML) Planning District and Urban Renewal Block 28, which allows General Commercial (CG) uses pursuant to Tualatin Development Code (TDC) 60.030.

They discussed permitted uses and the issues associated with the proposal. She believed that Taekwondo World is similar to child day care, and he stated that a family recreation center is not permitted within ML and is permitted within Central Commercial (CC) and CG. (TDC 31.060 defines "family recreation center" as, "A business offering two or more forms of recreational activity such as boat rides, bowling, electronic games, go-cart tracks, miniature golf, skating, water slides, or similar commercial amusements. Restaurants, gift shops and other businesses clearly incidental to the primary recreational activities may also be included.") They discussed the provisions for child day care in ML found in TDC 60. After Ms. Bennett opined that her client's use would fit, staff suggested submittal of an interpretation request.

The request is to use the subject property for "afterschool daycare with private Taekwondo instruction" according to the applicant's narrative dated June 27, 2011. TDC 31.070 regulates TDC interpretations.

## **ANALYSIS AND FINDINGS**

### ***Subject Property & Planning District Designation***

The subject property, Tax Lot 2S1 23DA 02300 (Lot 2300) with the address of 19302 SW Mohave Court, is within a Light Manufacturing (ML) Planning District. The subject property is within Urban Renewal Block 28 pursuant to TDC Map 9-3 "Central Urban Renewal Area." (Refer to Attachment A "Vicinity Map.") TDC 60 contains the ML Planning District regulations, and TDC 60.030 "Central Urban Renewal Plan - Additional Permitted Uses" grants Block 28 the permitted uses within General Commercial (CG) Planning District (TDC 54.020), excluding the Central Commercial (CC) permitted uses (TDC 53.020) that TDC 54.020(1) incorporates by reference. The Central Urban Renewal Area overlaps downtown Tualatin.

### ***City Goals, Objectives, & Policies***

The policy documents excerpted below provide context and guidance of work by City staff. They balance the restricted purview of the TDC.

City Council Strategic Management Plan (SMP; 2009)<sup>2</sup>:  
Goal 3, "Achieve economic vitality in all sectors of the community and ensure a sustainable economic and revenue base for the City."

Tualatin Tomorrow Community Vision and Strategic Action Plan (Updated Sept. 2009) (TT CVSAP), How We Plan and Grow - Growth, Housing and Town Center (GHT)<sup>3</sup>:

Strong Local Economy:

Strategy GHT 25, Healthy Business Climate:

Enhance the Tualatin community by attracting a diverse, stable mix of business and clean industries.

Strategy GHT 28, Small Business Environment:

Ensure a business-friendly environment for small business in Tualatin, including easy access for customers and employees, sufficient parking and transit, supportive city business services and reasonable taxes.

Town Center Plan<sup>4</sup>:

The subject property is within the Town Center Area as shown in the *Tualatin Town Center Plan Final Report* (June 2005), Figure 1 "Existing Town Center Area." Figures 7 and ES-1 illustrate preferred Town Center plans, in which the subject property is part of Key Element N, defined in Table 5 as "Commercial redevelopment in the South Industrial Area." The City Council held a special work session on February 26, 2008 about the Town Center Plan, during which it reiterated its desire to include Element N within the Town Center Area. Overall, the Town Center plan envisions mixed uses, primarily residential and commercial and including civic, cultural, and social functions.

### ***Precedent***

The record of interpretations dating from 1983 indicates no interpretation that is related to or could serve as precedent for this interpretation. Management and staff discussed the request during the July 13, 2011 staff meeting.

### ***Tualatin Development Code (TDC) Regulations, Standards, & Uses***

TDC 60.020(25) lists a permitted use within ML that is related and relevant to this interpretation:

Child day care center, provided it is in a building with manufacturing, processing, assembling, warehousing or wholesaling uses and provided all exterior walls and outdoor play areas shall be at least 400 feet from the exterior walls and pump islands of any automobile service station, irrespective of any structures in between.

TDC 31.060 "Definitions" provides definitions for select terms within the TDC:

"Child Day Care Center. A day care facility providing day care to children as defined in ORS 418.805(4), except a Family Day Care Provider." (Note: In 1993 the Legislature renumbered the Oregon Revised Statutes reference to 657A.250[5].)

ORS 657A.250(5) states<sup>5</sup>:

"Child care facility" means any facility that provides child care to children, including a day nursery, nursery school, child care center, certified or registered family child care home or similar unit operating under any name, but not including any:

...

(b) Facility providing care for school-age children that is primarily a single enrichment activity, for eight hours or less a week.

...

Regarding the provisos that child day care be “in a building with manufacturing, processing, assembling, warehousing or wholesaling uses and provided all exterior walls and outdoor play areas shall be at least 400 feet from the exterior walls and pump islands of any automobile service station, irrespective of any structures in between,” the applicant’s narrative states in bullets 6 and 11 that, “A portion of the site will be used for warehousing material,” and “Taekwondo world ... would be in conjunction with a warehousing facility of uniforms and equipment used in taekwondo.” There are automobile repair shops, but not any service stations (i.e. fueling or gas stations), within 400 feet (ft) of the property boundaries. The use satisfies the provisos of TDC 60.020(25).

The applicant’s narrative (Attachment B) describes the proposed activity as, “The activity on site would consist of picking up school age children from the local schools in a bus, working with the students on homework and providing Taekwondo instruction,” meaning that there would be two enrichment activities. The use would operate weekdays after school until – as bullet 7 in the applicant’s narrative mentions – around 6 p.m. The Tigard-Tualatin School District (TTSD)<sup>6</sup> operates five public schools within city limits: the three elementary schools release at 2:25 p.m., Hazelbrook Middle School at 3:35 p.m., and Tualatin High School at 2:50 p.m. Because of the length of time between child pick-up by bus and daycare release, and in an e-mail dated August 4, 2011 (Attachment C) the applicant states that hours of operation would be Monday through Friday from 10 a.m. to 8 p.m. and Saturday from 10 a.m. to 1 p.m., the use would provide care for 53 hours weekly, i.e. more than eight (8) hours a week.

Bullets 10 and 11 mention that taekwondo training will be for children and adults. The author viewed the Taekwondo World schedule<sup>7</sup> effective January 1, 2010 (Attachment D), which confirms that the preponderance of training is for children and adult training is limited to lunchtime (noon to 1 p.m.) and late evening. Based on the applicant’s description and the TDC definition, by having instruction of children, the proposed use meets the definition of “child day care center;” however, by having instruction of adults also, the proposed use would no longer meet the definition of “child day care center.”

Taekwondo World seeks to relocate from its current tenant space in the Nyberg Creek Crossing strip mall at 7642 SW Nyberg Street (Tax Lot 2S1 24CA 00100), which is within the Central Commercial (CC) Planning District. The Finance Department approved its business license on September 5, 2002, and as of August 1, 2011 the most recent renewal shows the business having no more than two (2) employees according to the Finance Department. Business license issuance requires sign-off from the Planning Division. Because the City issued a business license, the Planning Division had approved of the use in CC Planning District.

TDC 53.020(47) permits within CC the use, “Studio, including music, art, dancing, photography or health.” While the Urban Renewal Block 28 CG overlay excludes CC uses. It appears the Planning Division classified Taekwondo World as a health studio.

### ***Traffic & Trip Generation***

The applicant’s narrative states in bullets 7 through 9 that:

7. Traffic generated will be mainly parents picking up Children around 6pm. Maximum 10-15 cars in the parking lot at any one time, mostly drop off and pick up.
8. Maximum 10-15 cars will need parking at any one time.
9. Total number of students at any one time is 40.

The City approved the existing site development through Architectural Review AR-85-35. The site has 18 parking spaces.

The Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 7<sup>th</sup> ed. (2003) trip generation rate for a “day care center” (ITE Code 565) based on number of students on a weekday during p.m. peak of adjacent roadway traffic is an average of 0.82 trips per student with a standard deviation of 0.95 and 47% of trips entering and 53% exiting a site. (See Attachment E.) The working policy of the City, particularly the Engineering Division, has been to examine the effects of land development and uses on p.m. peak hour traffic on adjacent roadways instead of the peak hours of the developments or uses themselves, which might fall outside 4 to 6 p.m.)

Applying the trip generation rate of 0.82 per student times 40 students equals 32.8 trips, with 15.4 (47%) entering and 17.4 (53%) exiting. This fits both the applicant’s assertion of “Maximum 10-15 cars in the parking lot at any one time, mostly drop off and pick up” and the 18 on-site parking spaces. Lastly, bullet 2 in the applicant’s narrative states, “The activity on site would consist of picking up school age children from the local schools in a bus, working with the students on homework and providing Taekwondo instruction,” lessening the number of entering vehicle trips. Therefore, neither p.m. peak trip generation of nor parking for child day care would be a problem at the subject property

### **Sources**

<sup>1</sup>“Taekwondo.” Wikipedia. 31 July 2011. Web. 1 August 2011.

<sup>2</sup>City Council Strategic Management Plan. City of Tualatin. 2 August 2011. Web. 2009.

<sup>3</sup>Community Vision and Strategic Action Plan (Updated Sept. 2009). Tualatin Tomorrow. 2 August 2011. Web. Sept. 2009.

<sup>4</sup>Tualatin Town Center Plan Final Report. City of Tualatin. 2 August 2011. Web. June 2005.

<sup>5</sup>Oregon Revised Statute 657A.250(5).

<sup>6</sup>Tigard-Tualatin School District. 2 August 2011. Web. 2 August 2011.

<sup>7</sup>“Schedule.” Taekwondo World. 2 August 2011. Web. 2 August 2011.

### **INTERPRETATION**

Based on the application materials and the analysis and findings, “afterschool daycare with private taekwondo instruction of children in conjunction with warehousing of taekwondo equipment” is a “child day care center” and is therefore a permitted use within the ML Planning District pursuant to TDC 60.020(25). The use excludes instruction of adults.

## APPEAL

This interpretation will be final after 14 calendar days on **August 25, 2011, unless a written appeal is received** by the Community Development Department, Planning Division at 18880 SW Martinazzi Avenue, Tualatin, Oregon 97062-7092 **before 5 p.m. on August 24, 2011. The appeal must be submitted on the City appeal form** with all the information requested provided thereon and signed by the appellant. The appeal forms are available at the Tualatin Library and the Planning Division office. The City Council reviews appeals of interpretations pursuant to Tualatin Development Code (TDC) 31.070(4).

For more information, please contact Colin Cortes, AICP, CNU-A, Assistant Planner at 503-691-3024, by fax at 503-692-0147, or [ccortes@ci.tualatin.or.us](mailto:ccortes@ci.tualatin.or.us).

Submitted by,



Colin Cortes, AICP, CNU-A  
Assistant Planner

cmc

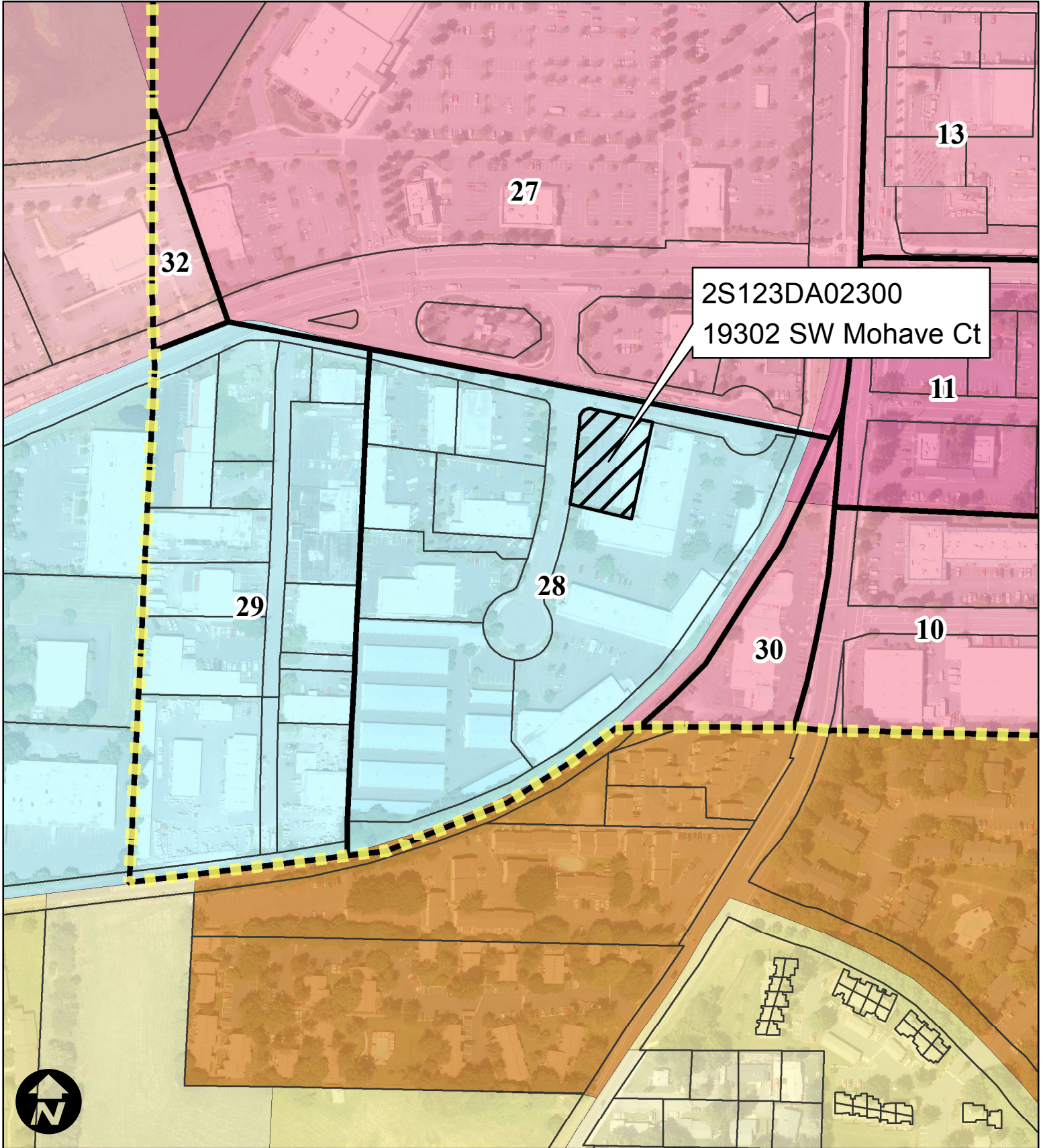
Attachments:   A. Vicinity Map  
                  B. Application Materials  
                  C. E-mail August 4, 2011 from Applicant  
                  D. Taekwondo World Schedule  
                  E. "Day Care Center (565)," p. 1,046 ITE *Trip Generation* 7<sup>th</sup> ed.

cc: Alice Rouyer, AICP, Community Development Director  
    Aquilla Hurd-Ravich, AICP, Planning Manager  
    Will Harper, AICP, Senior Planner  
    Cindy Hahn, AICP, Associate Planner  
    Brenda Braden, City Attorney  
    Michael McKillip, City Engineer  
    Kaaren Hofmann, PE, Civil Engineer  
    Jim Sayers, Building Official  
    Lisa Thorpe, Program Coordinator (Business Licensing)  
    Martin Loring, IT Coordinator: GIS/Web  
    Applicant: Leann Bennett, Principal Broker, Metro West Realty, 18963 SW 84th Ave.,  
              Tualatin, OR 97062-9477  
    Owner: Carlton Leo, Eggiman Bypass Trust, 15433 NW Troon Dr., Portland, OR 97229-0916

file: INT-11-01



# INT-11-01 Vicinity Map




 Urban Renewal Area

 CC

 CO

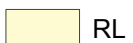
 RH

 RML

 Urban Renewal Area Blocks

 CG

 ML

 RL

This map is derived from various digital database sources. While an attempt has been made to provide an accurate map, the City of Tualatin, OR assumes no responsibility or liability for any errors or omissions in the information. This map is provided "as is". -Engineering and Building Dept. Printed 7/28/2011

APPLICATION FOR INTERPRETATION

INT-11-01

CITY OF TUALATIN  
COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION  
18880 SW MARTINAZZI AVE  
TUALATIN OR 97062-7092  
(503) 692-2000

Case No. ~~7111~~  
Date Rec'd. ~~7-11-11~~  
By ~~M/11~~

PLEASE PRINT IN INK OR TYPE

Applicant's Name Leann Bennett

Applicant's Address 18963 SW 84th Ave

Tualatin (city) OR (state) 97062 (ZIP)

Applicants' Phone Numbers 503-504-6772, 503-692-3050

Applicant is: Owner  Contract Purchaser  Developer  Agent   
Other

Code Section 60.020 (25)

Interpretation request (briefly describe your request, please use additional pages to give a more detailed description of factors involved)

Taekwondo World would like to open a childcare  
(afterschool) center in conjunction with a warehousing  
use in the ML district with a commercial  
overlay district.

If the interpretation is for a use on a particular site, please fill in the section below:

Address of Property 19302 SW Mohave Ct. Tualatin

Lot Area .50 acres Planning District \_\_\_\_\_

Assessor's Map Number 25123DA Tax Lot Number(s) 02300

Property Owner's name Eggiman Bypass Trust

Property Owner's address 15850 NW Central Dr. # 452  
Portland, OR 97229



Community Development Department  
City of Tualatin  
Planning Division  
Attn: Mr. Will Harper

Leann Bennett, Broker  
Metro-West Realty  
18963 SW 84<sup>th</sup>  
Tualatin, OR 97062  
#503-504-6772  
[LeannRBennett@gmail.com](mailto:LeannRBennett@gmail.com)

June 27, 2011

Re: location-19302 SW Mohave Ct. Tualatin  
Applicant -Taekwondo World, Mr. Narayan Gurung

Dear Sir,

Mr. Gurung would like an interpretation of the code provisions for the above referenced property, Sec.31.070.

1. The property will be used as an afterschool daycare with private Taekwondo instruction.
2. The activity on site would consist of picking up school age children from the local schools in a bus, working with the students on homework and providing Taekwondo instruction.
3. There is no machinery on site.
4. Noise and odor consists of typical children's voices and some Taekwondo calls, and no known odor, (other than body odor).
5. There will be no outside storage except for vehicle used to transport children.
6. Current structure is a 6080 square foot building on .49 acres. A portion of the site will be used for warehousing material.
7. Traffic generated will be mainly parents picking up Children around 6pm. Maximum 10-15 cars in the parking lot at any one time, mostly drop off and pick up.
8. Maximum 10-15 cars will need parking at any one time.
9. Total number of students at any one time is 40.
10. Client base is Children and Adults from Tualatin, Lake Oswego, Sherwood and Tigard. Current business located in Tualatin has a client base of about 100.
11. Taekwondo world started as a preschool/afterschool program in the late 90's in Sherwood. It had branches in Durham and Tualatin as well. This location would consolidate client base and allow the business to get back to

its roots in childcare as well as teach adult instruction, clinics and tournaments. This business would be in conjunction with a warehousing facility of uniforms and equipment used in taekwondo.

Thank you for you time and consideration,

*Learr Bennett*

## Colin Cortes

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**From:** Leann Bennett [leannrbennett@gmail.com]  
**Sent:** Thursday, August 04, 2011 10:47 AM  
**To:** Colin Cortes  
**Subject:** Re: Taekwondo World operating hours (INT-11-01)

Monday-Friday 10-8 Saturday 10-1  
Leann bennett

Sent from my iPhone

On Aug 1, 2011, at 3:46 PM, Colin Cortes <[CCortes@ci.tualatin.or.us](mailto:CCortes@ci.tualatin.or.us)> wrote:

Leann,

What would be the operating hours of Taekwondo World? I.e., what days of the week and between what hours per day of week would it operate?

**Colin Cortes, AICP, CNU-A**

Assistant Planner

City of Tualatin | [Planning](#)

503.691.3024 | Fax: 503.692.0147

Please consider the environment before printing this email.

DISCLAIMER: This email is a public record of the City of Tualatin and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This email is subject to the State Retention Schedule.



**taekwondo world**  
The family that kicks together, sticks together

August 2, 2011

[home](#)

[schedule](#)

[location/directions](#)

7642 SW Nyberg Rd  
Tualatin, OR 97062  
Phone:503-885-7575



## Schedule

Schedule effective JANUARY 1, 2010. There will be no classes on testing and major tournament days. All new members on trial lessons are allowed to take 2 classes a week. All HIGHLIGHTED children and youth classes are for beginners and intermediate students.

Time	Monday Form Techniques & Poomse	Tuesday Form Techniques & Poomse	Wednesday Kicking & Conditioning	Thursday Kicking & Conditioning	Friday Poomse, Kicking, Sparring & Fun
12:00 to 1:00	Adult Advance	Adult, All Belts	Adult Advance	Adult, All Belts	Adult Advance (Contact Dave)
3:10 to 3:50	Little Dragon, Ages 4 & 5 yrs. 3:10 ~ 3:40	Semi-Private Ages under 8 yrs.	Little Dragon, Ages 4 & 5 yrs. 3:10 ~ 3:40	Semi-Private Ages under 8 yrs.	Semi-Private Ages under 8 yrs.
3:50 to 4:30	Semi-Private Ages under 8 yrs.	Advance Little Dragons Ages 4 & 5 yrs. 3:50 ~ 4:30	Semi-Private Ages under 8 yrs.	Advance Little Dragons Ages 4 & 5 yrs. 3:50 ~ 4:30	Semi-Private Ages under 8 yrs.
4:30 to 5:15	Ages 9 & Under, Green & Higher	<b>Ages 8 &amp; Under, White to Yellow Stripe</b>	Ages 9 & Under, Green & Higher	<b>Ages 8 &amp; Under, White to Yellow Stripe</b>	Ages 9 & Over, Green & Higher Sparring
5:15 to 6:00	<b>Ages 10 &amp; Under, White to Yellow Stripe</b>	Ages 9 & Over, Blue Belt & Higher	<b>Ages 10 &amp; Under, White to Yellow Stripe</b>	Ages 9 & Over, Blue Belt & Higher	<b>Ages 10 &amp; Under, White to Yellow Stripe</b>
6:00 to 6:45	Ages 10 & Over, Green & Higher	Ages 10 & Under, All Belts	Ages 10 & Over, Green & Higher	Ages 10 & Under, All Belts	Ages 10 & Over, Green & Higher
6:45 to 7:40	Ages 12 & Over, Red Belt & Higher Competition Team	<b>Ages 11 &amp; Over, All Belts 6:45 ~ 7:30</b>	Ages 12 & Over, Red Belt & Higher Competition Team	<b>Ages 11 &amp; Over, All Belts 6:45 ~ 7:30</b>	Ages 12 & Over, Red Belt & Higher Competition Team
7:40 to 8:30	Adult All Belts	Adult 7:30 ~ 8:30	Adult All Belts	Adult 7:30 ~ 8:30	Adult All Belts
9:00 to 9:45	World Class Competition Team	World Class Competition Team	World Class Competition Team	World Class Competition Team	World Class Competition Team

### Saturday Morning Make-Up Classes

10:00 to 10:40 Ages 8 & Under, All Belts	10:40 to 11:20 Ages 9-12, All Belts	11:20 to 12:00 Teenagers, All Belts
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# Day Care Center (565)

**Average Vehicle Trip Ends vs: Students**  
**On a: Weekday,**  
**Peak Hour of Adjacent Street Traffic,**  
**One Hour Between 4 and 6 p.m.**

Number of Studies: 71  
 Average Number of Students: 69  
 Directional Distribution: 47% entering, 53% exiting

## Trip Generation per Student

Average Rate	Range of Rates	Standard Deviation
0.82	0.24 - 1.72	0.95

## Data Plot and Equation

