

**CITY OF NORTH PLAINS PLANNING COMMISSION
REGULAR SESSION AGENDA
WEDNESDAY, JANUARY 9, 2013, 7:00 P.M.
JESSIE MAYS COMMUNITY HALL, 30975 NW HILLCREST STREET**

1. **CALL TO ORDER**

2. **FLAG SALUTE**

3. **ROLL CALL**

4. **PUBLIC COMMENTS**

(This time is provided for questions or statements by the persons in the audience on any item of Commission business, except those items which appear on this agenda. Comments shall be limited as determined by the Chairperson.)

5. **CONSENT AGENDA**

December 12, 2012, Regular Session Minute Approval

6. **UNFINISHED BUSINESS**

Zoning and Development Code Amendment; ZDA-12-005 – *Refer to the Staff Report regarding proposed revisions.*

7. **STAFF REPORT**

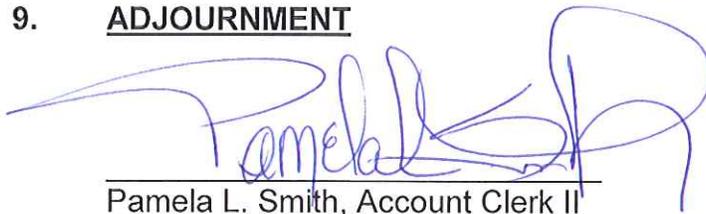
City Manager

8. **COMMISSION REPORTS**

Parks Advisory Committee (PAC)

Primary - Heather LaBonte Alternate - Aeron Braukman

9. **ADJOURNMENT**



Pamela L. Smith, Account Clerk II

City Planning Commission Meetings are scheduled for Jessie Mays Community Hall, 30975 NW Hillcrest Street, North Plains, Oregon, on the following dates at 7:00 p.m.:

Wednesday, February 13, 2013

Wednesday, March 13, 2013

Wednesday, April 10, 2013

**CITY OF NORTH PLAINS PLANNING COMMISSION
REGULAR SESSION MINUTES
DECEMBER 12, 2012, 7:00 P.M.
JESSIE MAYS COMMUNITY HALL
30975 NW HILLCREST STREET**

1. Chairman King called the meeting to order at 7:01 pm.
2. Chairman King led the pledge of allegiance.

3. ROLL CALL

Commission: Chairman Stewart King, Vice-Chairperson Heather LaBonte, Commissioners Jeff Low and Doug Nunnenkamp present. Commissioner Ethan Hagar arrived at 7:18. Commissioner Daryl Olson excused absence and Ex-Officio Glen Warren unexcused absence.

Staff: City Manager Martha DeBry, City Planner Angie Lehnert, and Account Clerk II Pam Smith present.

Visitors: Niki Munson of Riverside Homes present.

4. PUBLIC COMMENTS

No comments were received.

5. CONSENT AGENDA

September 12, 2012, Regular Session Minutes, and November 14, 2012, Regular Session Minutes Approval. LaBonte approved the September 12, 2012, and the November 14, 2012, Regular Session Minutes as written. Low seconded the motion and they were approved unanimously.

6. NEW BUSINESS

A. Applicant Stewart King requesting a Variance for property located at 31525 NW Cottage Street. King asked that the agenda be amended with this request being a Public Hearing item instead of New Business. DeBry noted that the Public Hearing Notice had been done and conditions had been met. King also wanted elections to be added as item #10 and the Adjournment to become item #11.

PUBLIC HEARING

King opened the Public Hearing at 7:07 and the Quasi-Judicial Public Hearing Script was read. After asking for declarations of conflict of interest, ex-parte contact or personal bias and hearing none, King stepped down and LaBonte took over the meeting asking if anyone wished to challenge any remaining Commissioner. Hearing none, she asked Lehnert to read the staff report requesting a variance of an interior

side yard setback from ten foot to five foot on property located at 31525 NW Cottage Street. Lehnert noted the Planning Commission was in the process of revising the Code to permit five foot interior side yard setbacks in the R-5 Zone. With no further discussion, LaBonte inquired whether there would be a quorum without King's vote and DeBry said it would stand unless appealed. LaBonte closed the Public Hearing at 7:10. Nunnenkamp approved the adoption of the findings within the Staff Report and approved the variance request for File #12-010-01-VAR. The motion was seconded by Low and unanimously approved.

King retook the chair at 7:11, and asked Lehnert about the new numbering system on the files. Lehnert told the Commission files were now identified by a project number so the numbering system had changed to reflect that.

B. Planning Commissioner Applicant Interview. King asked if the Commission felt the need to interview candidate Low or Olson. Neither Nunnenkamp nor LaBonte had questions for either of the candidates. King asked for a recommendation. Nunnenkamp approved Low and Olson for recommendation to City Council for additional four year terms on the North Plains Planning Commission. LaBonte seconded the motion and it was unanimously approved.

C. Sunset Terrace Division Extension Request. Lehnert told the Commission an email had been received from Riverside Homes requesting an extension approval of the Sunset Terrace Subdivision, File #SD/FPP 06-009. King asked if the new expiration date would be from tonight's meeting date or from the anniversary date of the original request, which was July 12, 2006. DeBry said it would be from today's date. Lehnert stated the City found no significant changes since the original application and recommended approval for a two year extension. (Hagar arrived at 7:18).

Niki Munson, Riverside Homes, 17933 NW Evergreen Parkway spoke to the Commission on the plan to develop the existing plat beginning in March 2013 and ending in June 2013.

Nunnenkamp stated that traditionally the original application date was used for extensions. Lehnert noted the original applicant was not the owner of the property at this time and the property was now owned by the bank.

King asked how the Commission felt about the two different dates, July 12, 2012, and December 12, 2012. Nunnenkamp thought the Commission should be consistent in approving extensions. King asked the applicant if she felt the date of July 12, 2014, would give sufficient time to finish the work. N. Munson agreed that date would allow Riverside Homes enough time. Nunnenkamp moved to grant approval of a two year

extension of File #SD/FPP 06-009 from the original application date to expire July 12, 2014. Low seconded the motion and it was unanimously approved.

D. Jennifer Marsicek, representing the North Plains Senior Center, Extension Request. A request was received for a one year extension on File #DR 10-005/CUP 10-006. The original expiration date was December 8, 2012. With Phase I completed, Phase II will encompass remodeling the kitchen storage area and the applicant was waiting for funding to come through. King wondered why the applicant hadn't asked for the extension while the original application was still valid. Lehnert felt the extension request would be fine to approve with the expiration date so close. Low moved to grant a one year extension of File #DR 10-005/CUP 10-006 from the original application date to expire December 8, 2013. Nunnenkamp seconded the motion and it was unanimously approved.

7. UNFINISHED BUSINESS

Zoning and Development Code Amendment; File #ZDA 12-005. Lehnert opened the discussion and suggested going over changes made from discussion at the prior meeting.

Lehnert asked to confirm with LaBonte the Lot Line Adjustment definition correction she wanted to see. LaBonte suggested removing the second line of the definition. King noted that line is about a process and should not be a part of the definition. Lehnert stated that line would be removed.

Lehnert noted she couldn't find anything about video signs so removed item #DD from Section 16.80-Sign Standards, and will renumber the section. She also removed the line "Video signs are not included in this definition." from Section 16.80 item #J. Nunnenkamp asked if the word "videos" shouldn't be included somewhere under item #J. DeBry and Lehnert thought item #J.4. covered videos. It was agreed to add the word "videos" to item #J.4.

The discussion about Temporary Signs continued with Lehnert describing how all temporary signs would be allowed on private property in Commercial and Industrial zones. DeBry related this would allow businesses to put up these signs without the need for permits. Nunnenkamp asked about the time frame for temporary signs. DeBry noted it would not regulate temporary signs unless the signs were in the public right-of-way and were not for City or community events, in which case a permit would be required and the City would regulate the six month time frame. Nunnenkamp reminded that we do regulate signs to which DeBry said we only regulate permanent signs. Nunnenkamp would like to see temporary signs regulated to allow for an uncluttered and clean look in town. King agreed that it would be easier to enforce if

the code were clear. DeBry preferred not to have a restrictive code if the City was not going to actively enforce it. Nunnenkamp questioned why it would not be enforced. DeBry stated temporary signs were not a priority when there were limited resources available for enforcement.

DeBry restated we should not regulate temporary signs on private property, only those in the public right-of-way for events other than City or community events. Those would require permits and be held to the six month time frame period. She noted an exception might be needed for temporary signs in the downtown right-of-way area limiting size and placement. Lehnert noted the code didn't specify what does or does not require permits. King thought all temporary signs should require a permit except those for City or community events. LaBonte asked for confirmation that temporary signs in the right-of-way, which are not about City or community events, would be the only ones requiring permits. DeBry confirmed and reminded the commission that no permits would be required for temporary signs on private property. The Temporary Sign information appears under all four Zones listed in Section 16.80. Lehnert agreed to rework the Temporary Sign information and bring it back to the Commission.

Lehnert noted she had made the changes from the prior meeting's discussion and asked if there were any questions or further discussion.

King asked about the types of Design Review Approval Procedures under Chapter 16.175.010, wondering if item #A should have been Type I. Lehnert noted that there were no Type I Land Use Design Reviews and she would make item #B a subcategory under item #A.

DeBry requested the language in Chapter 16.185 be revised to allow either the City Manager or City Planner leeway to administratively do minor variance changes on a case by case basis to save costs.

DeBry asked whether all extensions needed to go before Planning Commission or if they could be approved administratively in some cases. King liked Planning Commission being given the opportunity to check for zone or code changes, etc. It was agreed extensions for minor items could be approved administratively but major extensions would go in front of Planning Commission. Lehnert will revise Chapter 16.00.080 to reflect the change.

King noted a typing omission in 16.30.015, leaving out the "Foot symbol" and period. He also noted the double word "increases" in 16.175.010, item #A.2. King thought 16.175.020 should identify the criteria determining the requirement of a Pre-Application Conference.

The commission had questions about some of the fees and Lehnert said she could put the fee schedule in the drop box for all Commissioners.

The following is a list of **new** changes to be made after the Commission was finished with the discussion. New changes noted in italics:

- 16.05 – *Remove last sentence* for the definition for Lot Line Adjustment.
- 16.80 – Item J, second sentence. *Strike the line* “Video signs are not included in this definition.”
- 16.80 – Item J.4, *add the words* “to include videos.” (Wording to be specifically corrected by Planner.)
- 16.80 – *Remove item* DD. Video Signs
- 16.80.010, 16.80.015, 16.80.020, 16.80.025 *Clarification* of the Temporary Signs section in each zone.
- 16.175.010 - *Move item B.* “Type II Limited Land Use Design Review Approval Criteria” to become a subsection under item A, and *renumber section.*
- 16.00.080 *New wording* regarding minor changes being allowed to be made administratively for variances.
- 16.00.080 – Third paragraph, new wording “Extensions *will be considered by Planning Commission.*”
- 16.00.080 - *Add wording* allowing administrative decisions on some extensions.
- 16.30.015 – Item H, *add foot symbol and period.* “Buildings....not exceed a height of 35’.”
- 16.175.010 - Item A.2. *Remove the second “increases.”*
- 16.175.020 – *Identify the specific criteria* determining the requirements of a Pre-Application Conference.

8. **STAFF REPORTS**

DeBry related things were moving forward with both Sunset Terrace and McKay Creek. Lehnert noted Highland Court hopes to close this week. LaBonte thought this might be a good time to fix some of the lots illegally divided previously in the McKay Creek subdivision. King agreed it would be a good time to straighten it out. DeBry suggested having the City Attorney look into that. DeBry said three acres were to be dedicated to the city for a park which would become part of the trail system.

9. **COMMISSION REPORTS**

Parks Advisory Committee (PAC) No meetings held, so nothing to report.

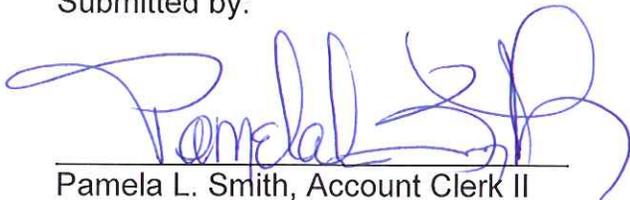
10. **ELECTION OF OFFICERS FOR 2013**

LaBonte nominated King for Chairman. Nunnenkamp seconded the motion and it was approved unanimously. Nunnenkamp nominated LaBonte for Vice Chair. Low seconded the motion and it was approved unanimously.

11. **ADJOURNMENT**

King adjourned the meeting at 8:40 and let the commission know they would meet next month on January 9, 2013, not 2012 as incorrectly stated on the agenda.

Submitted by:



Pamela L. Smith, Account Clerk II

Minutes Approved: _____

Chapter 16.00
ZONING AND DEVELOPMENT

16.00.000 **Title**

This Ordinance shall be known and may be referred to as the City of North Plains Zoning and Development Ordinance.

16.00.005 **Purpose and Scope**

This Ordinance is enacted to:

- A. Encourage the most appropriate use of land.
- B. Conserve and stabilize the value of property.
- C. Facilitate fire and police protection.
- D. Provide for adequate living conditions, including sufficient open space, light, and air.
- E. Minimize congestion on streets.
- F. Promote orderly growth of the city.
- G. Prevent undue concentrations of population.
- H. Facilitate adequate provision of community facilities.
- I. Promote in other ways the public health, safety, convenience, and general welfare, generally consistent with the Comprehensive Plan.

16.00.010 **State and Federal Regulations**

All development within the City shall adhere to:

- A. State and federal air quality standards.
- B. State and federal water quality standards.
- C. State noise standards.

16.00.020 Conformance Required

The use of all land, as well as the construction, reconstruction, enlargement, structural alteration, movement, use, or occupation of any structure within the City of North Plains shall conform to the requirements of this Ordinance.

16.00.030 Violation of Conditions

Upon failure to comply with any provision of this Ordinance, or with any restrictions or conditions imposed hereunder, the City may withhold any further permits and may withhold or withdraw city utility services until correction is made. Notwithstanding any such action taken by the City, any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of this Ordinance, or who resists the enforcement of such provisions, shall be subject to a civil penalty of not more than \$250.00 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

16.00.035 Stop – Order Hearing

- A. Stop order issued. Whenever any work is being done in violation of the provisions of the Code or a condition of any permit or other approval granted pursuant herein, the City may order the work stopped by written notice served on persons engaged in doing such work or causing such work to be done. All work under the permit or approval shall cease until it is subsequently authorized or affirmed in writing by the city to continue.
- B. Appeal Opportunity. A person or organization that has been served the stop work order may appeal the decision by submitting a letter to the City Manager within 15 calendar days of the date of the stop work order requesting a hearing with the City Council. The City Council shall hold this hearing and make written findings as to the violation within thirty (30) days.
- C. Stop order hearing. When an appeal is timely filed, the City Manager shall schedule a City Council hearing on the stop order. At the discretion of the City Manager, such hearing may be 1) part of a hearing on revocation of the underlying development approval, or 2) solely to determine whether a violation has occurred.

Upon finding a violation, the stop-work shall continue to be effective until the violation has been abated or otherwise corrected as determined by the City.

- D. Appeal of an order of the City Council under this section shall be to the Circuit Court of Washington County, Oregon, in the manner provided in ORS 34.010 to 34.102.

16.00.040 Interpretation

The provisions of this Ordinance shall be interpreted as minimum requirements. When this Ordinance imposes a greater restriction than is required by other provisions of law, or by other regulations, resolutions, easements, covenants or agreements between parties, the provision of this Ordinance shall control.

16.00.050 Savings Clause

Should any section, clause or provision of this Ordinance be declared invalid by a court of competent jurisdiction, the decision shall not affect the validity of the Ordinance as a whole or of the remaining sections. Each section, clause and phrase is declared severable.

16.00.060 Conflicting Ordinances

All zoning, subdivision, and other land development ordinances previously enacted by the city are superseded and replaced by this Ordinance.

16.000.070 Fees

For the purpose of defraying expenses involved in processing applications, fees shall be paid to the City of North Plains upon the filing of an application in conformance with this Ordinance.

- A. Fees shall be considered a deposit and all actual costs will be billed against this deposit. If the deposit is not adequate to cover processing costs, then the applicant will be responsible for all additional costs.
- B. Fees shall be payable at the time of application and shall be as set forth by resolution of the City Council. A fee is not required for an application initiated by the Planning Commission or the City Council.
- C. Fees are not refundable unless the application is withdrawn prior to the notification of a hearing or the issuance of an administrative decision.
- D. The City Council may reduce or waive the fees upon showing of just cause.
- E. Delinquent accounts may result in a lien against the property for which the application is submitted.

16.00.080 Termination of Approvals and Extensions

Except as otherwise provided in this Ordinance, approval of an application or permit is void after one year or such lesser time as the approval may specify unless substantial construction has taken place or the proposed use has occurred. Approval of a ~~large-scale~~ subdivision or PUD is void after two years or such lesser time as the approval may specify unless substantial construction has taken place or the proposed use has occurred.

~~In the case of an administrative decision, the City~~The Planning Commission may grant two year extensions for subdivisions and PUDs and one year extensions for all other applications. The Planning Commission ~~City~~ may also grant two-year extensions of a PUD, land partition or subdivision approval that expired between January 1, 2008 and January 1, 2013. The request for an extension must be filed with the City at City Hall on or before the expiration date.

The applicant is responsible for requesting an extension. An extension is a discretionary decision and is not granted automatically. The following criteria must be satisfied in order for the City to approve an extension:

- A. The City determines just cause for the delay and the reason for the delay is outside the control of the applicant.
- B. No significant changes to the applicable standards of this Ordinance or the applicable regulations of other affected jurisdictions (Clean Water Services, Washington County, Washington County Fire District, etc) have been made. Any extension requests shall be referred to affected city departments or other governmental jurisdictions for comment.
- C. No significant changes have been made to properties within 250 feet of the exterior boundaries of the subject property.

16.00.090 Final Action on Permit Application Within 120 Days

Pursuant to ORS 227.178, the City shall complete final action on permit applications, including resolution of all appeals within 120 days of receipt of a complete application. This time requirement shall not apply to legislative decisions. The determination of completeness shall be made by the City ~~Planner~~. The 120 day time limit may be waived in writing by the applicant.

In computing any period of time prescribed or allowed by this section, the day or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or legal

holiday, in which event the period runs until the next day which is not a Saturday, Sunday or legal holiday.

Chapter 16.05 DEFINITIONS

100-Year Flood Plain: Land subject to one percent or greater chance of flooding in any given year as defined by the Federal Insurance Administration (FIA) on its official Flood Insurance Rate Map (FIRM). In this Ordinance, "100-year flood plain" is synonymous with "area of special flood hazard."

Access: The way or means which allows pedestrians and/or vehicles to ingress and egress a property.

Accessory Structure or Use: A detached, subordinate structure, the use of which is customarily incidental to that of the dominant use of the main building, structure, or land and which is located on the same lot or parcel as the main building, structure or use. Examples of accessory structures or uses include, but are not limited to, private garages, greenhouses, decks, fences, arbors, gazebos, air conditioners, heat pumps, tool sheds and satellite dishes per definition. (An Accessory Dwelling is not considered an Accessory Building or Use. See definition for Dwelling, Accessory.) Accessory structures and accessory uses are not allowed in floodplains or floodways.

Alcoholic Beverage Establishment: A commercial establishment including, but not limited to, bars, taverns, pool halls, coffee houses, or similar establishments where a dance floor, music, games, or other entertainment may be provided and where the sale of alcoholic beverages is an integral component of the business.

Alley: A narrow street primarily used for vehicular service access to the back or side of properties otherwise abutting on another street.

Amusement Enterprise, Indoor: Any enterprise, wholly contained within a structure, whose main purpose is to provide the general public with an amusing or entertaining activity. Indoor amusements may include arcades, skating rinks, dance halls, theaters, ice rinks, pool halls, bowling alleys, indoor shooting ranges, health/sports facilities/gyms, and similar enterprises. Indoor amusement enterprises may also include business that hold classes in acting, art, dance, music, photography, and martial arts.

Amusement Enterprise, Outdoor: Any enterprise whose main purpose is to provide the general public with an amusing or entertaining activity. Outdoor amusements may include zoos, carnivals, expositions, miniature golf courses, fairs, exhibitions, athletic contests, rodeos, tent shows, Ferris wheels, children's rides, roller coasters, private soccer and baseball fields, go-cart tracks, archery range, golf courses, driving ranges, and similar enterprises.

Animal Care Facilities: A place where animals are boarded and/or bred, including, but not limited to, veterinary clinics, stables, dog day cares, animal groomers, and kennels.

Art Studio or Gallery: Where objects of art are created or displayed for the public enrichment or where said objects of art are displayed for sale (including, but not limited to, the teaching of photography, painting, sculpturing, and other similar skills) as the primary use of the structure.

Automobile, Recreational Vehicle or Trailer Sales Area: A lot used for display, sale, or rental of new or used automobiles, recreational vehicles, light trucks, or trailers, where no repair work is done except minor, incidental repairs of automobiles or trailers to be displayed, sold or rented on the premises.

Automobile Service Station: A building designed primarily for supplying of motor fuel, oil, lubrication and accessories to motor vehicles, but excluding major repair and overhaul.

Awning : A roof-like cover extending over or in front of a place (as over the deck or in front of a door or window) as a shelter.

Bed and Breakfast Inn: A structure where rooms are rented to transient paying guests on an overnight basis and meals are served where no cooking facilities are provided in the rooms.

Building: A structure built for the support, shelter, or enclosure of persons, animals or property of any kind.

Bulk Storage Tank: A container for the storing of chemicals, petroleum products, grains, and other materials for subsequent resale to distributors or retail dealers or outlets.

Bus Depot/Terminal: A use that includes a building and area in which patrons may purchase tickets for bus transportation. Bus terminals may provide for the storage, maintenance, and services of busses including repair, washing, and fueling facilities.

Business Office: A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government and generally furnished with desks, tables, files, and communication equipment.

Carport: A structure which has enclosing walls for less than 50% of its perimeter covered with a roof and constructed specifically for the storage of one or more vehicles.

Catering establishment: A business where the scope of activity is the preparation and sale of meals and beverages for consumption by large parties in conjunction with events such as weddings, parties, and other events with large numbers of attendees.

Child Care, Certified Center: As defined by the State of Oregon, a Certified Child Care Center typically provides care for more than 12 children in a building that usually is constructed as other than a single-family dwelling.

Child Care, Certified Home: As defined by the State of Oregon, a Certified Child Care Home provides child care for up to 12 children, and may be certified for up to 16 children with prior approval from the State of Oregon; and is located in a building constructed as a single-family dwelling.

Child Care, Registered Home: As defined by the State of Oregon, a Registered Child Care Home provides child care to more than 3 children and up to a total of 10 children at any one time, unless they are all from the same family; provides child care on other than an occasional basis; or receives payment from an agency that requires registration.

City: The City of North Plains, Oregon.

City Planner: The City employee or contractor authorized by the city manager or City Council to implement, administer, interpret and enforce the Zoning and Development Ordinance

Civic/government use: Uses that principally serve a public need, such as libraries, museums, post offices, parks, community centers, police stations, and fire stations.

Clinic, Medical & Dental: A facility operated by one or more physicians, dentists, chiropractors, or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis.

Cold Storage Facility : A commercial establishment where foods or other commodities are stored either in lockers, rented or leased, or in vaults in bulk for distribution to the home or other commercial businesses. No slaughtering of animals or fowl is allowed on the premises.

Country Club: Land area and buildings containing golf courses or other recreational facilities, a clubhouse, and customary accessory uses, open to members and their guests.

Commission: The City of North Plains Planning Commission.

Conference/Convention Center: A large civic building or group of buildings designed for conventions, industrial shows, and the like, having large unobstructed exhibit areas and often including conference rooms, hotel accommodations, restaurants, and other facilities.

Condominium: A condominium or townhome is a group of housing units where each homeowner owns their individual unit space, usually from the wall studs in, and share

ownership of most or all common elements. Condominiums are subject to the provisions of ORS Chapter 100.

Council: The City of North Plains City Council.

Dwelling, Attached Two Family: A two family dwelling, with each dwelling unit being located on its own lot, and sharing one common wall and common property line with the other dwelling unit.

~~**Day Care, In-Home:** A day care which accommodates fewer than thirteen (13) children, including the children of the provider, in the provider's home and is considered by Oregon law to be a residential use.~~

~~**Day Care, Commercial:** A day care which accommodates thirteen (13) or more children that is typically not provided in a residential building.~~

Drive-in/Thru window: A takeaway restaurant, bank, etc. designed so that customers can do business without leaving their cars. This may include, but is not limited to, fast food, bank, and pharmacy drive-thrus.

Dwelling, Accessory: A detached, secondary, and subordinate dwelling unit which is located on the same lot or parcel as the main building, structure, land, or use. Examples of accessory dwellings include, but are not limited to, granny flats, garage apartments, and accessory apartments.

Dwelling, Multi-Family: A building containing four or more dwelling units.

Dwelling, Single-Family, Attached (Townhouse, condominium, or row house): Two or more single family dwellings with common end-walls.

Dwelling, Single-Family, Detached: A detached building containing one dwelling unit.

Dwelling, Three-Family (Triplex): A detached building containing three dwelling units, located on one legal lot.

Dwelling, Two-Family (Duplex): A detached building containing two dwelling units, located on one legal tax lot.

Dwelling Unit: One or more rooms designed for occupancy by one family and not having more than one cooking facility. Includes all conventional and prefabricated housing which meets Uniform Building Code specifications

Easement: A grant of right to use an area of land for a specified purpose.

Educational Facility: Any facility or premises regularly attended by one or more persons for the purpose of instruction. Such facilities may include tutoring businesses and primary, secondary, colligate, and vocational/trade schools.

Entity: Every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit.

Extended Care Facility, Convalescent Home, or Nursing Home: A building, or portion thereof, used or designed for the housing of the aged, and/or mentally or physically handicapped persons who are under daily medical, psychological, or therapeutic care; provided that this definition shall not include rooms in any residential dwelling, hotel, or apartment hotel not ordinarily intended to be occupied by said persons.

Farm product processing: The alteration or modification, for the purpose of storage, transport, or sale of an agricultural product produced on a farm site through the addition of other ingredients or components, provided that the initial agricultural product must be the principal ingredient or component. Types of establishments that conduct farm product processing may include canneries, meat packing plants, saw mills, and grain elevators.

Fence, Sight Obscuring: A fence or evergreen planting arranged in such a way as to obscure vision.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry areas from the overflow of water bodies and/or unusual and rapid accumulation of surface water from any source.

Floor Area: The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, but not including:

- A. Attic space providing headroom of less than seven feet;
- B. Basement, if the floor above is less than six feet above grade;
- C. Uncovered steps or fire escapes;
- D. Private garages, carports, or porches;
- E. Accessory water towers or cooling towers;
- F. Accessory off-street parking or loading spaces.

Fraternity or Sorority: An organization formed chiefly to promote friendship and welfare among the members.

Fraternal Lodge: A structure where a group of people meet who are organized for a common interest, usually cultural, religious, or entertainment with regular meetings, rituals, and formal written membership.

Fuel Sales: A business for retail delivery of motor fuels, including but not limited to gasoline, diesel, propane, natural gas, bio-diesel, or hydrogen to individual motor vehicles.

Frontage: All the property on one side of a street between two street intersections, crossing or terminating, measured along the line of the street; or if the street is dead-ended, then all of the property abutting on one side between a street intersection and the dead-end of the street.

Garage, Private: A detached accessory building or portion of a main building for the parking or temporary storage of vehicles owned or used by occupants of the main building.

Garage, Public: A building, other than private garage, used for the care, repair, or equipping of motor vehicles, or where such vehicles are parked.

Grade: The average elevation of the finished ground level at the center of all walls of the building. In case a wall is parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.

Greenhouse or Garden, Commercial: A structure or location where plants, vegetable, flowers, and similar materials are grown for sale.

Health Club/Sports Facility: A building designed and equipped for the conduct of sports, or exercise, or other customary and usual recreational activities, operated for profit or not for profit and which is open only to members and guests of the club or facility.

Height of Building: The vertical distance from the "grade" to the highest point of the coping of a flat roof or the deck line of a mansard roof or to the point midway between the ridge and the eaves of a pitch or hip roof.

Hospital or Sanitarium: A building, or portion thereof, used or designed for the medical or surgical treatment of the sick, mentally ill, or injured persons, primarily on an inpatient basis, and including as an integral part, related facilities such as laboratories, outpatient facilities, or training facilities; provided that this definition shall not include rooms in any residential dwelling, hotel, or apartment hotel not ordinarily intended to be occupied by said persons.

Hotel/Motel: A building, or group of buildings, used or intended to be used as living quarters for visitors or transient guests, but not excluding permanent guests, and may include a cafe, drugstore, clothes pressing shop, barber shop, or other service facilities for the guests for compensation. A visitor or transient guest is any visitor or person who owns, rents, or uses a lodging or dwelling unit, or a portion thereof, for less than 30 days and whose permanent address for legal purposes is not the lodging or dwelling unit occupied by the visitor.

Home Occupation: A commercial activity that is conducted within a dwelling unit and/or accessory buildings by members of the family occupying the dwelling, with no servant, employee, or other person being engaged, provided the occupation is conducted in such a manner as not to give an outward appearance, nor manifest any characteristic of a business, in the ordinary meaning of the term, nor infringe upon the rights of neighboring residents. Such occupations shall be a secondary use of the premises.

Hospital: An establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical, or surgical care and with nursing service on a continuous basis.

Hotel: A building in which lodging is provided for guests for compensation and in which no provision is made for cooking in the lodging rooms.

Impervious Surface: Hard surfaces such as roofs and pavement that prohibit water from soaking into the ground.

Industrial, Light: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing. Light industrial establishments may include cabinetry/carpentry/woodworking shops, machine shops, welding shops, and sheet metal shops.

Industrial, Heavy: A use engaged in the basic processing and manufacturing of materials or products or parts, predominantly from extracted raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions. Heavy industrial also includes farm product processing establishments, including grain elevators; saw mills, meat packing plants, and canneries.

Land Division: A partition or subdivision of a lot or parcel.

Light Truck: Truck with a gross cargo weight of 1-1/2 tons or less.

Live/Work Townhouse: An attached single family dwelling which is designed to accommodate a commercial business on the ground floor. The commercial or office portion of the building shall be oriented to the front of the building and shall be directly accessible by the primary front entrance.

Livestock: Domestic animals of types customarily raised or kept on farms for profit or other purposes. Refer to Municipal Code Chapter 4.25 Livestock.

Local Improvement District (LID): The area determined to be specially benefitted by a local improvement within which properties are assessed to pay for the cost of the local improvement.

Lot: Unless the context provides otherwise (e.g. a “lot of record”), a unit of land created by subdivision.

Lot of Record: Any lot, or parcel lawfully created by a partition, subdivision, deed, or sales contract that is recorded plat in the Ex Officio County Clerk’s Office of Washington County.

Lot Area: The total area of a lot or parcel measured in a horizontal plane within the lot boundary lines exclusive of public and private roads. For flag-shaped lots, the access strip shall not be included in the lot area for the purposes of minimum lot area requirements of this Ordinance.

Lot, Corner: A lot or parcel abutting on two intersecting streets other than an alley provided that the streets do not intersect at an angle greater than 135 degrees.

Lot Coverage: That portion of a lot or parcel covered by buildings and structures usually expressed in percentage of total square feet of lot size.

Lot Depth: The horizontal distance from the midpoint of the front lot or parcel line to the midpoint of the rear lot line.

Lot, Flag: A lot or parcel that does not front on or abut a public road and where access to the public road is usually by a narrow access strip.

Lot Interior: A lot or parcel other than a corner lot or parcel.

Lot Line Adjustment: The relocation or elimination of a common boundary between two legal lots or parcels, provided no new lots or parcels are created. ~~Elimination of lot or parcel boundaries is only permitted for a maximum of 3 common boundaries; otherwise a partition is required.~~

Lot Line, Front: The line separating the lot or parcel from the street other than an alley, and in the case of a corner or through lot or parcel, the line along a street other than an alley over which the primary pedestrian access to the property is gained. In the case of a flag lot, the front lot line for setback purposes shall be the parallel projection of the shortest side lot line of the driveway flag.

Lot line, Rear: The line which is opposite and most distant from the front lot line. In the case of an irregular, triangular, or other shaped lot, a line ten feet in length within the lot parallel to and at a maximum distance from the front lot line.

Lot Line, Side: Any property line that is not a front or rear lot line.

Lot Width: The average horizontal distance between the side lot lines; ordinarily measured parallel to the front lot line.

Manufactured Home: A structure that has a Department of Housing and Urban Development label certifying that the structure is constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Secs. 5401 et seq.), as amended on August 22, 1981; and is constructed for movement on the public highways has plumbing, and cooking facilities, is intended for human occupancy, and is being used for residential purposes.

Manufactured Home Park: A place where two or more manufactured homes are located on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person or to offer space free in connection with securing the trade or patronage of such a person.

Mixed Use Development: A development that integrates some combination of retail, residential, commercial, office, institutional, recreation, or other functions. It is pedestrian-oriented and contains elements of a live-work-play environment. It maximizes space usage, reduces reliance on the automobile, and encourages community interaction.

Manufactured Home Subdivision: A subdivision intended for and designed to accommodate manufactured homes on individual lots and developed pursuant to the provisions of this Ordinance.

Motel: A building or group of buildings on the same lot or parcel and containing guest units with separate entrances and individual sleeping quarters, detached or in connected rows, with or without cooking facilities, for rental to visitors. The term includes auto courts, tourist courts, tourist homes and motor lodges.

Nonconforming Structure or Use: A lawfully existing structure or use, at the time this Ordinance or any amendment thereto becomes effective, which does not conform, or becomes nonconforming, to the requirements of the zone in which it is located as a result of amendments or other changes to this ordinance..

Parking Space: A space with room for maneuvering and access space required for a standard automobile to park space.

Partition: To divide land into not more than three parcels within a calendar year.

Place of Worship: A building or structure, or group of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.

Planned Unit Development: Type of development in which some departure from lot size, density, and other requirements of the underlying zone is permitted in order to accommodate unique physical characteristics and/or facilitate use of innovative building techniques and materials.

Recycling Facility: A facility that involves the separation, collection, and/or processing of metals, glass, paper, plastics, and other materials which would otherwise be disposed of as solid waste, which are intended for reuse, re-manufacture, or re-constitution for the purpose of using the altered form.

Recycling Drop-Off Center: A facility for the drop-off and temporary holding of materials such as paper, cardboard, glass, metal, plastic, batteries, and motor oil. Processing of materials is limited to glass breaking and separation. Recycling materials are not sold to a recycling drop-off center. A recycling drop-off center is intended for household or consumer use. Use by commercial or industrial establishments is not included. Unattended drop-off stations for single materials, such as newsprint, are also not included.

Residential Facility: A residential care, residential training or residential treatment facility, as those terms are defined in ORS 443.400, that provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

Residential Home: A residential treatment or training home, as defined in ORS 443.400, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

Restaurant: An establishment that serves food and beverages primarily to persons seated within the building. This includes, but is not limited to, cafes, tea rooms, and outdoor cafes.

Restaurant, Fast Food: An establishment that offers quick food which is accomplished through a limited menu of items already prepared and held for service, or prepared quickly. Orders are not generally taken at a customer's table and food is generally served in disposable wrapping or containers. This type of establishment may or may not include a drive in/thru window.

Retail Sales & Service: Indoor establishments engaged in selling goods and services to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

RV Park: A campground for day use and overnight accommodations by motor homes.

Salvage Yard: A facility or area for storing, keeping, selling, dismantling, shredding, compressing, or salvaging material or equipment. Materials include, but are not limited to, lumber, pipes, metal, paper, rags, tires, bottles, motor vehicle parts, machinery, structural steel, equipment/vehicles, and appliances.

Satellite Dish: As regulated by the FCC, a direct-to-home satellite dish or antenna that is less than one meter in diameter, a TV antenna on a mast less than 12 feet above the roofline, and wireless cable antennas associated with a single family or manufactured home, a townhouse, apartment or condominium. The City may restrict such devices if it is necessary to accomplish a clearly defined safety objective, or is necessary to preserve an historic district listed or eligible for listing in the National Register of Historic Places and imposes no greater restrictions than on other devices.

School, Elementary, Junior High or High School: An institution, public or parochial, offering instruction in the several branches of learning and study, in accordance with the rules and regulations of the State Department of Education.

Scientific Testing/Research Laboratory: An establishment or facility used for carrying on investigation in the natural, physical or social sciences, which may include engineering and product development.

Senior Housing: A residential development which is limited to residents 55 years and over.

Setback: An imaginary line which marks the minimum distance a structure must be located from the property line, and establishes the minimum required front, side, or rear yard space of a building plot.

Sign: An identification, description, illustration, or devise which is affixed to or represented, directly or indirectly, upon a building, structure, or land, and which directs attention to a product, place, activity, person, institution or business.

Sign, Monument: A sign that extends from the ground, or has support which places the bottom of the sign less than two (2) feet from the ground.

Solid Waste Transfer Station: A facility at which solid waste is transferred from one solid waste vehicle to another solid waste vehicle for transportation to a solid waste facility.

Solid Waste Transfer Station, Material Recovery Facility: A solid waste transfer

station designed and operated to process waste by utilizing manual and/or mechanical methods to separate useful materials from the incoming waste stream for return to the economic mainstream for use as raw materials or products. This definition includes recycling plants that process discarded metals, glass, paper, plastics, and other materials for re-use.

Storage, Outdoor: The keeping, in an unenclosed area, of any goods, junk, materials, or merchandise in the same place for more than twenty-four hours and not actively being sold.

Storage, Self Service/RV: A structure containing separate, individual, and private storage spaces of varying sizes that may include, but is not limited to, storage areas for Recreational Vehicles (RVs) and boats. Storage for RVs does not include RV parks.

Story: The portion of a building included between the first surface of any floor and the upper surface of the floor next above, except that the top story shall be that portion of a building included between the upper surface of the top floor and the ceiling above. If the finished floor level directly above the basement or cellar is more than six feet above grade, such basement or cellar shall constitute a story.

Street: The entire width between the boundary lines of every way of travel which provides for public use for the purpose of vehicular and pedestrian traffic and the placement of utilities and including the terms "road," "highway," "land," "place," "avenue," "alley," and other similar designations.

Structural Alteration: Any change to the supporting members of a structure including foundation bearing walls or partitions, columns, beams or girders, or any structural change in the roof or in the exterior walls.

Subdivision: To divide an area of land into four or more lots for the purpose of transfer of ownership or building development, whether immediate or future, when such lot exists as a unit or contiguous units.

Substandard lot: A lot which does not meet the lot size requirements of the zoning district in which it is located and is therefore considered a nonconforming property.

Theater: A building or part of a building devoted to showing motion pictures or for dramatic, dance, musical, or other live performances.

Trailer (Travel or Vacation): A vehicle or structure equipped with wheels for highway use that is intended for human occupancy, which is designed primarily for vacation and recreation purposes.

Travel Trailer Parks: An area containing one or more spaces designed for the temporary parking and convenience of travel trailers and similar recreational vehicles.

Truck Stop/Freight/Trucking Terminal: Any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products directly into motor vehicles and the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop also may include overnight accommodations and restaurant facilities primarily for the use of truck crews.

Unstable Soil: Soil types which pose severe limitations for development due to potential flooding, structural instability, or inadequate sewage waste disposal, as defined by the U.S. Soil Conservation Service and identified in the Comprehensive Plan.

Use: The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

Utility Facility: A site where infrastructure services and structures necessary to deliver basic utilities are undertaken. This includes all lines and facilities provided by a public or private agency and related to the provision, distribution, collection, transmission or disposal of water, storm and sanitary sewage, oil, gas, power, information, telephone cable, electricity and other services provided by the utility.

Variance: The modification of a specific standard in this Ordinance. Variances are granted by the Planning Commission. Minor variances may be approved administratively by the City Planner

Vehicle Wash: A place containing facilities for washing automobiles which may include the automatic or semiautomatic application of cleaner, brushes, rinse water, and heat for drying.

Vehicular Sales, Rental, Repair & Service: Any premises or structures when used for the sales, rental, servicing and/or repair of motor vehicles, including paint and body work, engine rebuilding and minor maintenance activities, irrespective of commercial gain derived there from. Motor vehicles may include, but are not limited to, automobiles, marine craft, motorcycles, and air craft. This use does not include sales, repair/service, and rental of commercial freight trucks/semi-trailers and farm/logging equipment.

Vision Clearance: The triangular area at the intersection of any two streets, a street and a railroad, or a driveway providing vehicular access to a public street, including alleys. These areas provide increased site distance to drivers, pedestrians, wheelchairs, and other users of the intersection. For more details, refer to Chapter 16.16048, Clear Vision Areas.

Warehousing: The storage of goods or merchandise at a facility such as a storehouse.

Waste/Recycling Services: Trash removal and recycling services for residents and business of an area. This may include, but is not limited to, solid waste transfer stations, material recovery facilities, and recycling facilities.

Wholesale Sales/Service: Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Wireless Telecommunication Facility: An unstaffed facility operating for the transmission and reception of low-power radio signals consisting of an equipment shelter or cabinet, a support structure, antennas, and related equipment.

Wireless Telecommunication Tower: A tall structure with the intended purpose of elevating a Radio Frequency Transmission Facility high above the ground. This definition includes but is not limited to a tower, pole, or mast over 20 feet tall.

Yard: An open space on a lot which is unobstructed from the ground upward except as otherwise provided in this ordinance.

Yard, Rear: A yard between side lot lines measured at a right angles from the rear lot line to the nearest point of a main building.

Yard, Side: A yard between the front and rear yard measured at a right angles from the side lot line to the nearest point of the building.

Chapter 16.20
ZONING DISTRICT R-7.5

16.20.000 **Purpose**

The purpose of **the R7.5 District** is to provide for the development of single family uses and limited multi-family residential uses, and to implement the housing policies of the Comprehensive Plan.

16.20.005 **Permitted Uses**

Permitted uses subject to the requirements of Design Review in this chapter, if applicable. Refer to Zoning Code Use Table.

- A. Accessory Dwellings, Subject to Chapter 16.105, Accessory Uses, Structures & Dwellings
- B. Accessory Structures related to residential uses, Subject to Chapter 16.105, Accessory Uses, Structures & Dwellings
- C. Child Care, Certified Home
- D. Child Care, ~~Registered Residential~~ Home
- E. Home occupations, subject to Chapter 16.85, Home Occupations
- F. Manufactured Homes, Subject to Chapter 16.110, Manufactured Homes
- G. Planned Unit Development, Subject to Chapter 16.140, Planned Unit Development
- H. Residential Home
- I. Single family detached dwelling

16. 20.010 **Conditional Uses**

Subject to the requirements of Design Review section of this chapter, if applicable. Refer to Chapter 16.15, Zoning Code Use Table.

The following uses and their accessory structures may be permitted in the R7.5 District when authorized by the Planning Commission pursuant to Conditional Use Permit section of this chapter.

- A. Child Care, Certified Center
- B. Civic /Governmental use
- C. Educational Facility
- D. Extended Care Facility / Convalescent / Nursing Home
- E. Fraternal Lodge
- F. Places of Worship
- G. Utility Facilities

16. 20.015 Dimensional Standards

The following dimensional standards shall be the minimum requirements for all development in the R7.5 District except for modifications permitted under Lot, Building, & Yard Exceptions or Planned Unit Development sections of this chapter. In addition, a minor adjustment of up to 10% of the required setback, area, lot size, lot depth or lot width may be granted by the City ~~Planner~~ pursuant to Variance Review section of this chapter.

A. Lot/Parcel Size

1. Single family detached dwelling: 7,500 square feet minimum lot/parcel size
2. All other uses: 7,500 square feet
3. 9,000 square feet maximum for lots created by subdivision.

B. Lot/Parcel Depth and Width

1. The minimum average lot width shall be 60 feet.
2. The minimum lot depth shall be 80 feet.

C. Minimum Setback Requirements

1. Principle structures, accessory dwellings, and accessory structures with a floor area greater than 200 square feet shall maintain the following minimum yard setbacks except that development on flag lots shall be subject to the setback standards of 16.125.010.
2. Front Yard (Principle structure) 20 feet
3. Garages, carports, accessory dwellings and accessory structures shall be flush with, or recessed behind, the front building elevation of the principle structure.
4. Rear Yard 10 feet for street-access lots
6 feet for alley-access lots
5 feet for Accessory Structures and Accessory Dwellings

5. Side Yard (interior) 5 feet

Side Yard (adjacent to street)-10-feet plus additional necessary to comply with the standards of Clear Vision Areas section of this chapter.

Accessory Structures and Accessory Dwellings: ~~only require a 5 foot~~

16.20-2

Side Yard (adjacent to street) setback, except as provided for in 16.105.

Flag Lots approved 10 feet for all yards, except pursuant to 16.125.010, that the yard facing the garage door shall be a minimum of 20 feet, except as otherwise provided in this chapter.

D. **Height of Buildings**

Buildings shall not exceed a height, measured from grade, of 35 feet ~~or two and a half stories, whichever is less~~. Accessory dwellings and accessory structures shall not exceed 25 feet. ~~Accessory dwellings (excluding accessory structures) shall not exceed 25 feet in height.~~

E. **Lot/Parcel Coverage**

In the **R7.5 District**, the maximum impervious surface lot coverage shall not exceed sixty five (65)~~fifty (50)~~ percent of the total area of any lot.

16. 20.020 Parking Requirements

At least two (2) off-street parking spaces shall be provided for each single family detached dwelling unit. Parking requirements for all other uses are specified in the Off Street Parking and Loading section of this chapter.

16. 20.025 Development Standards

- A. The following standards will be applied to all single family dwellings (site-built, modular and manufactured homes) to be constructed or located in the City of North Plains:

All single family units shall utilize at least two of the following design features to provide visual relief along the front of the home:

1. dormers;
2. gables;
3. recessed entries;
4. covered porch entries;
5. cupolas;

6. pillars or posts;
 7. bay or bow windows;
 8. eaves (minimum 6" projection);
 9. offsets on building face or roof (minimums 16");
- B. All manufactured homes shall also comply with the requirements of Chapter 16.100, Manufactured Homes.

Chapter 16.25
HOW LAND MAY BE USED AND DEVELOPED
ZONING DISTRICT R-5

16.25.000 **Purpose**

The purpose of the R5 District is to provide for the development of single family residential uses and limited multi-family residential uses, and to implement the housing policies of the Comprehensive Plan.

16.25.005 **Permitted Uses**

Permitted Uses subject to the requirements of the Design Review section of this chapter, if applicable. Refer to Zoning Code Use Table

- A. Accessory Dwellings, Subject to Chapter 16.105, Accessory Uses, Structures, & Dwellings
- B. Accessory Structures related to residential uses, Subject to Chapter 16.105, Accessory Uses, Structures, & Dwellings
- C. Child Care, Certified Home
- D. Child Care, Registered Home
- E. Duplex dwellings, Subject to Chapter 16.105, Duplex, Triplex, and Attached Single Family Dwellings
- F. Home occupations, subject to Chapter 16.85, Home Occupations
- G. Manufactured Homes, Subject to Chapter 16.110, Manufactured Homes
- H. Manufactured Home Parks, Subject to Chapter 16.110, Manufactured Homes
- I. Planned Unit Development, Subject to Chapter 16.140, Planned Unit Development
- J. Residential Home
- K. Single family attached homes/row houses. Subject to Chapter 16.100, Duplex, Triplex, and Attached Single Family Dwelling
- L. Single family detached dwelling

16.25.010 **Conditional Uses**

Conditional uses are subject to the requirements of the Design Review section of this chapter, if applicable. Refer to Zoning Code Use Table.

The following uses and their accessory structures may be permitted in the R7.5 District when authorized by the Planning Commission pursuant to Conditional Use Permit section of this chapter.

- A. Bed & Breakfast
- B. Child Care, Certified Center
- C. Civic /Governmental Use
- D. Educational Facility
- E. Extended Care Facility / Convalescent / Nursing Home

- F. Fraternal Lodge
- G. Places of Worship
- H. Utility Facilities

16.25.015 Dimensional Standards

The following dimensional standards are the minimum requirements for all development in the **R5 District** except for modifications permitted under the **Lot, Building, & Yard Exceptions** or **Planned Unit Development sections of this chapter**. In addition, a minor adjustment of up to 10% of the required setback, area, lot size, lot depth or lot width may be granted by the City-~~Planner~~. For land within the city limits of the City of North Plains as of July 1, 2004, a minor adjustment of up to 10% of the lot size may be granted by the City pursuant to the Variance Review section of this chapter.

A. Lot/Parcel Size

1. Single family detached dwelling - 5,000 square feet minimum
 - Within a Planned Unit development - 4,000 square feet minimum
 - Lots created by Subdivision - 6,000 square feet maximum
2. Two family dwelling (duplex) triplex & attached single family dwelling - ~~2,500~~4,000 square feet minimum per unit
3. All other uses - 5,000 square feet minimum

B. Lot/Parcel Depth and Width

1. The minimum average lot width shall be 40 feet, except that lots for attached single family dwellings may have a minimum average lot width of 25 feet.
2. The minimum lot depth shall be 80 feet.

C. Minimum Setback Requirements

Principle structures, accessory dwellings accessory structures with a floor area greater than 200 square feet shall maintain the following minimum yard setbacks except that development on flag lots shall be subject to the setback standards of 16.125.010(C):

1. Front Yard
 - Garage or carport- 20 feet
 - All other structures - 15 feet

With alley access garages, carports, accessory dwellings and accessory structures shall be flush with, or recessed behind, the front building elevation of the principle structure.

2. Rear Yard

- Street-access lots - 10 feet
- Alley-access lots - 6 feet
- Accessory Structures and Accessory Dwellings - 5 feet

3. Side Yard

- Interior - ~~5~~40-feet
- adjacent to street - 10 feet plus additional necessary to comply with the standards of the Clear Vision Areas section of this chapter
- Accessory Structures and Accessory Dwellings: ~~only require a~~ 5 foot Side Yard (adjacent to street) setback, except as provided in the Accessory Uses Structures and Dwellings section of this chapter

4. Flag Lots

All yards shall have setbacks of 10 feet, except that the yard facing the garage shall be a minimum of 20 feet.

5. Height of Buildings

Buildings shall not exceed a height, measured from grade, of 35 feet ~~or two and a half stories, whichever is less. Accessory dwellings and accessory structures shall not exceed 25 feet.~~ Accessory dwellings and accessory structures shall not exceed 25 feet. ~~Accessory dwellings (excluding accessory structures) shall not exceed 25 feet in height.~~

6. Lot/Parcel Coverage

In the R5 District, the maximum impervious surface lot coverage shall not exceed the following percentage of the total area of any lot.

- Single family detached dwellings - ~~50~~65%
- Duplexes, triplexes and single family attached dwellings - 65%

- Non-residential uses - 65%

16.25.020 Parking Requirements

At least two (2) off-street parking spaces shall be provided for each single family detached dwelling unit. Parking requirements for all other uses are specified in Off Street Parking and Loading of this chapter.

16.25.025 Development Standards

- A. The following standards will be applied to all single family dwellings (site-built, modular and manufactured homes) to be constructed or located in the City of North Plains:

All single family units shall utilize at least two of the following design features to provide visual relief along the front of the home:

1. dormers;
 2. gables;
 3. recessed entries;
 4. covered porch entries;
 5. cupolas;
 6. pillars or posts;
 7. bay or bow windows;
 8. eaves (minimum 6" projection);
 9. offsets on building face or roof (minimums 16");
- B. All manufactured homes shall also comply with the requirements of the Manufactured Homes section of this chapter.

Chapter 16.30
ZONING DISTRICT R-2.5

16.30.000 **Purpose**

The purpose of the R2.5 District is to provide for the development of multi-family housing, and to implement the housing policies of the Comprehensive Plan.

16.30.005 **Permitted Uses**

Permitted uses are subject to the requirements of the Design Review section of this chapter, if applicable. Refer to Zoning Code Use Table.

- A. Accessory Dwellings, Subject to Chapter 16.105, Accessory Uses, Structures & Dwellings
- B. Accessory Structures related to residential uses, Subject to Chapter 16.105, Accessory Uses, Structures, & Dwellings
- C. Child Care, Certified Home
- D. Child Care, Registered Home
- E. Duplexes, Subject to Chapter 16.100, Duplex, Triplex, and Attached Single Family Dwellings
- F. Home occupations, Subject to Chapter 16.85, Home Occupations
- G. Manufactured Homes, Subject to Chapter 16.110, Manufactured Homes
- H. Manufactured Home Parks, Subject to Chapter 16.110, Manufactured Homes
- I. Multi-family dwellings, Subject to Chapter 16.175 Multi-Family Dwelling(s) Section and Chapter 16.100, Duplex, Triplex, and Attached Single Family Dwelling
- J. Planned Unit Development, Subject to Chapter 16.140, Planned Unit Development
- K. Residential Facility
- L. Residential Homes
- M. Single family attached homes row houses, 4 units. Subject to Chapter 16.100, Duplex, Triplex, and Attached Single Family Dwellings
- N. Single family detached dwelling
- O. Townhomes/condominiums, subject to Subject to Chapter 16.175, Multi-Family Dwelling(s) Section and Chapter 16.100, Duplex, Triplex, and Attached Single Family Dwelling
- P. Triplexes, Subject to Chapter 16.100, Duplex, Triplex, and Attached Single Family Dwelling

16.30.010 **Conditional Uses**

Conditional uses are subject to the requirements of the Design Review of this chapter, if applicable. Refer to Zoning Code Use Table.

The following uses and their accessory structures may be permitted in the R2.5 District when authorized by the Planning Commission pursuant to Conditional Use Permit.

- A. Bed & Breakfast
- B. Extended Care Facility / Convalescent / Nursing Home
- C. Child Care, Certified Center
- D. Civic /Governmental Use
- E. Educational Facility
- F. Places of Worship
- G. Fraternal Lodge
- H. Utility Facilities

16.30.015 Dimensional Standards

The following dimensional standards shall be the minimum requirements for all development in the R 2.5 District except for modifications permitted under Lot, Building, & Yard Exceptions or Planned Unit Development sections of this chapter. In addition, a minor adjustment of up to 10% of the required setback, area, lot size, lot depth or lot width may be granted by the City pursuant to Variance section of this chapter provided the adjustment complies with administrative variance review criteria.

A. Lot/Parcel Size

- Lots created by subdivision: 6,000 square feet maximum lot size per dwelling unit
- Single-family dwelling: 2,500 square feet minimum
- Two-family dwelling (duplexes), Triplexes & attached single family dwellings: 2,500 square feet per unit minimum lot size
- Multi-family dwelling developments (greater than 3 units): 10,000 4,000 square feet minimum foot lot;
- All other uses 4,000 square feet minimum

B. Lot/Parcel Depth and Width

- No minimum lot width or depth.

C. Setback Requirements

Principle structures, accessory dwellings and accessory structures with a floor area greater than 200 square feet shall maintain the following minimum yard setbacks except that development on flag lots shall be subject to the setback standards for Flag Lots.

D. Front Yard:

- For all structures: 10 feet
- Garage: 20 feet

Garages, carports, accessory dwellings and accessory structures shall be flush with, or recessed behind, the front building elevation of the principle structure.

E. Rear Yard:

- street-access lots 10 feet
- alley-access lots 6 feet
- Accessory Structures and Accessory Dwellings 5 feet

F. Side Yard:

- Side yards should be established to create separation between structures and meet fire codes and provide space for pervious surface area
- Single family dwellings created by subdivision must have at least one side yard
- Adjacent to street - 10 feet plus additional necessary to comply with the standards of Clear Vision Areas section of this chapter.
- Accessory Structures and Accessory Dwellings - 5 foot Adjacent to street setback, except as provided for in the Accessory Use, Structures and Dwellings section of this chapter.

G. Flag lots approved:

10 feet for all yards, except pursuant to that the yard facing the garage shall be a minimum of 20 feet.

H. Height of Buildings

Buildings shall not exceed a height, measured from grade, of 35 feet, two-and-a-half-stories, whichever is less. ~~Accessory dwellings and accessory structures shall not exceed 25 feet. Accessory dwellings (excluding accessory structures) shall not exceed 25 feet in height.~~

I. Lot/Parcel Coverage

In the R2.5 District, the maximum lot coverage for impervious surfaces shall not exceed 65%

16.30.020 Parking Requirements

Parking requirements are specified in Chapter 16.155 Off Street Parking and Loading.

16.30.025 Development Standards

The following standards will be applied to all single family dwellings (site-built, modular and manufactured homes) to be constructed or located in the City of North Plains:

- A. All units shall utilize at least two of the following design features to provide visual relief along the front of the home:
 - 1. dormers;
 - 2. gables;
 - 3. recessed entries;
 - 4. covered porch entries;
 - 5. cupolas;
 - 6. pillars or posts;
 - 7. bay or bow windows;
 - 8. eaves (minimum 6" projection);
 - 9. offsets on building face or roof (minimums 16");

All manufactured homes shall also comply with the requirements of the Manufactured Homes section of this chapter.

Chapter 16.80 SIGN STANDARDS

16.80.000 Definitions

The following terms are defined for the purpose of this chapter in order to provide clarification of certain words or terms used in the Ordinance.

~~A.~~ **A. Abandoned sign** - A sign or sign structure where:

- ~~1.~~ 1. A sign is no longer in use. Discontinuance of sign use may be shown by cessation of use of the premises where the sign is located;
- ~~2.~~ 2. A sign has been damaged, in excess of 50% of the value of the sign, and repairs and restoration are not started within ninety days of the date the sign was damaged, or are not diligently pursued, once started.

~~B.~~ **B. Awning** - A shelter projecting from and supported by the exterior wall of a building constructed of rigid or non-rigid materials on a supporting framework.

~~C.~~ **C. Awning Sign** - A sign affixed or applied to the exterior facing surface or surfaces of an awning or a sign hanging from the supports of an awning, provided that the clearance below the sign shall be at least 8 feet.

~~D.~~ **D. Building Frontage, Primary** - The portion of a building face most closely in alignment with an adjacent right-of-way. A gasoline service station may use the overhanging canopy as a substitute for building frontage when computing the allowable sign area. The longest side of the canopy shall be used to compute the allowable sign area.

~~E.~~ **E. Building Wall, Side** - The wall of a building most nearly perpendicular with a street abutting the buildings lot regardless of whether such is functionally the front, rear, end or side of the building.

~~F.~~ **F. Canopy** - A permanent roof-like structure projecting from a building and open on at least one side for the purpose of shielding a pedestrian walkway from the elements, or a freestanding roof-like structure supported by columns intended to shield a vehicular driveway or service area from the elements.

~~G.~~ **G. Canopy Sign** - A sign, affixed or applied to, a canopy or eve, at any angle relative to the adjacent wall, the lowest portion of which is at least eight (8) feet above the underlying grade.

~~H.~~ ~~H.~~ **Changeable Copy Sign** - A sign whose informational content can be changed or altered by manual, electric, electro-mechanical, electronic or optical means.

~~I.~~ ~~I.~~ **Copy** - The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.

~~J.~~ ~~J.~~ **Electronic Message Sign** - A permanent sign providing information in both a horizontal and vertical format (as opposed to linear) sign copy, on which copy is created through use of a pattern of lights in a dot matrix configuration, which may be changed intermittently. ~~Video signs are not included in this definition.~~ Electronic message signs permitted under this chapter shall comply with the following standards:

1. The rate of change for sign copy from one message to another message shall be no more frequent than every eight seconds and the actual copy change shall be accomplished in four seconds or less. Once changed, the copy shall remain static until the next change.
2. Displays may travel horizontally or scroll vertically onto electronic message signs, but must hold in a static position after completing the travel or scroll.
3. Electronic message signs requiring more than four seconds to change from one copy to another shall be turned off during the change interval.
4. Sign copy shall not appear to flash, display videos, undulate, or pulse, or portray explosions, fireworks, flashes of lights, or blinking of chasing lights. Copy shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist, or otherwise portray graphics or animation as it moves onto, is displayed on, or leaves the sign face.
5. No electronic message sign lamp may be illuminated to a degree of brightness that is greater than necessary for adequate visibility. In no case may the brightness exceed eight thousand nits or equivalent candelas during daylight hours, or one thousand nits or equivalent candelas between dusk and dawn. Signs found to be too bright shall be adjusted or removed as directed by the city manager.

~~J.K.~~ **Frontage** - The length of the property line of any one premises along a public right-of-way on which it borders. In the case of a corner lot, the frontage shall be the narrowest street frontage.

K.L. **Front Wall** - The front wall of a structure shall be the wall of a structure most parallel to the frontage of the property.

L.M. **Grade** - Grade is the average level of the ground measured five feet from either end of the base of the sign, parallel to the sign face. For signs mounted on buildings, the grade is the average level of the sidewalk, alley or ground below the mounted sign measured five feet from either end of the sign face.

M.N. **Ground Sign** - A permanently affixed sign which is wholly independent of a building for support.

N.O. **Height** - The height of a sign is the vertical distance measured from the highest point of the sign to the grade of the adjacent street or the surface grade beneath the sign, whichever is greater.

O.P. **Home Occupation Sign**- Such sign shall not exceed four square feet, pursuant to Chapter 16.85.005

P.Q. **Monument Sign** - A sign that has a solid supporting base equal to or greater than the width of the sign face, generally made of stone, masonry, or concrete, with no separations between the sign and the base.

Q.R. **Mural** - Any pictorial or graphic decoration, other than a sign which is applied directly to a structure and is neither used for, or intended to achieve the purposes of, advertising by the use of lettering or script to draw attention to or to direct the observer to a particular business or business location, nor to draw attention to specific products, goods or service by the use of a brand name, trademark, copyright or any other device restricted in use without permission of the owner.

S. Q. **Name Plate** - A non-electric on-premise identification sign giving only the name, address, and or occupation of an occupant or group of occupants.

T. R. **Non-Conforming Sign** - A sign which was erected legally, but which does not comply with subsequently enacted sign restrictions and regulations.

U. S. **Pan Chanel sign** - A sign not contained in a sign box, but rather the lettering and sign logos act as their own sign cabinet.

V. T. **Pole sign** - A sign that is a freestanding sign connected to the ground by one or more supports with the lower edge of the sign separated vertically from the ground by a distance of nine feet or greater as measured from grade.

W. U.—**Projecting sign** - A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building. Maximum projection shall be three feet and maximum thickness shall be one foot. A projecting sign shall not project above a roof line.

X. V.—**Roof Line** - Either the eaves of the roof or the top of the parapet, at the exterior wall. (A “mansard roof” is below the top of a parapet and is considered a wall for sign purposes.)

Y. W.—**Roof Sign** - Any sign erected over or on the roof line of a building.

X.—**Sign** - Any writing, including letter, word, or numeral; pictorial presentation, emblem, including device, symbol or trademark; flag, including banner or pennant; or any other device, figure or similar thing which is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or structure or device; and is used to announce, direct attention to, or advertise; and is visible from any public right-of- way .

Z.

AA. Y.—**Sign Area** - The entire area made available by the sign structure for the purpose of displaying the advertising message. For painted signs, only that portion of the door, wall, or structure actually devoted to the message and associated symbols and background, if any, is included in the area. The sign area as defined, shall be used in determining the allowable square footage of signs. For double faced signs, only one side of the sign shall be counted in the total maximum area.

~~Z.—**Snipe Sign** - A small sign of any material, including but not limited to paper, cardboard, wood or metal, attached to any object and having no application to the premises where located.~~

BB. AA.—**Temporary Sign** - A sign not permanently affixed to a structure ~~on a property.~~ These signs may be made of materials including, primarily include, but ~~are~~ not limited to, canvas, cloth, ~~rigid plastic, or paper, - vinyl cardboard, wood, or metal, and may be a variety of types, including, but not limited to, sandwich bannersboards, banners, or posters. - hung on a building wall or on a permanent pole such as on a free-standing sign support. - Paper signs may only be used for single day events.~~

CC. ~~BB.~~—**Unlawful Sign** - A sign that was constructed without the necessary permits or approvals of the city.

~~CC. Video Sign~~

DD. **Wall Sign** - A sign attached essentially parallel to and extending not more than eight inches from the wall of a building with no copy on the sides or edges. This definition includes signs painted directly on the wall of a building.

EE. ~~DD.~~ **Window Sign** - A sign installed on the exterior or on or near the interior of a window for the purpose of viewing from outside the premises.

16.80.005 General Provisions

A. Except as provided in this chapter, a person shall not erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use or maintain any sign, or cause or permit the same to be done, contrary to or in violation of any of the provisions of the sign standards.

~~B.~~ Except as provided in this chapter, a person shall not erect, construct or alter a sign, or permit the same to be done, unless a sign permit has been issued by the city. A sign permit for the construction and continued use of a sign is subject to the terms and conditions stated in the permit and to the sign standards.

~~C.~~ An application for sign permit approval is subject to the procedures set forth in this chapter.

~~D.~~ A sign shall not be constructed on a site that contains an unlawful sign.

~~E.~~ The sign standards are not intended to, and do not restrict speech on the basis of its content, viewpoint or message. Any classification of signs in this chapter that permits speech by reason of the type of sign, identity of the sign user or otherwise, shall permit any type of speech on the sign. No part of this chapter shall be construed to favor commercial speech over noncommercial speech. To the extent any provision of this chapter is ambiguous, the term shall be interpreted to not regulate on the basis of speech content, and the interpretation resulting in the least restriction of the content of the sign message shall prevail.

16.80.010 Signs in Residential Zones

~~A.~~ ~~A.~~ Permitted Signs

~~1.~~ Signs which meet the following regulation are allowed in the R-2.5 Zone: One (1) sign, not over nine (9) square feet in area, at each entrance to an apartment, townhouse or condominium development.

2. Signs that meet the following regulations are allowed in the R-2.5, R-5 and R-7.5 Zones.

- a. One (1) name plate, indirectly illuminated or not illuminated, not exceeding one and one-half square feet in area for each building.
- b. ~~One (1) temporary sign, not illuminated and not exceeding six square feet in during the period the property is for sale, lease or rent. The sign shall be removed within 10 days after the property is sold, leased or rented.~~
- c. ~~One (1) temporary sign, not illuminated and not exceeding 32 square feet in area, at each entry to a subdivision during the time the tracts or lots in the subdivision are for sale. The signs shall be removed within 10 days after the tracts or lots are sold.~~
- d. Homeowner Association Meeting announcements not exceeding 3 square feet.
- e. Changeable copy signs for institutional uses, not exceeding 20 square feet
- f. One (1) monument sign not exceeding 32 square feet for an institutional use. The sign shall be setback at least 10 feet from the front property line. If the use also has a changeable copy sign it shall be incorporated into the monument sign.
- g. One (1) monument sign at each entry to a subdivision not exceeding 32 square feet for the name of a residential subdivision. The sign shall not violate the vision clearance requirements.

h. Temporary Signs:

i. One (1) temporary sign, not illuminated, and not exceeding six square feet, and not placed within the right-of-way, in during the period the property is for sale, lease or rent. The sign shall be removed within 10 days after the property is sold, leased or rented.

~~g.~~

i. One (1) temporary sign, not illuminated and not exceeding 32 square feet in area, at each entry to a subdivision during the time the tracts or lots in the

subdivision are for sale. The signs shall be removed within 10 days after the tracts or lots are sold.

~~h-ii.~~ Temporary political signs may be displayed on a residential property during the period from 120 days before a public election to ten days after the public election.

~~i.~~

Temporary signs and banners placed within city right-of-way that are posted by the city or city-sponsored community organizations.

B. Prohibited Signs

The following signs are prohibited in all Residential zones:

1. Ground or pole signs
2. Roof signs
3. Projecting signs
4. Temporary signs, except as permitted ~~in Section~~ for residential zones above 16.8019.0130(A)(2)
- ~~5. Snipe Sign~~
- ~~6.5.~~ Murals

16.80.015 Signs in Commercial Zones

A. Permitted Signs

1. Signs which meet the following regulations are allowed in the C-1 Zone.
 - a. One awning or canopy sign not exceeding five (5) square feet for each building occupancy.
 - b. In cases where the main entrance to a business is from the front wall of a structure, one (1) wall sign for each business affixed to the front wall of a structure with a maximum of one square foot of area for each lineal foot of building occupancy.

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- c. In cases where the main entrance to a business is from the front wall of a structure, one (1) wall sign for each business affixed to a side or rear wall of a building with a maximum of one-half square foot of sign area for each lineal foot of building occupancy.
- d. In cases where the main entrance to a business is from a side wall of a structure, one (1) wall sign for each business affixed to the side wall of the building with a maximum of one square foot of sign area for each lineal foot of building occupancy.
- e. A sign is not allowed on the side or rear wall of a building if the wall is adjacent to, or across the street from a residential zone.
- f. Window sign, provided that not more than 25% of a window is included in a window sign.
- g. A mural meeting the definition under Section 16.80.00 will be allowed with no maximum size.
- h. Projecting signs meeting the definition under Section 16.80.000 Projecting signs shall be at least 8 feet over the grade adjacent to the building. Projecting signs may project one foot if at least 8 feet above grade and increase one foot of projection for each one foot of elevation over 8 feet to a maximum projection of 3 feet.
- i. One monument sign meeting the definition under Section 16.80.00, not exceeding 32 square feet for institutional uses.
- j. One changeable copy sign incorporated into the allowable square footage of signs for the property.

k. Temporary Signs:

- i. A temporary sign posted on a property that is for sale, The signs shall not be illuminated, shall not exceed thirty-two (32) square feet and shall not be placed within the right-of-way. The sign shall be removed within 10 days after the property is sold, leased or rented.

- ii. Temporary signs and banners placed within city right-of-way that are posted by the city or city-sponsored community organizations.
- iii. Temporary political signs not placed within any city right of way.
- iv. All other temporary signs not placed within any city right of way.

2. Signs which meet the following regulations are allowed in the C-2 Zone.

_____ a. One awning or canopy sign not exceeding five (5) square feet for each building occupancy.

_____ b. In cases where the main entrance to a business is from the front wall of a structure, one (1) wall sign for each business affixed to the front wall of a structure with a maximum of one square foot of area for each lineal foot of building occupancy.

c. In cases where the main entrance to a business is from the front wall of a structure, one (1) wall sign for each business affixed to a side or rear wall of a building with a maximum of one-half square foot of sign area for each lineal foot of building occupancy.

d. In cases where the main entrance to a business is from a side wall of a structure, one (1) wall sign for each business affixed to the side wall of the building with a maximum of one square foot of sign area for each lineal foot of building occupancy.

_____ e. No sign shall be allowed on the side or rear wall of a building if the wall is adjacent to, or across the street from a residential zone.

_____ f. Window sign, provided that not more than 25% of a window's area is included in a window sign.

g. One monument sign not exceeding 32 square feet for each driveway, except that monument signs shall not

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be located adjacent to, or across from residential zones.

- h. For properties with greater than 200 feet of total street frontage, one monument sign for each street frontage with a maximum area of 1/2 square foot per lineal foot of property frontage with a maximum area of 50 square feet for each sign. Such sign shall not be in addition to the monument sign allowed in subsection g of this section.
- i. A mural meeting the definition under Section 16.80.000 is allowed with no maximum size.

_____ j One changeable copy sign incorporated into the allowable square footage of signs for the property.

j. Temporary Signs:

- i. A temporary sign posted on a property that is for sale, lease or rental does not require a permit from the city. The signs shall not be illuminated, shall not exceed thirty-two (32) square feet and shall not be placed within the right-of-way. The sign shall be removed within 10 days after the property is sold, leased or rented.
- ii. Temporary signs and banners placed within city right-of-way that are posted by the city or city-sponsored community organizations.
- iii. Temporary political signs not placed within any city right of way.
- iv. All other temporary signs not placed within any city right of way.

B. Prohibited Signs

- 1. The following signs are prohibited in the C-1 Zone:
 - a. Ground and pole signs
 - b. Roof signs
 - c. Temporary signs placed within the city right-of-way, except as permitted above.

~~e. Snipe sign~~

2. The following signs are prohibited in the C-2 Zone:

a. Ground or pole sign

b. Roof signs

c. Projecting signs

d. Temporary signs placed within the city right-of-way, except as permitted above.

~~d. Snipe sign~~

16.80.020 Signs in Neighborhood Community Zone

A. Permitted Signs

Signs located in the NC Zone:

1. Signs located in the residential portions of the NC zone shall comply with signs allowed in Section 16.80.010.

2. Signs located in the commercial portions and mixed use areas of the NC zone shall comply with signs allowed in the C-1 zone.

~~3. Signs in mixed use areas shall comply with signs allowed in C-1 zone.~~

3. Temporary Signs:

i. A temporary sign posted on a property that is for sale, lease or rental. The signs shall not be illuminated, shall not exceed six (6) square feet, and shall not be placed within the right-of-way. The sign shall be removed within 10 days after the property is sold, leased or rented.

ii. One (1) temporary sign, not illuminated and not exceeding 32 square feet in area, at each entry to a subdivision during the time the tracts or lots in the subdivision are for sale. The signs shall be removed within 10 days after the tracts or lots are sold.

iii. Temporary signs and banners placed within city right-of-way that are posted by the city or city-sponsored community organizations.

iv. Temporary political signs may be displayed on a residential property during the period from 120 days before a public election to ten days after the public election.

B. Prohibited Signs

1. Ground and pole signs

2. Roof signs

3. Temporary signs signs placed within the city right of way, except as permitted above. ~~in Section 16.80.010(A)(2)~~

~~4. Snipe Sign~~

16.80.025 Signs in Industrial Zones

A. Permitted Signs

1. Signs that meet the following regulations are allowed in the M-1 Zone.

a. One wall sign a maximum of 32 square feet for each business located on a property.

b. A sign is not allowed on the side or rear wall of a building if the wall is adjacent to, or across the street from a residential zone.

c. One monument sign not exceeding 32 square feet for each driveway, except that monument signs are not allowed adjacent to, or across from a residential zone.

d. A mural meeting the definition under Section 16.80.000 ~~19.010~~ is allowed with no maximum size.

e. Temporary Signs:

i. A temporary sign posted on a property that is for sale, lease or rental. The signs shall not be illuminated, shall not exceed thirty-two (32) square feet and shall not be placed within the right-of-way. The sign shall be

removed within 10 days after the property is sold, leased or rented.

ii. Temporary signs and banners placed within city right-of-way that are posted by the city or city-sponsored community organizations.

iii. Temporary political signs

i. All other temporary signs not placed within any city right of way.

2. Signs that meet the following regulations are allowed in the M-2 Zone.

a. One wall sign a maximum of 32 square feet for each business located on a property.

b. A sign is not allowed on the side or rear wall of a building if the wall is adjacent to, or across the street from a residential zone.

c. One monument sign not exceeding 32 square feet for each driveway, except that monument signs shall not be located adjacent to, or across from residential zones.

d. A mural meeting the definition under Section 16.80.000 is allowed with no maximum size.

f. Temporary Signs:

i. A temporary sign posted on a property that is for sale, lease or rental does not require a permit from the city. The signs shall not be illuminated, shall not exceed thirty-two (32) square feet and shall not be placed within the right-of-way. The sign shall be removed within 10 days after the property is sold, leased or rented.

ii. Temporary signs and banners placed within city right-of-way that are posted by the city or city-sponsored community organizations.

iii. Temporary political signs

iv. All other temporary signs not placed within any city right of way.

B. Prohibited Signs

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1. Signs prohibited in the M-1 Zone:
 - a. Ground or pole sign
 - b. Roof signs
 - c. Projecting signs
 - ~~d. Snipe sign~~
 - e. Changeable copy sign, except gasoline price signs
 - f. Temporary signs placed within the city right-of-way, except as permitted above.

2. Signs prohibited in the M-2 Zone
 - a. Ground or pole sign
 - b. Roof signs
 - c. Projecting signs
 - ~~d. Snipe sign~~
 - e. Changeable copy sign, except gasoline price signs
 - f. Temporary signs placed within the city right-of-way, except as permitted above.

~~16.80.030~~ Temporary Signs

~~The following temporary signs are permitted in all zones~~

- ~~A. Temporary signs and banners, posted by the city or community organizations for a maximum period of six months from the date a permit is issued.~~

- ~~B. A temporary sign posted on a property that is for sale, lease or rental does not require a permit from the city. The signs shall not be illuminated, shall not exceed thirty two (32) square feet area and shall not be placed within the right of way. The sign shall be removed within 10 days after the property is sold, leased or rented.~~
- ~~D. Portable signs are considered temporary signs for the purposes of this ordinance.~~
- ~~E. All temporary signs that require a permit shall also pay a deposit to the city. The deposit shall be returned in full once all signs are removed from the city and disposed of or stored within the time limits of the sign permits. If a sign is not removed within the time period of the permit, the city may use the deposit to defray the costs of removing the sign.~~
- ~~F. Only one temporary sign permit shall be issued per business in any six month period of the calendar year. A temporary sign permit shall be issued for a maximum of 6 signs.~~

16.80.035 Additional Regulations Applicable to all Zones.

- A. Lighting exterior to the structures shall be shielded in such a manner as to confine emitted light within the boundary of the property from which it originated except lighting installed to illuminate the American Flag or Oregon State Flag may project into the air to properly illuminate the flag, however, such lighting shall not project onto adjacent property or into a public right of way.
- B. When a sign is removed or replaced, all brackets, poles, and other structural elements that supported the sign and are not being used for the new sign shall also be removed. Affected building surfaces shall be restored to match the adjacent portion of the structure.
- C. Signs and supporting hardware, including temporary signs and time/temperature signs shall be structurally safe, clean, free of visible defects, and functioning properly at all times. Repairs to signs shall be equal to or better in quality of materials and design than the original sign.
- D. All signs shall be maintained at all times in a state of good repair, and no person shall maintain or permit to be maintained on any premises owned or controlled by him/her, any sign which is in a sagging, leaning, fallen, decayed, deteriorated, or otherwise dilapidated or in an unsafe condition.

16.80.040 Abandoned Signs

Any sign that is unused for more than 90 consecutive days shall be deemed abandoned and shall be removed by the property owner, except that if the sign is in a vacant commercial or industrial space , the sign may remain provided there is an active attempt to obtain tenants for the space and provided all advertising copy is removed and a blank sign face is maintained.

For the purposes of this Section, “unused” shall mean the absence of copy or advertising message or the sign is on a property that is not in use.

16.80.045 Non-Conforming Signs

A. Non-conforming signs may continue to exist, subject to the following provisions:

1. Any sign that does was approved under previous regulations, or for which a variance was granted, shall either be removed or brought into compliance with this ordinance as a condition of approval of design review on the appurtenant property.
2. Temporary and portable signs that are not in conformance with the provisions of this Ordinance shall be regarded as non-conforming and shall be removed within 90 days of the effective date of this ordinance.
3. No additions or enlargements may be made to a non-conforming sign except those additions or enlargements that are required by law.
4. A sign that is moved, replaced, or structurally altered shall be brought into conformance with this section, except that:
 - a. Non-conforming signs may be repaired and maintained and may have the sign copy changed. A sign may be removed from its sign structure for repair or maintenance if a permit is obtained under this section.
 - b. Non-conforming signs may be structurally altered when the alteration is necessary for structural safety.

c. Non-conforming signs may be reconstructed if required to be moved for construction or repair of public works or public utilities and the sign reconstruction is completed within ninety days after the completion of the public works or public utility construction or repair.

5. A non-conforming sign that is damaged shall not be repaired if the estimated expense to repair the sign exceeds fifty percent of the replacement cost of the sign as of the day before the sign was damaged. A damaged non-conforming sign that cannot be repaired shall be removed within ninety days of the date the sign was damaged. As used herein, "non-conforming sign" includes the sign structure, foundation and supports.

6. Whenever a non-conforming sign is damaged and the estimated cost to repair the sign is fifty percent or less of its replacement value as of the day before the sign was damaged, it may be repaired and restored to the condition it was in before it was damaged and may continue to be used as a non-conforming sign, provided that such repairs and restoration are started within ninety days of the date the sign was damaged and are diligently pursued thereafter.

7. Whenever repair and/or restoration to a damaged non-conforming sign is not started within ninety days of the date the sign is damaged or is diligently pursued once started, the sign shall be deemed abandoned.

8. Abandoned signs shall not be permitted as non-conforming signs.

9. No non-conforming sign shall be permitted to remain unless properly repaired and maintained as provided in this section. A sign maintained in violation of this provision shall be removed as provided in Section A.1. of this Section. Any non-conforming sign that is determined by the building official to be an unsafe sign shall be removed as provided by Section A.5. of this Section. Any non-conforming sign determined by the city manager to be an abandoned sign shall be removed as provided in subsection A.7. of this section.

| ~~_____~~B. Nothing in this section shall be deemed to prevent the maintenance of any sign, or regular manual changes of sign copy on a sign.

| C. ~~_____~~~~C.~~ This section shall not require the removal or modification of a sign if the sign is in good condition, and located on a historically significant structure or object as recognized in the Comprehensive Plan.

Chapter 16.135 Subdivisions

16.135.000 Definition

“Subdivision”, for the purpose of this Ordinance, means to divide an area of land into four or more lots for the purpose of transfer of ownership or building development, whether immediate or future, when such lot exists as a unit or contiguous units.

16.135.005 General Provisions

- A. All subdivisions shall conform to applicable Zoning District Standards, Development Standards of this ordinance and the comprehensive plan.
- B. A master plan for development shall be required for any application which leaves a portion of the subject property capable of redevelopment.
- C. Pre-application conferences ~~may shall~~ be required prior to the submittal of ~~all~~ subdivision applications.

16.135.010 Submittal Requirements for Tentative Subdivision Plans

- A. All Subdivision applications shall be submitted on forms provided by the City and accompanied by the appropriate filing fee.
- B. Each application shall include ~~fifteen (15)~~ one (1) copyies of the tentative subdivision plan drawn on a sheet of 18 x 24 inches in size at a scale of 1 inch equals 100 feet.
- C. The following information shall be shown on the tentative subdivision plan:
 - 1. Proposed name of the subdivision. This name shall not duplicate or resemble the name of any other subdivision in the county and shall be approved by the Planning Commission and the County Surveyor.
 - 2. Date, north point and scale of drawing.
 - 3. Appropriate identification of the drawing as a tentative plan.

4. Description of the subdivision sufficient to define its location and boundaries and legal description of the tract boundaries.
5. Names and addresses of the owner, subdivider, and engineer, surveyor or planner.
6. The location, widths and names of both improved and unimproved streets within or adjacent to the tract, together with easements and other important features such as section lines, section corner, city boundary lines and monuments.
7. Contour lines related to some established bench mark or other datum approved by the city engineer and having minimum intervals as follows:
 - a. For slopes of less than five per cent: two feet, together with not less than four spot elevations per acre, evenly distributed, if necessary.
 - b. For slopes of five percent to 15 percent: five feet.
 - c. For slopes of 15 percent to 20 percent: ten feet.
 - d. For slopes of over 20 percent: 20 feet.
8. The location of at least one temporary bench mark within the subdivision boundaries pursuant to ORS 96.060.
9. The location and direction of water courses and the location of areas subject to flooding and/or within a designated 100-year flood plain.
10. Natural features such as rock outcroppings, marshes, wooded areas and isolated preservable trees having a caliper (diameter) of 6 inches or greater at 4 feet above grade.
11. Existing uses of the property and location of existing structures designated historic and cultural resources on the site and structures to remain on the property after platting.
12. A vicinity map showing existing subdivisions and unsubdivided land ownerships adjacent to the proposed subdivision and showing how proposed streets and utilities may be extended to connect to existing streets and utilities.

13. Proposed deed restrictions, if any, in outline form.
14. The location of existing sewage disposal facilities, water mains, culverts, storm drainage facilities and electric lines within and adjacent to the subdivision.
15. The location, width, names, approximate grades and radii of curves of proposed streets as shown on any development plan.
16. Dimensions and area of each proposed lot.
17. Proposed lot and block numbers.
18. Proposed sites, if any, allocated for development,
19. If the proposed subdivision includes only part of the tract owned or controlled by the subdivider, the City ~~Planner~~ or Planning Commission may require a sketch or tentative layout for streets and lots in the unsubdivided portion.
20. Any of the following may be required by the City ~~Planner~~ or Planning Commission to supplement the tentative subdivision plan:
 - a. Approximate center line profiles with extensions for a reasonable distance beyond the limits of the proposed subdivision showing the finished grade of streets and sidewalks and the nature and extent of street construction.
 - b. A schematic plan for domestic water supply lines and related water service and sewage disposal facilities.
 - c. Proposals for storm water drainage and flood control, including profiles of proposed drainage ways.
 - d. If lot areas are to be graded or filled, a plan showing the nature of cuts and fills and information on the character of the soil.
 - e. Proposals for other improvements such as electric utilities.

16.135.011 Preliminary Plat Approval Criteria

The City may approve, approve with conditions or deny a preliminary plat based on the following approval criteria:

- A. The proposed preliminary plat complies with the applicable Development Code chapters and all other applicable ordinances and regulations. At a minimum, the provisions of this section and the applicable sections of this chapter including Zoning Districts, Development Standards, and Streets and Facilities shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the Variance section of this chapter;
- B. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;
- C. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivision and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat;
- D. All proposed private common areas and improvements (e.g. homeowners association property) are identified on the preliminary plat;
- E. Evidence that any required State and federal permits have been obtained, or shall be obtained before approval of the final plat;
- F. Evidence the improvements or conditions required by the City, road authority, Washington County, Clean Water Services, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met;
- G. A Traffic Impact Study (TIS) has been provided, if applicable, in accordance with the provisions of Chapter 16.170; and
- H. If any part of the site is located within a Specific Area Plan District, Overlay District, or previously approved Master Planned Development, it shall conform to the applicable regulations and/or conditions.

16.135.012 Lot Access Provisions

In addition to the provisions of this chapter, all lots and parcels shall conform to the specific requirements below, as applicable:

- A. In conformance with the Uniform Fire Code (UFC), a 20-foot wide fire apparatus drive shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way or approved access drive.
- B. When a common drive is to be provided to serve more than one lot, a reciprocal easement which will ensure access and maintenance rights shall be recorded with the approved subdivision or partition plat. The minimum drive width shall be 10 to 15 feet, except as required by the UFC, and improved with an all- weather surface approved by the City.
- C. Access reserve strips may be required to be granted to the City for the purpose of controlling access to adjoining undeveloped properties.
- D. Street and building placement and alignment shall be designed so that all future street connections can be made as surrounding properties develop.

16.135.013 Flag Lot

Flag lots may be created only when a through street or mid-block lanes cannot be extended to serve abutting uses or future development. A flag lot driveway (“flag pole”) may serve no more than two (2) dwellings units, including accessory dwellings and dwellings on individual lots, unless Uniform Fire Code (UFC) standards are met for more units. When UFC standards are met, the maximum number of dwellings shall be four (4). A driveway serving more than one lot shall be a minimum of 15 feet wide, except as required by the UFC, and have a reciprocal access and maintenance easement recorded for all lots. No fence, structure or other obstacle shall be placed within the drive area. The Fire Marshal may require an emergency turn-around. Fire sprinklers may also be required for buildings that cannot be fully served by fire hydrants due to distance from a hydrant of insufficient fire flow.

16.135.014 Conditions of Approval

The City may attach such conditions as are necessary to carry out provisions of this code, and other applicable city ordinances and state regulations.

16.135.015 Preliminary Review of Tentative Subdivision Plan

- A. Upon receipt of a complete application, the City ~~Planner~~ shall refer copies of the tentative subdivision plan and supplementary material to affected agencies for review and comments.
- B. The City ~~Planner~~ shall prepare a staff report and recommendation on the tentative subdivision plan for the Planning Commission. The City ~~Planner~~ may recommend approval of the tentative plan as submitted or as it may be modified in accordance with Section 16.135.011 Preliminary Plat Approval Criteria. The City ~~Planner~~ may attach any reasonable conditions found necessary to carry out the purposes of this or any other City ordinance or State statute.
- C. If the City ~~Planner~~ recommends denial, the staff report and recommendation shall set out clearly the grounds for denial and shall clearly inform the applicant of the changes or modifications needed to allow the lawful division of the property.
- D. Upon receipt of the City ~~Planner~~'s staff report and recommendation, the Planning Commission shall hold a public hearing to give consideration to the tentative subdivision plan. The Planning Commission may approve the tentative plan as submitted or as it may be modified by recommendation of the City ~~Planner~~ or Planning Commission.
- E. Approval of the tentative plan shall indicate approval of the final plat if there is no change in the plan of the subdivision and if the subdivider complies with the requirements of this ordinance.
- F. The action of the Planning Commission shall be noted on two copies of the tentative plan, including reference to any attached documents describing conditions. One copy shall be retained by the City and the other shall be returned to the applicant with a written statement of the Commission's action.

16.135.020 Expiration of Tentative Approval

Approval of the tentative plan shall become null and void if a final plat in accordance with these regulations is not submitted within one year after the date of the approval of the tentative plan. If the subdivider cannot complete the preparation of the final plat within the one year time period, he may petition the commission an extension of the subdivision approval in accordance with the provisions of Section 16.00.080

16.135.025 Phasing of Development

If requested in the original application, a large subdivision may be approved for phased development. The final plat for the first phase of such a phased subdivision shall be submitted within one year of the date of approval of the tentative plan. Final plats of subsequent phases may be submitted after the one year limitation, provided that each phase complies with the approved tentative plan of the subdivision. Request for extensions of subdivision approvals may be made in accordance with the General Provisions of this chapter, However, in no case shall the final plat for the last phase be submitted more than 10 years after the approval of the tentative plan.

16.135.030 Final Subdivision Plat

A. Submittal of Final Subdivision Plat

Within one year after approval of the tentative plan, the sub-divider shall have the subdivision surveyed and a plat prepared which conforms to the approved tentative plan. Unless a request for an extension of the subdivision approval is made in accordance with the provisions of Section 16.00.080.

B. Information on Plat

The applicant shall submit one (1) original and five (5) copies of the final subdivision plat. The following information shall be included on the plat:

1. Reference points of existing surveys identified, related to the plat by distance and bearings, and referenced to a field book or map as follows:
 - a. Stakes, monuments or other evidence found on the ground and used to determine the boundaries of the subdivision.
 - b. Adjoining corners of adjoining subdivisions.
 - c. Other monuments found or established in making the survey of the subdivision or required to be installed by provisions of this ordinance.
2. The exact location and width of streets and easements intercepting the boundary of the tract.

3. Tract, block and lot boundary lines and street right-of-way and center lines, with dimensions, bearing or deflection angles, radii, arcs, points of curvature and tangent bearings. Normal high water lines for any creek or other body of water and any designated 100-year flood plains. Tract boundaries and street bearings shall be shown to the nearest 30 seconds with basis of bearings. Distances shall be shown to the nearest 0.01 feet.
4. The width of the portion of streets being dedicated and width of existing right-of-way. For streets on curvature, curve data shall be based on the street center line. In addition to the center line dimensions, the radius and central angle shall be indicated.
5. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not definitely located of record, a statement of the easement shall be given. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision shall be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's Certificate of Dedication.
6. Lot numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the subdivision.
7. Identification of land to be dedicated for any purpose, public or private, to distinguish it from lots intended for sale.
8. Building setback lines, if any, are to be made a part of the subdivision restrictions.
9. The following certificates which may be combined where appropriate:
 - a. A certificate signed and acknowledged by all parties having any record title interest in the land, consenting to the preparation and recording of the plat.
 - b. A certificate signed and acknowledged as above, dedicating all land intended for public use except land which is intended for exclusive use of the lot owners in the subdivision, their licenses, visitors and tenants.

- c. A certificate with the seal of and signed by the engineer or surveyor responsible for the survey and final map.
- d. Other certifications now or hereafter required by law.

C. Supplemental Information with Plat

The following information shall accompany the final plat:

- 1. A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises.
- 2. Sheets and drawings showing the following:
 - a. Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closure, if any.
 - b. The computation of distances, angles and courses shown on the plat.
 - c. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners and state highway stationing.
- 3. A copy of any deed restrictions applicable to the subdivision.
- 4. A copy of any dedication requiring separate documents.
- 5. A list of all taxes and assessments on the tract which have become a lien on the tract.

D. Technical Plat Review

- 1. Upon receipt of the final plat, the plat and other data shall be reviewed by the City ~~Engineer and City Planner~~ to determine that the subdivision as shown is substantially the same as it appeared on the approved tentative plan and that the subdivision is in compliance with provisions of state law and this ordinance.

2. The City Engineer may make such field checks as are necessary to verify that the map is sufficiently correct on the ground.
3. If the City Engineer and City ~~Planner~~ determine that changes of additions must be made to the final plat, they shall notify the sub-divider and afford the sub-divider an opportunity to make the changes or additions.

16.135.035 Final Subdivision Plat Review

1. The final subdivision plat shall be submitted to the Planning Commission for review pursuant to the Application Review section of this chapter. The Planning Commission shall review the plat to assure compliance with the approved preliminary plat and with the conditions of approval. The Planning Commission Chairman or Commission designee shall signify Planning Commission approval of the final plat by signing the recorder's plat sheet and exact duplicate. However, if the plat includes dedication of any newly created public roads the City Council shall either accept a deed of dedication on a form acceptable to the City, or authorize the mayor or other City Council designee to sign an acceptance of dedication on the final plat.
2. A sub-divider shall, without delay, submit the plat for signatures of other public officials required by law. Approval of the final plat shall be null and void if the plat is not recorded within 90 days after the date of the last required approving signature has been obtained.
3. At the time of submittal for final approval, the sub-divider shall pay to the City a final plat filing fee to defray the cost incurred by the City in checking, investigating, and otherwise reviewing the final plat for conformance to all applicable laws. The final plat filing fee must be paid at the time of submittal, in no way assures approval and cannot be refunded.

16.135.040 Improvements/Bonding

Prior to the recording of the Final Subdivision Plat, all improvements required by the conditions of approval shall be constructed or the construction shall be guaranteed through an irrevocable letter of credit, assignment of bank account, performance bond, cash or other instrument acceptable to the City Attorney. The assurance sum shall cover the cost

of the improvements and repairs, including related engineering and incidental expenses identified in an itemized improvement estimate provided by the developer and certified by a registered civil engineer. A Development Agreement between the City and the developer shall be recorded with the final plat. In the event the developer fails to carry-out the provisions of the agreement, and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call on the bond, cash deposit letter of credit or other instrument for reimbursement. The developer shall not cause termination of nor allow expiration of the guarantee without first having secured written authorization from the City.

16.135.050 Re-platting, Vacation, or Changes to Approved Land Divisions

Any plat or portion thereof may be re-platted or vacated upon receiving an application signed by all the owners as appearing on the deed or current title report. Further any change to a map of an approved or recorded land division that affects a street, public use, property line, number of lots, or the provision of public services may be requested upon receiving application by all owners as appearing on the deed. All requests for a re-plat, a plat vacation or a change to an approved or recorded land division shall be processed in accordance with the procedures and standards for approval of a subdivision or partition.

Chapter 16.170
APPLICATION REQUIREMENTS AND REVIEW PROCEDURES
Administrative, Limited Land Use, Quasi-Judicial & Legislative Decisions

16.170.000 General Provisions

The following lists set forth the type of review procedure for administrative and land use applications:

A. Type I Administrative Permits by City Staff

1. Accessory Structures, residential
2. Building Permit
3. Dwelling, Single Family and Duplex
4. Extension for a Type I Permit
5. Fence, Wall and Hedge Permit
6. Grading Permit
7. Home Occupation Permit (type 1)
8. Lot Line Adjustment Permit
9. Right-of-way Permit
10. Sign Permit
11. Temporary Use Permit for a sales office or model home

B. Type II Land Use Permit ~~by the City~~ ~~by City Planner~~

1. Accessory Structures, non-residential up to 500 square feet or 20% of existing structure, whichever is greater
2. Code Interpretation
3. Heritage Tree
4. Historic Overlay Alterations
5. Lot of Record Determination
6. Minor Design Review

7. Minor Modifications to development approvals per code
8. Minor Variance Permit ~~up to 10% of the standard~~
9. Other application not specifically described
10. Temporary use for seasonal and special events

C. Type III Quasi-Judicial Permits by Planning Commission

1. Appeal of Type II Land Use Decisions
2. Conditional Use Permit
3. Design Review Permit
4. Extensions for Type II and Type III Permits
5. Flood Plain Development Permit
6. Historic Overlay Demolitions
7. Home Occupation (type 2)
8. Minor Land Partition Permit
9. Multi-family Dwellings
10. Nonconforming Structure/Use Permit
11. Planned Unit Development Permit
12. Significant Natural Resource Permit
13. Similar Use Permit
14. Subdivision Permit
15. Temporary Use Permit for a building, kiosk or structure
16. Variance Permit

D. Legislative & Other Decisions made by both the Planning Commission and City Council

1. Appeal from Planning Commission

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2. Annexation
3. Comprehensive Plan Map or Text Amendment
4. Zoning Code Map or Text Amendment

16.170.001 Pre-application Conference

A pre-application conference ~~may be required for~~ is recommended for a Type II, III and IV permits. The applicant shall file the appropriate application, pay the review fee and meet with the City Planner, other city staff and affected agencies. At the conference the City Planner shall identify the relevant comprehensive plan policies, map designations, zone and development standards and procedural requirements applicable to the application. The planner and affected agencies shall provide technical data and identify opportunities or constraints concerning the application.

Failure of the City to provide any information required by this section does not constitute a waiver of any of the standards, criteria or requirements for the application. Due to possible changes in federal, state, regional and local law, the applicant is responsible for assuring the application complies with all applicable laws on the day the application is deemed complete.

16.170.002 Neighborhood Meeting

Applicants or their representatives are encouraged to meet with adjacent property owners and neighborhood representatives prior to submitting an application to the City in order to solicit input and exchange information about the proposed development. The applicant for a Type III application is encouraged to hold a neighborhood meeting with a recognized neighborhood or community organization. If no organization exists, then the applicant is encouraged to hold a meeting with adjacent property owners within a radius of 250 feet who will receive public notice.

16.170.003 Traffic Impact Study

The purpose of this section of the code is to assist in determining which road authorities participate in a land use decision, and to implement Section 660-012-0045 (2) of the State Transportation Planning Rule that requires the City to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. This Chapter establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Study must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a Traffic Impact Study; and who is qualified to prepare the Study.

- A. When a Traffic Impact Study is required. The City or other road authority with jurisdiction may require a Traffic Impact Study (TIS) as part of an application for development, a change in use, or a change in access. A TIS may shall be required when a land use application involves one or more of the following actions:
1. A change in zoning or a plan amendment designation;
 2. Any proposed development of land use action that a road authority states may have operational or safety concerns along its facility;
 3. An increase in site traffic volume generation by 300 Average Daily Trips (ADT) or more; or
 4. An increase in site traffic volume of a particular movement to and from the State Highway by 20 percent or more; or
 5. An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or
 6. The location of the access driveway does not meet minimum sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the State Highway, creating a safety hazard; or
 7. A change in internal traffic patterns that may cause safety problems, such as back up onto a street or greater potential for traffic accidents.
- B. Traffic Impact Study Preparation. A Traffic Impact Study shall be prepared by a professional engineer in accordance with the requirements of the road authority. If the road authority is the Oregon Department of Transportation (ODOT), consult ODOT's regional development review planner and OAR 734-051-180.
- C. City Street Improvement Requirements. In addition to street improvement requirements in this code for new development, see Chapters 16.145 and 16.150 for street improvement requirements related to single family homes and commercial and industrial expansions.

16.170.010 Type I Administrative Review by City Planner

Type I administrative applications are reviewed under clear and objective criteria that do not involve the exercise of discretion. If a Type I application requires the exercise of discretion, the City shall process the request as a Type II application. Review of a Type I administrative applications described in Section 16.170.000A shall be reviewed by the City Planner or Public Works Director according to the following procedures:

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- A. An application shall be made on forms provided by the City and shall include the property owners signature of consent. Entities with condemnation authority are not required to provide a consent signature.
- B. A dated notice shall be given to the applicant when the application is deemed complete. Within 120 days of this notification, unless extended with the consent of the applicant, the City Planner shall issue a written decision.
- C. The decision shall be based on all applicable provisions of this development code and accompanied by written findings of fact which support the decision, where applicable.
- D. Written notice of the decision shall be provided to the applicant and anyone who requested notice of the decision in writing.
- E. The decision of the City Planner or Public Works Director shall be final. The decision may be appealed to the circuit court in the manner provided in ORS 30.010 to 30.100.

16.170.011 Type II Land Use Decisions by City Planner

A Type II land use application described in Section 16.170.000.A shall be reviewed according to the following procedures. A pre-application conference may be required is recommended pursuant to Section 16.170.001.

- A. Application Requirements.
- B. Application forms. An application shall be made on forms provided by the City Planner or designee. If the application is referred to a quasi-judicial hearing, either voluntarily by the applicant or staff, or upon appeal, a new application is not required.
- C. Submittal Information.

The application shall:

1. Be made on forms provided by the City and shall include the property owner's signature of consent. Entities with condemnation authority are not required to provide a consent signature
2. Be filed with one copy of a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making.
3. Be accompanied by the required fee pursuant to Chapter 16.00.070; and

4. Include one set of pre-stamped and pre-addressed envelopes for all real property owners of record who will receive a notice of the application within 250 feet. The records of the Washington County Assessor's office are the official records for determining ownership. The applicant shall produce the notice list. At the applicant's request, and upon payment of a fee noted on the City's fee list, the City may prepare the public notice mailing list. The City or the applicant shall use the most current County real property assessment records to produce the notice list. The City shall mail the notice of application.

D. Completeness.

Within 30 days of receiving the application, the City shall provide a dated notice to the applicant indicating whether the application is deemed complete or incomplete. If the application is incomplete the City shall notify the applicant in writing of exactly what information is missing. If deemed incomplete, the applicant has 180 days to submit the missing information, or 14 days to submit a refusal statement or withdraw the application. If the applicant refuses to submit the required information and does not withdraw, the application shall be deemed complete upon receipt of the refusal letter.

E. Final Action.

Final action on the application shall occur within 120 days of the date the application is deemed complete unless extended by the applicant in writing.

F. Hearing Option.

The City Planner may request a public hearing on the application before the Planning Commission. The applicant may also request a public hearing before the Planning Commission. The procedures for the public hearing are described in Section 16.170.012 C. The applicant is responsible for the additional city costs associated with the public hearing.

G. Notice.

The City shall mail notice of the application to:

1. All owners of record or real property within 250 feet of the subject site.
2. Any person who submits a written request to receive a notice and any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City, or required by State statute.
3. The road authority, and/or rail authority and owner, when there is a proposed development abutting or affecting the transportation facility.

4. The City may notify other affected agencies, as appropriate, of the application.

H. Contents of Notice.

The notice shall:

1. Provide a 14-day period for submitting written comments.
2. Identify the specific land use decision or decisions requested.
3. Describe the street address or other easily understandable reference to the location of the site.
4. List the relevant criteria by name and number of Code sections.
5. State the place, date and time the comments are due and the person to whom the comments should be addressed.
6. Include the name and telephone number of a contact person regarding the Decision.
7. State that the failure to address an issue with enough detail may preclude an appeal to the Land Use Board of Appeals or Appeals or Circuit Court on that issue. Only comments on the applicable criteria are considered relevant evidence.
8. State that all evidence relied upon by the City to make this decision is in the public record and available for public review. Copies of the evidence may be obtained at a reasonable cost from the City.
9. State that after the comment period closes, the City shall issue a decision. The decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice.

I. Decision.

The City Planner shall review the application and make a decision based on an evaluation of the application, the evidence and the applicable criteria as set forth in this Code.

J. Conditions of Approval.

1. Authorization of Approval. Approval of a land use application may be granted subject to conditions. Conditions shall be designed to protect public health, safety and general welfare from potential adverse impacts caused by a

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proposed land use described in an application. Findings shall either assure compliance with standards of the Code or conditions may be added to fulfill the need for public service demands created by the proposed use.

2. Timing of Conditions and Development Agreement. All conditions of approval required by the City shall be completed prior to the issuance of an occupancy permit. When an applicant provides information which demonstrates that it is not practical to fulfill all conditions prior to issuance of such permit, the City Planner may require a performance bond or other guarantee to assure compliance with zoning regulations or fulfillment of required conditions. The City may also require a development agreement between the City and the owner or developer to specify the developer's or owner's obligations for completing construction and any public improvements.
3. Modify Conditions. A request to change or alter conditions of approval shall be processed as a new land use action under the same procedure that was used for the initial approval.

K. Notice of Decision.

1. Within five (5) working days after a decision is made, a Notice of Decision shall be sent by mail to:
 - a. The applicant and all property owners or contract purchasers of record.
 - b. Any person who submits a written request to receive notice, or provides comments during the application review period.
 - c. Any governmental agency entitled to notice under an intergovernmental agreement entered into with the City, and other agencies that were notified or provided comments during the application review period.
2. The City Planner or designee shall cause an affidavit of mailing the notice to be prepared and made a part of the file. The affidavit shall show the date the notice was mailed, demonstrate that the notice was mailed to the parties above and was mailed within the time required by law.
3. The Notice of Decision shall contain a description of the proposal, where to obtain the decision, the date the decision becomes final unless appealed, and a statement of who may file an appeal, how to file an appeal and the deadline to file an appeal.

4. **Effective Date:** The Decision is final for purposes of appeal, when it is mailed by the city. The decision is effective the day after the appeal period expires or as otherwise provided in the decision.
- L. **Appeals.** A decision issued by the City Planner under this section may be appealed to the Planning Commission as follows:
1. **Who may appeal.** The following people have legal standing to appeal a Type II Limited Land Use Decision:
 - a. The applicant or owner of the subject property;
 - b. Any person who was entitled to written notice of the decision;
 - c. Any other person who participated in the proceeding by submitting written comments.
 2. **Appeal filing procedure.**
 - a. **Notice of appeal.** Any person with standing to appeal, as provided in subsection 1, above, may appeal the decision by filing a Notice of Appeal according to the following procedures;
 - b. **Time for filing.** A Notice of Appeal shall be filed with the City Planner or designee within 14 days of the date the Notice of Decision was mailed;
 - c. **Content of notice of appeal.** The Notice of Appeal shall contain:
 - i. An identification of the decision being appealed, including the date of the decision;
 - ii. A statement demonstrating the person filing the Notice of Appeal has standing to appeal;
 - iii. A statement explaining the specific issues being raised on appeal;
 - iv. Filing fee.
 3. **Scope of appeal.**

The appeal of a Type II Limited Land Use Decision by a person with standing shall be a hearing de novo before the Planning Commission. The appeal shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the review by the City Planner. The Planning Commission may allow additional evidence, testimony or argument concerning any relevant standard, criterion, condition, or issue.

4. Appeal procedures.

Quasi-Judicial notice, hearing procedures and decision process shall also be used for all appeals under this section;

5. Further Appeal to City Council.

The decision of the Planning Commission regarding an appeal of a Type II Limited Land Use Decision is the final decision of the City unless appealed to City Council. An appeal to City Council shall be de novo and follow the same notification and hearing procedures as for the Planning Commission hearing. The decision of the City Council on an appeal is final and effective on the date it is mailed by the City. The City Council's decision may be appealed to the State Land Use Board of Appeals pursuant to ORS 197.805 – 197.860.

16.170.012 Type III Quasi-Judicial Decisions by the Planning Decision

A. Pre-application Conference. A pre-application conference ~~may be~~ is required for all ~~a~~ Type III quasi-judicial applications under this Section. The requirements and procedures for a pre-application conference are described in Chapter 16.170.001.

B. Application Requirements.

1. Application form. A quasi-judicial application shall be made on forms provided by the City Planner or designee. The application shall include the property owner's signature of consent. Entities with condemnation authority are not required to provide a consent signature.
2. Submittal Information. When a quasi-judicial application is required, it shall include:
 - a. The information requested on the application form;
 - b. One copy of a narrative statement that explains how the application satisfies each of the relevant criteria and standards insufficient detail for review and decision-making.
 - c. The required fee pursuant to Chapter 16.00.070; and
 - d. One set of pre-stamped and pre-addressed envelopes for all real property owners of record who will receive a notice of the application within 250 feet. The records of the Washington County Assessor's office are the official records for determining ownership. The applicant shall produce the notice list. At the applicant's request, and upon payment of a fee noted on

the City's fee list, the City may prepare the public notice mailing list. The City or the applicant shall use the most current County real property assessment records to produce the notice list. The City shall mail the notice of application.

3. Completeness. Within 30 days of receiving an application for a Type III application, the City staff shall provide a dated notice to the applicant indicating whether the application is deemed complete or incomplete. If the application is incomplete the City Planner shall notify the applicant in writing of exactly what information is missing. If deemed incomplete, the applicant has 180 days to submit the missing information, a refusal statement, or to withdraw the application. If the applicant refuses to submit the required information and does not withdraw, the application shall be deemed complete upon receipt of the refusal letter.
4. Final Action. Final action on an application under this Section shall occur within 120 days of completeness pursuant to Chapter 16.00.090.

C. Notice of Hearing.

1. Mailed notice. The City shall mail the notice of the Type III application. The records of the Washington County Assessor's Office are the official records for determining ownership. Notice of the initial hearing or an appeal hearing shall be given by the City in the following manner:
 - a) At least 20 days before the hearing date, notice shall be mailed to:
 - i. The applicant and all owners or contract purchasers of record of the property that is the subject of the application;
 - ii. All property owners of record within 250 feet of the site;
 - iii. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City. The City may notify other affected agencies. The City shall notify the road authority, and rail authority and owner, when there is a proposed development abutting or affecting their transportation facility and allow the agency to review, comment on, and suggest conditions of approval for the application.
 - iv. Owners of airports in the vicinity shall be notified of a proposed zone change in accordance with ORS 227.175;

- v. Any neighborhood or community organization recognized by the City Council and whose boundaries include the property proposed for development;
- vi. Any person who submits a written request to receive notice;
- vii. For appeals, the appellant and all persons who provided testimony in the original decision; and
- viii. For a land use district change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS227.175.
- ix. The City Planner or designee shall prepare an affidavit of notice. The affidavit shall state the date that the notice was mailed to the persons who must receive notice.
- x. At least 14 business days before the hearing, notice of the hearing shall be printed in a newspaper of general circulation in the City. The newspaper's affidavit of publication of the notice shall be made part of the administrative record.

b) Content of Notice. Notice of appeal of an application or notice of a public hearing to be mailed and published per Subsection 1 above shall contain the following information:

- i. The nature of the application and the proposed land use or uses that could be authorized for the property;
- ii. The applicable criteria and standards that apply to the application;
- iii. The street address or other easily understood geographical reference to the subject property;
- iv. The date, time, and location of the public hearing;
- v. A statement that the failure to raise an issue in sufficient detail to afford the decision-maker an opportunity to respond to the issue may preclude an appeal based on that issue with the State Land Use Board of Appeals or the circuit court;

- vi. The name of a City representative to contact and the telephone number where additional information on the application may be obtained;
- vii. A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards can be reviewed at North Plains City Hall at no cost and that copies shall be provided at a reasonable cost;
- viii. A statement that a copy of the City's staff report and recommendation to the hearings body shall be available for review at no cost at least seven days before the hearing, and that a copy shall be provided on request at reasonable cost;
- ix. A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings; and
- x. The following notice: "Notice to mortgagee, lien holder, vendor, or seller: The City of North Plains Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."

D. Conduct of the Public Hearing

1. At the commencement of the hearing, the hearings body shall state:
 - a. The applicable approval criteria and standards that apply to the application or appeal;
 - b. That testimony and evidence must address the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations that the person testifying believes to apply to the decision;
 - c. That failure to raise an issue with sufficient detail to give the hearings body and the parties an opportunity to respond to the issue, means that no appeal may be made to the State Land Use Board of Appeals on that issue;
 - d. Before the conclusion of the initial evidentiary hearing, any participant may ask the Planning Commission for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing. The hearings body shall grant the request by scheduling a date to finish the hearing (a "continuance") per paragraph 2 of this

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subsection, or by leaving the record open for additional written evidence or testimony per paragraph 3 of this subsection.

2. If the Planning Commission grants a continuance, the completion of the hearing shall be continued to a date, time, and place at least seven days after the date of the first evidentiary hearing. An opportunity shall be provided at the second hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the second hearing, any person may request, before the conclusion of the second hearing, that the record be left open for at least seven days, so that they can submit additional written evidence or testimony in response to the new written evidence;
3. If the Planning Commission leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the City in writing for an opportunity to respond to new evidence submitted during the period that the record was left open. If such a request is filed, the Planning Commission shall reopen the record.
4. When the Planning Commission reopens the record to admit new evidence or testimony, any person may raise new issues that relate to that new evidence or testimony;
5. An extension of the hearing or record is subject to the limitations of ORS 227.178 (“120-day rule”), unless the continuance or extension is requested or agreed to by the applicant;
6. If requested by the applicant, the City shall allow the applicant at least seven (7) days after the record is closed to all other persons to submit final written arguments in support of the application, unless the applicant expressly waives this right. The applicant’s final submittal shall be part of the record but shall not ~~shall~~ include any new evidence;
7. The record shall contain all testimony and evidence that is submitted to the City and that the hearings body has not rejected;
8. In making its decision, the hearings body may take notice of facts not in the hearing record (e.g., local, state, or federal regulations; previous city decisions; case law; staff reports).
9. Participants in a land use hearing are entitled to an impartial review authority as free from potential conflicts of interest and pre-hearing ex parte contacts as reasonably possible.

- a. At the beginning of the public hearing, hearings body members shall disclose the substance of any pre-hearing ex parte contacts concerning the application or appeal. The member shall state whether the contact has impaired the member's impartiality or their to vote on the matter and shall participate or abstain accordingly;
- b. A member of the hearings body shall not participate in any proceeding in which they have a direct or substantial conflict of interest. Any actual or potential conflict of interest shall be disclosed at the hearing;
- c. A member of the hearings body may be disqualified due to contacts or conflict and may be ordered not to participate in the vote by a majority of the members present and voting. The person who is the subject of the motion may not vote on the motion to disqualify;
- d. If a member of the hearings body abstains or is disqualified, the City may provide a substitute in a timely manner subject to the impartiality rules in this section. In this case, a member of the City Council appointed by the Mayor may substitute for a member of the Planning Commission.
- e. If all members of the Planning Commission abstain or are disqualified, the City Council shall be the hearing body. If all members of the City Council abstain or are disqualified, a quorum of those members present who declare their reasons for abstention or disqualification shall be re-qualified to make a decision;
- f. Any member of the public may raise conflict of interest issues prior to ordering the hearing, to which the member of the hearings body shall reply in accordance with this section.

E. Ex parte communications

No decision or action of the hearings body shall be invalid due to ex parte contacts or bias resulting from ex parte contacts, if the person receiving contact:

- 1. Places in the record the substance of any written or oral ex parte communications concerning the decision or action; and
- 2. Makes a public announcement of the content of the communication and of all participants' right to dispute the substance of the communication made. This

announcement shall be made at the first hearing following the communication during which action shall be considered or taken on the communication.

3. Communication between City staff and the hearings body is not considered an ex parte contact.

F. Presenting and receiving evidence.

1. The hearings body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant or personally derogatory testimony or evidence;
2. Verbal testimony shall not be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing, only as provided in Section D. Conduct of Hearing;
3. Members of the hearings body may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the beginning of the hearing and an opportunity is provided to dispute the evidence.

G. The Decision Process.

1. Basis for decision. Approval or denial of an appeal of a land use application shall be based on standards and criteria in the development code. The standards and criteria shall relate approval or denial of a discretionary development permit application to the development regulations and, when appropriate, to the comprehensive plan for the area in which the development would occur and to the development regulations and comprehensive plan for the City as a whole;
2. Findings and conclusions. The written decision shall include written findings that explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts;
3. Form of decision. The Planning Commission shall issue a final written order containing the findings and conclusions stated in subsection 2. The Planning Commission may also issue appropriate intermediate rulings when more than one permit or decision is required;
4. Decision-making time limits. A final order for an action under this Section shall be filed with the City Planner or designee within ten business days after the close of the deliberation;
5. Notice of Decision. Written notice of a decision under this Section shall be mailed to the applicant and to all participants of record within ten business days after the

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hearings body decision. Failure of a person to receive mailed notice shall not invalidate the decision, provided that a good faith attempt was made to mail the notice.

6. Final Decision and Effective Date. The decision of the hearings body on an application is final for purposes of appeal on the date it is mailed by the City. The decision is effective on the day after the appeal period expires. If an appeal is filed, the decision becomes effective on the day after the appeal is decided by the City Council. The notice and hearings procedures for a quasi-judicial application on appeal to the City Council shall be the same as for the initial hearing. An appeal of a land use decision to the State Land Use Board of Appeals must be filed within the period required by state law.

16.170.013 Type IV Legislative Decisions

- A. Pre-Application Conference. A pre-application conference ~~is~~ **may be** required for ~~all~~ **Type IV** legislative applications initiated by a party other than the City of North Plains. The requirements and procedures for a pre-application conference are described in Chapter 16.170.001.

- B. Timing of Requests. The City accepts legislative requests at any time. The City Council may initiate its own legislative proposals at any time.

- C. Application Requirements.

1. Application forms. A legislative application shall be made on forms provided by the City.
2. Submittal Information. The application shall contain:
 - a. The information requested on the application form;
 - b. A map and/or plan addressing the appropriate criteria and standards insufficient detail for review and decision (as applicable);
 - c. The required fee pursuant to Chapter 16.00.070; and
 - d. One copy of a letter or narrative statement that explains how the application satisfies all of the relevant approval criteria and standards.

- D. Notice of Hearing

1. Required hearings. A minimum of two hearings, one before the Planning Commission and one before the City Council, are required for all legislative applications.

2. Notification requirements. Notice of public hearings for the application shall be given by the City in the following manner: At least 20 days, but not more than 40 days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, rezone property, or amend the development code a notice shall be mailed to:
 - a. Each owner whose property would be rezoned in order to implement the ordinance (including owners of property subject to a comprehensive plan amendment if a zone change will be required to implement the proposed comprehensive plan amendment);
 - b. Any affected governmental agency;
 - c. Any person who requests notice in writing;
 - d. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175;
 - e. For a zone change affecting an airport, the owners of the airport in accordance with ORS 227.175.
3. At least 10 days before the scheduled Planning Commission public hearing date and 14 days before the City Council hearing date, public notice shall be published in a newspaper of general circulation in the City.
4. The City Planner or designee shall:
 - a. For each mailing of notice, file an affidavit of mailing in the record as provided by subsection 2.a; and
 - b. For each published notice, file in the record the affidavit of publication in a newspaper that is required in subsection 3.
 - c. The Oregon Department of Land Conservation and Development (DLCD) shall be notified in writing of proposed comprehensive plan and development code amendments at least 35 45-days before the first public hearing at which public testimony or new evidence will be received, or at such lesser time as the law may allow. The notice to DLCD shall include a DLCD Certificate of Mailing.
 - d. Notice of a proposed annexation shall follow the provisions of Chapter 16.205.
 - e. Content of notices. The mailed and published notices shall include the following information:

- i. The number and title of the file containing the application, and the address and telephone number of the City Planner or designee's office where additional information about the application can be obtained;
- ii. The proposed site location;
- iii. A description of the proposed site and the proposal in enough detail for people to determine what change is proposed, and the place where all relevant materials and information may be obtained or reviewed;
- iv. The time(s), place(s), and date(s) of the public hearing(s); a statement that public oral or written testimony is invited; and a statement that the hearing will be held under this title and rules of procedure adopted by the Council and available at City Hall (See Section 3. below); and
- v. Each mailed notice required by Section D above shall contain the following statement: "Notice to mortgagee, lien holder, vendor, or seller: The City of North Plains Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."

f. Failure to receive notice. The failure of a person to receive notice shall not invalidate the action, provided:

- i. Personal notice is deemed given where the notice is deposited with the United States Postal Service;
- ii. Published notice is deemed given on the date it is published.

5. Hearing Process and Procedures

Unless otherwise provided in the rules of procedure adopted by the City Council:

- a. The presiding officer of the Planning Commission and of the City Council have the authority to:
 - i. Regulate the course, sequence, and decorum of the hearing;
 - ii. Direct procedural requirements or similar matters;
 - iii. Impose reasonable time limits for oral presentations.
- b. A person may not address the Commission or the Council without:

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- i. Receiving recognition from the presiding officer; and
 - ii. Stating the person's full name and address.
- c. Disruptive conduct such as applause, cheering, or display of signs may be cause for expulsion from the hearing, termination or continuation of the hearing, or other appropriate action determined by the presiding officer.
- d. Unless otherwise provided in the rules of procedures adopted by the Council, the presiding officer of the Commission and of the Council shall conduct the hearing as follows:
 - i. The presiding officer shall begin the hearing with a statement of the nature of the matter before the body, a general summary of the procedures, a summary of the standards for decision-making, and whether the decision which will be made is a recommendation to the City Council or the final decision of the Council;
 - ii. The City Planner or designee's report and other applicable staff reports shall be presented;
 - iii. The public shall be invited to testify. The public hearing may be continued to allow additional testimony or it may be closed; and
 - iv. The body's deliberation may include questions to the staff, comments from the staff, and inquiries directed to any person present.

4.6. Continuation of the Public Hearing. The Planning Commission or the City Council may continue any hearing and no additional notice of hearing shall be required if the matter is continued to a specified place, date, and time.

2.7. Approval Process and Authority.

- a. The Planning Commission shall:
 - i. After notice and a public hearing, prepare and vote on a recommendation to the City Council whether to approve, approve with modifications, approve with conditions or deny the proposed change, or adopt an alternative; and
 - ii. Within 14 business days of adopting a recommendation, the presiding officer shall sign the written recommendation and it shall be filed with the City Planner or designee.

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- iii. Any member of the Planning Commission who votes in opposition to the Planning Commission's majority recommendation may file in the City planning file a written statement of opposition prior to the hearing on the proposal before the City Council. City planning staff shall send a copy to each Council member and place a copy in the record;
- b. If the Planning Commission fails to adopt a recommendation to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative proposal within 60 days of its first public hearing on the proposed change, City staff shall:
 - i. Report the failure together with the proposed change to the City Council; and
 - ii. Provide notice and put the matter on the City Council's agenda for the City Council to hold a public hearing and make a decision. Thereafter, no further action shall be taken by the Commission.
- c. The City Council shall:
 - i. Approve, approve with modifications, approve with conditions, deny, or adopt an alternative to an application for legislative change. The City Council also may remand the application to the Planning Commission for rehearing and reconsideration on all or part of the application;
 - ii. Consider the recommendation of the Planning Commission; however, the City Council is not bound by the Commission's recommendation; and
- d. The City Council shall approve any legislation by ordinance, which shall be signed by the Mayor after adoption.

3.8. Vote Required for a Legislative Change.

- a. A vote by a majority of the qualified voting members of the Planning Commission present is required for a recommendation for approval, approval with modifications, and approval with conditions, denial or adoption of an alternative.
- b. A vote by a majority of the qualified members of the City Council present is required to decide any motion made on the proposal.

4.9. Notice of Decision. Notice of a Legislative decision shall be mailed to the applicant, all participants of record, and the Department of Land Conservation and Development, within five (5) business days after the City Council's decision. The City shall also provide notice to all persons as required by other applicable laws.

5.10. Final Decision and Effective Date. A Legislative decision, if approved, shall take effect and shall become final as specified in the enacting ordinance, or if not approved, upon mailing of the notice of decision to the applicant.

6.11. Record of the Public Hearing.

- a. A verbatim record of the proceeding shall be made by stenographic, mechanical or electronic means. It is not necessary to transcribe an electronic record. The minutes and other evidence presented as a part of the hearing shall be part of the record;
- b. All exhibits received and displayed shall be marked to provide identification and shall be part of the record;
- c. The official record shall include:
 - i. All materials considered by the hearings body;
 - ii. All materials submitted by City staff to the hearings body regarding the application;
 - iii. The verbatim record made by the stenographic, mechanical or electronic means; the minutes of the hearing; and other documents considered;
 - iv. The final ordinance;
 - v. All correspondence; and
 - vi. A copy of the notices that were given as required by this Chapter.

Chapter 16.175 Design Review

16.175.000 Purpose

The purpose of Design Review Approval is to insure compliance with the objectives and provisions of this ordinance and the Comprehensive Plan; to mitigate the impacts where development may cause a conflict between uses in the same or adjoining zones, to reduce and eliminate unsightly, unhealthful or unsafe conditions, which adversely affect the public health, safety, and general welfare.

This section is designed to address the location and design of a use that is allowed within the zone. In considering the design review requirements, the City shall take into account the impact of the proposed development on nearby properties, the capacity and circulation of the street system, the capacity of the utility and service systems, and the appearance of the street and the community.

16.175.005 Design Review Approval Requirements

A building, grading, parking, or development permit, as specified in this chapter shall not be issued for a use subject to this section, nor shall such uses be commenced, enlarged, altered, changed or moved until a design review application is approved by the City.

16.175.010 Design Review Approval Procedures

Design review is required for all new developments and modifications of existing developments described below. Regular maintenance, repair and replacement of existing materials (e.g. roof, siding, awnings, etc.), parking resurfacing and similar maintenance and repair shall be exempt from review.

- A. Limited Land Use Design Review – Type II.** A Type II Land Use Design Review application is conducted by the City without a public hearing and in accordance with this chapter. This procedure shall be used when the City ~~Planner~~ finds that the applicable standards are primarily clear and objective but may require a limited exercise of discretion. This procedure is for changes in land use and developments that do not require a conditional use permit or comprehensive design review approval. A limited land use review ensures compliance with the basic land use and development standards of the land use district, such as lot area, building setbacks, and orientation, lot coverage, building height, landscaping, parking and other development standards

A Limited Land Use review is required for the types of changes in land use and development proposals listed below. Land uses and development exceeding the thresholds below require a Type III Design Review application.

1. A change in occupancy from one type of land use to a different land use;
2. A development proposal that increases ~~increases~~ lot coverage by no more than 10%;
3. Non-residential building additions up to 500 square feet or 20% of an existing structure, whichever is greater.
4. Minor modifications to development approvals that require one or more discretionary approval standards.
5. Minor alterations to a development that has a valid conditional use permit that require one or more discretionary approval standards, and as determined by Chapter 16.51;
6. Non-residential Accessory structures and accessory parking;
7. Having a condition for major public improvements where a specific plan was not considered (e.g., transportation facilities and improvements, parks, trails and similar improvements as determined by the City ~~Planner~~).

B. Type II Limited Land Use Design Review Approval Criteria. A Type II Limited Land Use Design Review shall be conducted prior to issuance of building permits, occupancy permit, business license or public improvement permits as determined by the City ~~Planner~~ and an application shall be approved only upon meeting all of the following criteria:

1. The proposed land use or development is permitted by and meets the intent of the underlying land use district;
2. Adequate findings can be shown to address discretionary application criteria, and
3. When new development is proposed, the proposal is found to comply with the applicable sections of this chapter apply.

C.B. Type III Design Review. Type III design review applications are reviewed by the Planning Commission including a public hearing in accordance with this chapter. It applies to all development in the City, except those specifically listed or similar to those under “A.” above and the standards of this chapter.

16.175.115 Filing Procedure

Design Review Applications shall be filed on a Planning Department form as provided by the City ~~Recorder~~ and shall be accompanied by such drawings, sketches, and descriptions as the City deems necessary to describe the proposed development. An application shall not be deemed complete unless all information requested is provided.

16.175.020 Pre-Application Conference

If required, the applicant shall schedule a pre-application conference Prior to filing a Design Review Application, ~~the applicant shall schedule a pre-application conference with the City.~~

16.175.025 Application

Following the pre-application conference, the applicant shall submit the formal application to the City accompanied by the appropriate fee and application materials, along with a site development plan and other information in accordance with the pre-application meeting and the requirements of this chapter.

16.175.030 Filing

A design review application must be filed for any of the following uses, except for single family or duplex construction and accessory structures and unless determined to be a Type II limited land use review pursuant to 16.175.010(A).

- A. New buildings or structures.
- B. Building alterations substantially affecting the exterior design and/or dimensions of an existing structure.
- C. Any exterior alteration to an existing nonresidential use, which has not previously been subject to design review, except for painting, the replacement of roofing and siding material.
- D. Any exterior alteration to an existing nonresidential use which has been subject to design review.
- E. Any alteration of site improvements, such as the landscaping in conjunction with an existing nonresidential use which has been subject to design review.
- F. Any new permitted land use on undeveloped property, such as parking lots, concession stands, storage yards, etc.

- G. Site grading of property affecting or altering the on-site or off-site drainage.
- H. A change of use within a zone unless the use change will not affect parking, exit requirements, and other standards of this ordinance.
- I. The removal of a substantial portion of mature trees existing on-site.

16.175.035 Design Review Plan - Submittal Requirements

A. **Information Requirements.** Information provided on the design review plan shall conform to the following:

- 1. Drawings depicting the proposal shall be presented on sheets not larger than twenty-four inches by thirty-six inches in the number of copies directed by the city;
- 2. Drawings shall be at a scale sufficiently large enough to enable all features of the design to be clearly discerned;
- 3. An electronic copy of the drawings shall be submitted in Adobe Acrobat (.pdf) or other software format designated by the City-~~Planner~~.

B. **Site Analysis Diagram.** This element of the design review plan, which may be in a freehand form to scale, shall indicate the following site characteristics:

- 1. Location and species of trees greater than six inches in diameter when measured four and one-half feet above the natural grade, and an indication of which trees are to be removed;
- 2. On sites that contain steep slopes, potential geologic hazard or unique natural features that may affect the proposed development, the city may require contours mapped at two-foot intervals;
- 3. Natural drainage ways and other significant natural features;
- 4. All buildings, roads, retaining walls, curb-cuts and other manmade features;
- 5. Natural features, including trees and structures on adjoining property having a visual or other significant relationship with the site.

- C. **Site Photographs.** Photographs depicting the site and its relationship to adjoining sites may also be provided.
- D. **Site Development Plan.** This element of the design review plan shall indicate the following:
1. Legal description of the lot;
 2. Boundary dimensions and area of the site;
 3. Location of all new structures and existing structures proposed to be retained, including their distances from the property line;
 4. Area of the site covered by the structures described in subdivision 3 of this subsection and their percentage of the site;
 5. All external dimensions of proposed buildings and structures;
 6. The location of a building's windows, doors, entrances and exits;
 7. Parking and circulation areas, including their dimensions;
 8. Service areas for such uses as the loading and delivery of goods;
 9. Locations, descriptions and dimensions of easements;
 10. Grading and drainage plans, including spot elevations and contours at close enough intervals to easily convey their meaning;
 11. Location of areas to be landscaped;
 12. Private and shared outdoor recreation areas;
 13. Pedestrian circulation;
 14. The location of mechanical equipment, garbage disposal areas, utility appurtenances and similar structures;
 15. Exterior lighting on the proposed building(s), including the type, intensity and area to be illuminated;
 16. Location, size and method of illumination of signs;
 17. Provisions for handicapped persons;

18. Other site elements which will assist in the evaluation of site development;
19. The location and names of all existing streets within or on the boundary of the proposed development;
20. A written summary showing the following:
 - a) For commercial and nonresidential development:
 1. The square footage contained in the area proposed to be developed,
 2. The percentage of the lot covered by structures,
 3. The percentage of the lot covered by parking areas and the total number of parking spaces,
 4. The total square footage for all landscaped areas including the percentage consisting of natural materials and the percentage consisting of hard-surfaced areas such as courtyard,
 - b) For residential development:
 1. The total square footage in the development,
 2. The number of dwelling units in the development (include the units by the number of bedrooms in each unit, e.g., ten one-bedroom, twenty-five two-bedroom, etc.),
 3. Percentage of the lot covered by:
 - (A) Structures,
 - (B) Parking areas,
 - (C) Recreation areas,
 - (D) Landscaping.

E. **Landscape Plan.** Development proposals with a total project cost exceeding two hundred fifty thousand dollars may be required to ~~shall~~ have the landscape plan prepared by a licensed landscape architect. This element of the design review plan should indicate the following:

1. The size, species and locations of plant materials to be retained or placed on the site;

2. The layout of proposed irrigation facilities;
3. The location and design details of walkways, plaza, courtyards and similar seating areas, including related street furniture and permanent outdoor equipment including sculpture;
4. The location, type and intensity of lighting proposed to illuminate outdoor areas;
5. The location and design details of proposed fencing, retaining walls and trash collection areas; and
6. For commercial projects with a total project cost exceeding two hundred fifty thousand dollars, a rendering showing the proposed landscape plan in perspective. Such renderings shall be prepared for each of the project's main elevations.

F. **Architectural Drawings.** This element of the design review plan shall indicate the following:

1. A plot plan specifying the building footprint and dimensions, including all points of access. Floor plans of interior spaces to the extent required to clarify access functions. Such floor plans shall be provided for all building floors and shall include appropriate dimensions;
2. Exterior elevations showing finish materials, windows, doors, light fixtures, stairways, balconies, decks and architectural details. These elevations shall be provided for every exterior wall surface, including those which are completely or partially concealed from view by overlapping portions of the structure. Existing and finished grades at the center of all walls shall be shown with elevations of floors indicated and a dimension showing compliance with height limitations;
3. The color and texture of finish materials shall be described on the drawings and samples shall be submitted of the materials and color ranges of siding, roofing and trim;
4. Location and type of exterior light fixtures including the lamp types and levels of illumination that they provide;
5. A comprehensive graphic plan showing the location, size, material and method of illumination of all exterior signs, subject to the other applicable requirements of the Zoning and Development

Ordinance. At the applicant's option, this plan may be submitted for approval at any time prior to the issuance of occupancy permits.

G. **Architectural Model.**

1. Architectural models may be required for:
 - a. All new construction, other than duplexes or triplexes,
 - b. Alterations to existing structures other than duplexes or triplexes where the proposed alteration involves the addition of one thousand square feet of gross floor area or more;
2. The model shall be to scale and represent the proposed development and adjoining buildings within fifty feet of applicant's property lines;
3. The model need only be a massing model sufficient to illustrate the relationship of the proposed structure(s) to the site and surrounding properties.

H. **Property Survey.**

1. A survey of the property by a licensed land surveyor clearly delineating property boundaries. The city may waive this requirement where there is a recent survey which can be used to establish the applicant's property boundaries;
2. Prior to the ~~design review board~~ Planning Commission meeting, the applicant will have clearly marked the corners of proposed buildings and other significant features proposed for the site.

| **16.175.040 Engineer's Assessment**

Prior to the development of lots containing unstable soils as defined by this ordinance, the City shall require a registered engineer's assessment of the design and structural techniques needed to mitigate potential hazards. In the event there are inadequate mitigation measures, the City shall prohibit development.

16.175.045 Documentation

All documentation and completed plans required by the Planning Commission shall be submitted and approved prior to obtaining any required permits or licenses.

| **16.175.050 Type III Design Review Criteria**

Approval of a Type III Design Review application shall be based on the following criteria:

A. Relation of Site Plan Elements to the Environment

1. The elements of the site plan shall be compatible with the natural environment and existing buildings and structures having a visual relationship with the site.
2. The elements of the site plan should promote energy conservation, and provide protection from adverse climatic conditions, noise and air pollution.
3. Each element of the site plan shall effectively, efficiently and attractively serve its function. The elements shall be on a human scale, interrelated, and shall provide spatial variety and order.
4. In commercial and industrial zones adjacent to State or Federal highways, and/or lying in County jurisdiction within urban growth boundaries, a coordinated circulation and access plan shall be submitted for the site and all properties in the immediate vicinity (no more than 1/4 mile to each site) to assure the public's safety in entering or leaving the site, as well as when traveling through the area. This requirement may be waived by the Planning Staff if adequate access control and efficient and safe circulation can be obtained without the development and approval of a coordinated circulation and access plan.
5. Safety and Privacy. The site plan should be designed to provide a safe environment while offering appropriate opportunities for privacy and transitions from public to private spaces.
6. Preservation of Natural Landscape. The landscape and existing grade shall be preserved to the maximum practical degree, considering development constraints and suitability of the landscape or grade to serve the applicant's functions. Preserved trees and shrubs shall be protected during construction.
7. Pedestrian and Vehicular Circulation and Parking. The location and number of points of access to the site, the interior circulation patterns, the separations between pedestrians and moving and parked vehicles, and arrangement of parking areas in relation to building and structures, shall be harmonious with proposed and neighboring buildings and structures.

8. Drainage. Surface drainage systems shall be designed so as to not adversely affect neighboring properties, streets and/or surface and subsurface water quality. All surface water shall be contained on-site.
9. Buffering and Screening. Areas, structures, and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking, and similar accessory areas and structures shall be designed, located, buffered, or screened to minimize adverse impact on the site and neighboring properties.
10. Utilities. All utility installations above ground, if such are allowed, shall be located so as to minimize adverse impacts on the site and neighboring properties.
11. For any access within the Light Industrial (M-1) zone, the access shall be spaced a minimum of 200 feet from the nearest access on the same side of the street; this is to be coordinated between O.D.O.T., Washington County and the City of North Plains.

B. Required Landscaping

Areas Subject to Landscape Requirements: All use types as allowed in the particular zoning district, and subject to Design Review shall meet the provisions of this section.

1. Multi-family Residential. 15% landscaping of the gross lot area required. All areas subject to the final site plan and not otherwise improved shall be landscaped.
2. Community Commercial. 5% landscaping of the gross lot area required. All areas subject to the final site plan and not otherwise improved shall be landscaped.
3. General Commercial. 5% landscaping of the gross lot area required. All areas subject to the final site plan and not otherwise improved shall be landscaped. Screening by tall trees between highway commercial and adjacent residential zones, on side of highway commercial zone from highway to which it relates, such that the trees provide an attractive backdrop to elevated signage and adjacent residential uses.
4. Light Industrial. 5% landscaping of the gross lot area required. All areas subject to final site plan and not otherwise improved shall be landscaped.
5. Landscape Management. Natural vegetation is acceptable if maintained in a neat and fire safe manner.

6. Other Landscape Areas. All areas utilized for subsurface sewage disposal land treatment, except for single-family residences are required to be landscaped and maintained.

C. Landscaping in Parking and Loading Areas

In addition to the above provisions, the following landscape requirements apply to parking and loading areas.

1. A parking or loading area shall be separated from any lot line adjacent to a roadway by a landscaped strip at least 5 feet in width.
2. A landscaped strip separating a parking or loading area from a street shall contain:
 - a) Street trees spaced as appropriate to the species, not to exceed 50 feet apart, on the average; and
 - b) Low shrubs, not to reach a height greater than 3'0", spaced no more than 8 feet apart, on the average; and
3. Vegetative ground cover if required.
4. Landscaping in a parking or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.
5. The landscaping in a parking area shall have a width of not less than three feet.

D.C. Irrigation

Provisions shall be made for watering planting areas where such care is required. Underground sprinklers may be required.

E.D. Maintenance

Required landscaping shall be continuously maintained.

F.E. Special Requirements

The Planning Commission may require the following, in addition to the minimum requirements and standards of this ordinance, as a condition of Design Review Approval.

1. An increase in building separation, to afford improvement in light reception or air circulation or to afford greater fire resistance, based on building structural and fire flow requirements.
2. Additional off-street parking, according to specific requirements for the type of development.
3. Screening of the proposed use by a fence, or landscaping.
4. Limitations on the size, location, intensity and number of exterior lights.
5. Limitations on the number, and location of curb cuts.
6. Improvement or enlargement of utilities serving the proposed use, where existing facilities will be burdened by the proposed use.
7. Landscaping, or increases in landscaping requirements for the site.
8. Limitations on the number and size of signs.
9. Review of and adjustments in design for conformance with the historic architectural design theme.
10. Any other limitations or conditions it considers necessary to achieve the purposes of this ordinance and the Comprehensive Plan.

16.175.155 Design Review - Specific Use Standards

The following specific uses shall comply with the standards of the zone in which they are located and with the additional standards and conditions set forth in this section.

A. Churches, or Other Religious Institutions or Hospitals

In residential districts, all buildings shall be setback a minimum of 30 feet from a side or rear lot line, no sign exceeding 10 square feet in area, nor internally illuminated, off-street parking screened from abutting residential property.

B. Medical Clinics, Clubs, Lodges, Community Centers, Golf Courses, Grounds and Buildings for Games or Sports, Country Clubs, Swimming Clubs, Tennis Clubs, Government Structures and Land Uses, Parks, Playgrounds

The Planning Commission may authorize these uses if it determines that the following will be provided:

1. Access from principal streets subject to City Public Works Standards.
2. Building and site design provisions, including landscaping, that will effectively screen neighboring uses from noise and glare.

3. Subject to site plan review if the use is located in a residential district, all such uses shall be located with off-street parking screened from abutting residential property. No sign exceeding 10 square feet in area, nor internally illuminated, shall be permitted. All buildings shall be set back a minimum of 30 feet from side or rear lot lines. There shall be no external evidence of any incidental commercial activities taking place within the building. If located in a residential district design of a type that conforms with the type of allowed residential use adjacent to it is required.

C. Schools

Nursery schools shall have a minimum site size of 10,000 square feet, and provide and maintain at least 100 square feet of outdoor play area per child. A sight-obscuring fence at least four feet but not more than six feet high shall separate the play area from adjoining lots.

D. Multi-Family Dwelling(s)

A multi-family dwelling and a multi-family dwelling complex shall comply with the following provisions:

1. The maximum number of dwelling units permitted by the applicable zone per gross acreage of a site (e.g., 24 dwelling units per acre in R-2.5) shall be based on the total surface area measured horizontally within the lot lines of the lot. The actual achievable density on the site may be less than the maximum allowable density due to site constraints such as easements, rights-of-way and environmental constraints. The maximum density may be increased as follows:
 - a. If dedicated open space which is developed and landscaped equals 50% or more of the total area of the site, a maximum of 10% increase in the number of units may be granted.
 - b. If in addition to open space as provided in (a) above, a maintained playground area with approved equipment such as goal posts, swings, slides, etc., is provided, the number of units permitted may be increased an additional 5%.
 - c. If in addition to open space and playgrounds as provided in (a) and (b) above, an approved recreational community building is provided, an additional 10% increase of units may be granted.
2. The maximum total increase in dwelling units made possible by development of open space, playgrounds and recreational facilities shall be 25% of the number of units otherwise allowed.

3. There shall be no outdoor storage of furniture, tools, equipment, building materials or supplies belonging to the occupants or management of the complex.
4. For a multi-family dwelling complex with five or more dwelling units, a minimum of at least 2,500 square feet plus 150 square feet per dwelling unit shall be provided for a recreational play area, group or community activities or common open space. Such area shall be improved with grass, plantings, surfacings, equipment or buildings suitable for recreational use. The Planning Commission may require recreational areas to be screened from streets, parking areas or other uses by a sight-obscuring fence. No play area is required if more than 70% of the area is preserved as open space and is improved and landscaped for recreational enjoyment.
5. All roadways and parking areas shall be paved and roadways shall conform to City Public Works Standards.
6. A sight obscuring fence or hedge may be required by the Planning Commission when, in its judgment, such screening is necessary to preserve the values of nearby properties, protect the aesthetic character of the neighborhood or vicinity, and to provide security for occupants of the subject complex.
7. All structures associated with such a complex shall be set back 30 feet from the property line of an abutting single family residential lot or use unless approved otherwise by the Planning Commission.
8. Sidewalks or other approved surfaced pedestrian walkways within the complex shall be provided.
9. Bicycle parking facilities shall be provided.
10. Public Park. The developer shall set aside and dedicate to the public for park and recreational purposes not less than 8% of the gross area of said development, if the land to be dedicated is suitable and adaptable for such purposes and is generally located in an area planned for parks.

The City shall determine whether or not said land is, in fact, suitable for park purposes. Provided, further, that any such approval shall be subject to the condition that the City Council accept the deed dedicating such land.

In the event there is no suitable park or recreation area or site in the proposed area to be developed or adjacent thereto, then the developer shall, in lieu of setting aside land, pay into a park acquisition and development fund a sum of money equal to the fair market value of the

land that would have been donated under the above conditions. For the purpose of determining the fair market value, an appraisal performed by a state certified appraiser, or the latest value of the land as un-platted and without improvements as shown on the Washington County Assessor's tax roll shall be used. The sum so contributed shall be used for acquisition of suitable area of park and recreation purposes or for the development of recreational facilities. Such expenditures shall be made for neighborhood or community facilities within the area of the community that will reasonably benefit the contributing development.

Funds contributed in lieu of park land shall be credited to a park acquisition and development fund and shall be deposited with the City. Such funds may be expended only on order of the City Council for the purpose of acquiring or developing land for park or recreation purposes.

11. All such complexes shall provide adequate access.

12. If the complex or any unit thereof is more than 500 feet from a public fire hydrant, such shall be provided at appropriate locations on a vehicular way and shall conform in design and capacity to the public hydrants in the City.

E. Recreational Vehicle Park

A recreational vehicle park shall conform to state standards in effect at the time of construction and the following provisions:

1. Use Standards.

Management headquarters, recreational facilities, toilets, dumping stations, showers, coin-operated laundry facilities, and other uses and structures customarily incidental to operation of a recreational vehicle park and campground are permitted as accessory uses to the park.

2. Design Standards

a) The maximum density of an RV park shall be 15 units per acre.

b) The pad provided for each recreational vehicle shall be not less than 700 square feet exclusive of any space used for common areas such as roadways, general use structures, walkways, parking spaces for vehicles other than recreational vehicles and landscaped areas.

- c) Roadways shall be not less than 30 feet in width if parking is permitted on the margin of the roadway, or not less than 20 feet in width if parking is not permitted on the edge of the roadway and shall be paved with asphalt, concrete or similar impervious surface and designed to permit easy access to each recreational vehicle space.
- d) A space provided for a recreational vehicle shall be covered with crushed gravel or paved with asphalt, concrete, or similar material and be designed to provide for the control of runoff or surface water. The part of the space which is not occupied by the recreational vehicle and not intended as an access way to the recreational vehicle or part of an outdoor patio need not be paved or covered with gravel provided the area is landscaped or otherwise treated to prevent dust or mud.
- e) A recreational vehicle space shall be provided with piped potable water and sewage disposal service. A recreational vehicle staying in the park shall be connected to the water and sewage service provided by the park if the vehicle has equipment needing such service, and proper back-flow prevention devices are installed per City Public Works Standards.
- f) A recreational vehicle space shall be provided with electrical service.
- g) Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations for the use of guests of the park and located in such number and of such capacity that there is no uncovered accumulation of trash at any time.
- h) No recreational vehicle shall remain in the park for more than 3 months in any 6 month period.
- i) No recreational vehicle or any other camping unit shall be used as a permanent place of abode, dwelling, or business or for indefinite periods of time. Occupancy and/or placement extending beyond three months in any six months shall be presumed to be permanent occupancy. Any action toward removal of wheels of a recreational vehicle except for temporary purposes of repair is hereby prohibited. Camping units other than recreational vehicles shall be limited to 30 days in any 60 day.
- j) The total number of parking spaces in the park, except for the parking provided for the exclusive use of the manager or employees of the park, shall be equal to one space per recreational vehicle space. Parking spaces shall be covered with crushed gravel or paved with asphalt, concrete or similar material.

- k) Entrance driveways shall be located not closer than 150 feet from the intersection of public streets.
- l) The park shall provide toilets, lavatories and showers for each sex as required by the State Building Agency Administrative Rules, Chapter 918. Such facilities shall be lighted at all times of night and day, shall be ventilated, and shall be provided with adequate floor drains to permit easy cleaning.
- m) 12. Recreational vehicles or other camping units shall be separated from each other and from other structures by at least 10 feet. Any accessory structure such as attached awnings, carports, or individual storage facilities shall, for purposes of this separation requirement, be considered to be part of the recreational vehicle.
- n) The recreational vehicle park shall be enclosed by a fence, wall, landscape screening, earth mounds, or by other designs approved by the Planning Commission which will complement the landscape and assure compatibility with the adjacent environment.
- o) Each recreational vehicle park shall set aside along the perimeter of the recreational vehicle park a minimum 10' strip which shall be site obscuring landscaping and used for no other purpose. Additional area for landscaping may be required through the design review process.

F. Bed and Breakfast Inn

A Bed and Breakfast Inn shall comply with all applicable state laws and the following conditions:

1. No more than three (3) sleeping rooms shall be available for the accommodation of inn visitors.
2. No more than six (6) guests shall be accommodated at any one time.
3. One daily meal shall be provided to inn guests.
4. The exterior of the building shall maintain a residential appearance.
5. No materials or commodities shall be delivered to or from the residence in a bulk or quantity that will create congestion.
6. The bed and breakfast inn shall be operated in a way that will prevent unreasonable disturbance to area residents.

7. One off-street parking space shall be provided for each guest room in addition to parking required for the residence.

G. Commercial Use or Accessory Use Not Wholly Enclosed Within a Building, on a Lot Adjoining or Across a Street From a Lot in a Residential Zone

These uses may be permitted conditionally subject to the following standards:

1. A sight-obscuring fence or evergreen hedge may be required by the Planning Commission when they find such a fence or hedge or combination thereof is necessary to preserve the values of nearby properties or to protect the aesthetic character of the neighborhood or vicinity.
2. In addition to the requirements of the applicable zone, the Planning Commission may further regulate the placement and design of signs and lights in order to preserve the values of nearby properties, to protect them from glare, noise, or other distractions or to protect the aesthetic character of the neighborhood or vicinity.
3. In order to avoid unnecessary traffic congestion and hazards, the Planning Commission may limit access to the property.

H. Amusement Enterprise

An amusement enterprise may be authorized after consideration of the following factors:

1. Adequacy of access from principal streets together with the probable effect of traffic volumes on adjoining and nearby streets.
2. Adequacy of building and site design provisions to maintain a reasonable minimum of noise and glare from the building and site.

I. Radio, Television Tower, Utility Station or Substation

1. In a residential zone, all equipment storage on the site may be required to be within an enclosed building.
2. The use may be required to be fenced and landscaped.
3. The minimum lot size for a public utility facility may be waived on finding that the waiver will not result in noise or other detrimental effect to adjacent property.

4. Transmission towers, posts, overhead wires, pumping stations, and similar installations shall be located, designed and installed to minimize conflicts with scenic values.

16.175.060 Violation

Failure to comply with an approved Design Review and Site Plan and any conditions of approval shall be a zoning violation, subject to the requirements of this chapter.

Chapter 16.180 Conditional Use Permit

16.180.000 Purpose and Scope

The purpose of a conditional use is to provide for those uses which possess unique and special characteristics making impractical their inclusion as outright permitted uses in the underlying zoning district. Such uses shall not be incompatible with the type of uses permitted in surrounding areas. Location and operation of designated conditional uses shall be subject to review and authorized only by issuance of a conditional use permit.

16.180.005 Application and Fee

A pre-application conference pursuant to the Application Review section of this chapter may be required. ~~is recommended.~~ An application for a Conditional Use Permit shall be filed with the City ~~Recorder~~ and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this section. Depending on the scale of the project, the City may also determine that a simultaneous request for a Design Review permit pursuant to Chapter 16.175 is required. Conditional Use Permit requests shall be subject to the quasi-judicial public notice and public hearing requirements as described in the Application Review section of this chapter.

16.180.010 Review Criteria

A conditional use may be authorized upon adequate demonstration by the applicant that the proposed use satisfies all relevant requirements of this Ordinance and the following general criteria:

- A. The use is listed as a conditional use in the underlying zoning district;
- B. The use is consistent with those goals and policies of the Comprehensive Plan which apply to the proposed use;
- C. The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features;
- D. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zoning district; and

- E. The proposed use is timely, considering the adequacy of public facilities and services existing or planned for the area affected by the use.

16.180.015 Conditions of Approval

In approving an application for a conditional use, the Planning Commission may impose conditions to protect the area surrounding the proposed use and to preserve the basic purpose and intent of the underlying zoning district. These conditions may include, but are not limited to, the following:

- A. Increasing the required parcel area or yard dimensions;
- B. Limiting the height, size, or location of the buildings and structures;
- C. Controlling the location and number of vehicle access points;
- D. Increasing the road width;
- E. Increasing the number of required off-street parking or loading spaces;
- F. Limiting the number, size, location or lighting of signs;
- G. Requiring fencing, screening, or landscaping to protect adjacent or nearby property;
- H. Prescribing exterior finish for buildings or additions thereto;
- I. Designating areas and prescribing improvements for open space; and
- J. Prescribing a time limit within which to fulfill any established conditions.
- K. Prescribing limits on traffic, noise, vibrations, dust, fumes, or any other factors that may affect surrounding properties

16.180.020 General Requirements

Any conditional use authorized pursuant to this Ordinance shall be subject to the following additional requirements:

- A. A conditional use shall be subject to the standards of the zoning district in which it is located except as these standards have been modified in authorizing the conditional use. No modification of a

zoning district standard shall have the effect of rezoning the property.

- B. A conditional use may be enlarged or altered pursuant to the following:
1. Major alterations of a conditional use including changes, alterations or deletion of any conditions imposed shall be processed as a new conditional use permit application; and
 2. Minor alterations of a conditional use may be approved by the City ~~Planner~~ as a Limited Land Use permit pursuant to Chapter 16.170 if requested prior to issuance of building permits for the conditional use. Minor alterations are those changes which may affect the siting and dimensions of structural and other improvements relating to the conditional use, and may include small changes in the use itself. Any change which would affect the basic type, character, arrangement or intent of the conditional use originally approved shall be considered a major alteration.

16.180.025 Compliance with Conditions

Compliance with conditions imposed in granting a conditional use permit and adherence to the approved plot plan shall be required. Any departure from these conditions of approval and approved plans constitutes a violation of this ordinance. The Planning Commission may revoke any conditional use permit for failure to comply with any prescribed condition of the conditional use permit approval or for any other violation of this ordinance.

16.180.030 Revocation of a Conditional Use Permit

A violation of any section of this ordinance or of any condition attached to the approval of a conditional use shall be punishable by revocation of the conditional use permit, or a fine not to exceed \$100, or by both such revocation and fine. Each day the violation is allowed to continue shall constitute a separate violation.

Chapter 16.185 Variance

16.185.000 Purpose and Scope

The purpose of a variance is to provide ~~administrative~~ relief when a strict application of the zoning requirements of lot width, lot depth, building height, setback, access, or other dimensional or site requirements would impose practical difficulties. These difficulties may result from geographic, topographic or other physical conditions on the site or in the immediate vicinity. No variance shall be granted which allows the establishment or expansion of use otherwise prohibited or subject to conditional use procedures.

16.185.005 Application and Fee

A pre-application conference pursuant to the Application Review section of this chapter ~~may be required buy the City. is recommended.~~ An application for a variance shall be filed with the City ~~Recorder~~ and accompanied by the appropriate fee. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangements of the proposed development. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this section. Except for Administrative Variances per 16.185.015, Variance requests shall be subject to the quasi-judicial public notice and public hearing requirements of a Type III process under of the Application Review procedures under 16.170 section of this chapter.

16.185.010 Type III Variance Review Criteria

A variance may be authorized upon adequate demonstration by the applicant that the proposed variance satisfies the following criteria:

- A. That special conditions and circumstances exist which are peculiar to the land, building or structure involved;
- B. That granting the proposed variance would be in the public interest and would be in harmony with the purpose of the underlying zoning district and the intent and purpose of this Ordinance;
- C. That the variance would result in minimal detriment to the immediate vicinity;
- D. That the variance requested is the minimum variance which would make possible the reasonable use of the applicant's land, building or structure; and

- E. That the special conditions and circumstances on which the application is based do not result from the negligent or knowing violation of this Ordinance by the applicant.

16.185.015 Type II Minor Variances Administrative Review Criteria

Minor variances that may be authorized administratively under a Type II process include the following:

A. Minor variances, not to exceed 10%, from lot size, depth, width, area, coverage, landscaping and setback standards

B. Minor variances of other design standards of the Code. The City Planner or designee has the discretion to require a variance of design standards under a Type III process with final approval by the Planning Commission at any time.

Minor variances may be authorized administratively upon adequate demonstration by the applicant that the proposed variance satisfies the following criteria: ~~administrative variances shall be processed in accordance with Application Review section of this chapter:~~

- A. That special conditions and circumstances, such as lot shape and configuration, exist which are peculiar to the land, building or structure involved;
- B. That the variance would result in minimal detriment to the immediate vicinity.
- C. An application for an Administrative Variance is limited to one lot per application.
- D. No more than three Administrative Variances may be approved for one lot or parcel in 12 months.

16.185.020 Conditions of Approval

In approving an application for a Type III variance, the Planning Commission may impose such conditions as it deems appropriate to ensure that the intent of this Section is carried out. Such conditions shall be reasonably related to the variance criteria set forth in this chapter.

16.185.025 Compliance with Conditions

Compliance with conditions imposed in approval of a variance and adherence to an approved plot plan shall be required. Any departure from these conditions of approval and

approved plans constitutes a violation of this Ordinance. The Planning Commission may revoke approval of any variance for failure to comply with any condition imposed in approval of the variance or for any other violation of this Ordinance.