

**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 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.

The Planning Commission may grant two year extensions for subdivisions and PUDs and one year extensions for all other applications. The Planning Commission may also grant two-year extensions of a PUD, land partition or subdivision approval that expired between January 1, 2008 and January 1, 2013. Extensions may be granted administratively if the original approval was made administratively. The request for an extension must be filed with the City 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. 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.