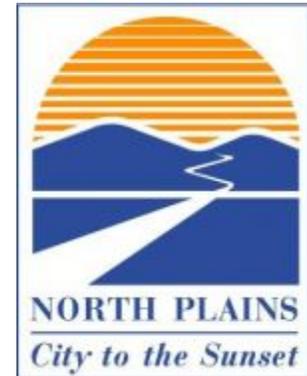


**CITY OF NORTH PLAINS
STAFF REPORT AND NOTICE OF DECISION:
MINOR LAND PARTITION
CITY FILE NUMBER 15-107**



NOVEMBER 3, 2015

I. OVERVIEW

APPLICATION: The applicant is requesting a two-parcel minor land partition with no right-of-way creation in the City of North Plains.

LOCATION: 30861 NW Hillcrest Street

TLID: 1N301DA 01300

LOT SIZE: 22,865 square feet (0.52 acres)

ZONING: R-7.5

OWNER/APPLICANTS: Sandra and Roy Hughes
30861 NW Hillcrest Street
North Plains, OR 97133

APPLICATION SUBMITTAL: September 18, 2015

APPLICATION DEEMED COMPLETE: October 14, 2015

PUBLIC NOTICE MAILED: October 15, 2015

14-DAY PUBLIC COMMENT PERIOD CLOSED: October 29, 2015

DATE NOTICE OF DECISION MAILED/E-MAILED: November 3, 2015

DEADLINE FOR APPEAL OF THIS APPROVAL: November 17, 2015

FINAL ACTION MUST BE TAKEN BY CITY BY 120-DAYS FROM COMPLETENESS: February 11, 2016

II. APPLICABLE REVIEW CRITERIA FROM THE *NORTH PLAINS ZONING AND DEVELOPMENT ORDINANCE*:

- 16.20 R-7.5 Zone
- 16.125 Lot Development Standards

- 16.130 Land Partitioning
- 16.145 Public Facility Service Requirements
- 16.150 Street Standards
- 16.155 Off Street Parking Loading
- 16.160 Clear Vision Areas

III. ZONING CODE REVIEW & FINDINGS

Below are applicable citations/applicable review criteria from the *North Plains Zoning Ordinance* and findings in response to the criteria. Unless discussed below, the applicant has met the requirements of the applicable review criteria fully, and/or the Code’s criteria are not applicable to this proposal and therefore do not warrant discussion.

REQUEST

The Applicant requests approval of a minor land partition to divide a 0.52 acre site into two parcels. This request is subject to a Type II process for administrative review by the Planning Department because no right-of-way is being created.

Summary Conclusions

The City accepts many of the Applicant’s findings. Areas where information was missing from the Applicant’s submittal or inconsistent with code criteria have been addressed with a condition of approval for the partition application.

SITE DESCRIPTION

This property is located on the north side of NW Hillcrest Street just east of NW 309th Avenue at 30861 NW Hillcrest Street. The site is 0.52 acres in size and is adjacent to property zoned C-1 (General Commercial) to the west, C-2 (Highway Commercial) to the south, and R-7.5 to the east and north. The property is zoned R-7.5 for low-density residential development and is developed with one single-family detached home that was constructed in 1925. The existing home will be retained.

Compliance with City of North Plains Municipal Code

ZONES

16.20 ZONING DISTRICT R-7.5

16.20.005 Permitted Uses

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

I. Single family detached dwelling.

Finding: *This application is for partition of residential property for the eventual construction of one additional single family detached dwelling. There is one single family detached dwelling on the site. The use is permitted on this site.*

This standard is met.

16.20.015 Dimensional Standards

The following dimensional standards shall be the minimum requirements for all development in the R-7.5 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 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.

Finding: *Both of the proposed parcels meet the 7,500 square foot minimum requirement. Parcel 1 will be 10,322 square feet and Parcel 2 will be 9,940 square feet, exclusive of the access strip. As this is a partition and not a subdivision, the maximum lot size is not applicable. This standard is met. The width and depth of parcel 1 will be 79.4 feet by 130 feet. The width and depth of Parcel 2 will be 99.4 feet by 100 feet.*

These standards are met.

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:

- a. 10 feet for street-access lots
- b. 6 feet for alley-access lots
- c. 5 feet for Accessory Structures and Accessory Dwellings

5. Side Yard:

- a. Interior 5 feet
- b. Adjacent to street 10 feet plus additional necessary to comply with the standards of Clear Vision Areas section of this chapter.
- c. Accessory Structures and Accessory Dwellings: **5 foot** Side Yard (adjacent to street) setback, except as provided for in 16.105.
- d. 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.

Finding: *The existing home maintains a 43-foot front yard setback. The second proposed lot will be located behind the existing home. Both lots will be able to exceed the 20-foot front yard setback requirement. The existing home meets both five foot side-yard setbacks and the 20-foot rear yard setback and the newly proposed lot should also be able to meet these setback requirements. There is an existing tool shed that is within the eastern side-yard setback on parcel 1; this shed will not be enlarged or the setback reduced beyond the existing structure. The new home constructed on the second parcel will be required to meet all applicable setbacks.*

This standard can be met as conditioned below.

Condition: *Prior to issuance of building permits, review structure placement for compliance with sections 16.20.015.C.*

D. Height of Buildings:

Buildings shall not exceed a height, measured from grade, of 35 feet. Accessory dwellings and accessory structures shall not exceed 25 feet in height.

Finding: *The height of the existing home does not exceed 35 feet and the height of the future home is not indicated on the plans; however, compliance with this criterion can be verified at time of building permit submittal. Therefore, subsection 16.20.015.D is not applicable and the proposed preliminary plat can be conditioned to meet the standards of 16.20.015.D.*

This standard can be met as conditioned below.

Condition: *Prior to issuance of building permits, review structure height for compliance with*

section 16.20.015.D, ensuring that the building height does not exceed 35 feet.

E. Lot/Parcel Coverage

In the R-7.5 District, the maximum impervious surface coverage shall not exceed 65% of the total area of any lot.

Finding: Parcel coverage is not specifically addressed in the Applicant's submittal; however, the existing home occupies far less than 50% of the parcel on which it will sit. Compliance with this criterion for the new home can be verified at time of building permit submittal. Therefore, the proposed preliminary plat can be conditioned to meet the standards of 16.20.015.E.

This standard can be met as conditioned below.

Condition: Prior to issuance of building permits, review lot coverage for compliance with section 16.20.015.E, ensuring that the maximum lot coverage for impervious surfaces does not exceed 65%.

16.20.025 Development Standards

The following standards will be applied to all single family dwellings (site-build, 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 (minimum 16");

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

Finding: The existing home has a dormer, a covered porch entry, pillars/posts and eaves. Building elevations are not included for the new home as construction is not planned at this time. However, compliance with this criterion can be verified at time of building permit submittal. Therefore, the proposed preliminary plat can be conditioned to meet the standards of 16.20.025.

This standard can be met as conditioned below.

Condition: Prior to issuance of building permits, review the front building elevations of any single-family residences for compliance with section 16.20.025, ensuring that at least two of the required design features are provided.

LAND DIVISION

Chapter 16.125 Lot Development Standards

16.125.010 Standards for Lots

A. **Minimum lot area:** Minimum lot area shall conform to the requirements of the zoning district in which the lot is located.

Finding: Both of the proposed lots meet the minimum lot area of 7,500 square feet in the R-7.5 zone.

This standard is met.

B. **Access:** All lots created after the effective date of this Ordinance shall provide a minimum of 20 feet of frontage on an existing or proposed public street, with the following exception:

Flag lots, accessed by a private driveway, may be permitted by the Planning Commission when any of the following conditions are met:

1. The subject property is surrounded by developed properties and the terrain, shape of the parcel, or the location of existing structures precludes accessing the property with a public street.
2. The proposed flag lot(s) front on the arc of a cul-de-sac and the use of flag lots would result in a better lot pattern around the cul-de-sac than that which might otherwise result.
3. The subject property is located in the Commercial or Industrial Zoning District and the Planning Commission finds that full frontage on a public street is unnecessary to the logical development of the property.
4. The Planning Commission finds that the use of flag lots is necessary due to conditions of terrain or other physical features of the property.
5. The Planning Commission finds that the use of flag lots accessing from a collector or local street is preferable to direct access from an arterial street.

Finding: While this application does include a flag lot, both parcels will be provided 20 feet of frontage to Hillcrest Street. The location of the existing home on the lot precludes placement of another home directly fronting Hillcrest Street therefore, staff finds that the existing development pattern enables condition 1 to be utilized as justification for the proposed access.

This standard is met.

C. **Flag Lots:** When authorized by the Planning Commission pursuant to the access requirements of Subsection Chapter 16.125.010 (B)(1), flag lots shall be subject to the following development standards:

1. The access strip shall be a minimum of 15 feet in width, except as required by the Uniform Fire Code. The improved surface shall be a minimum of 12 feet in width, except as required by the Uniform Fire Code. A three-foot wide landscaped planter strip shall be provided between the access strip and the side lot line of the neighboring lot.
2. The access strip shall not be included in the calculation of lot area for purposes of determining compliance with any minimum lot size provision of this Ordinance.
3. The access strip shall be in fee ownership of the property provided access and shall not be as an easement. In the case of multiple lots having the same access strip, all lots served shall have ownership of an equal amount of the access strip. There shall be provided an easement over the remainder of the access strip for each property served.
4. The length of the access strip is subject to the requirements of the Uniform Fire Code, but shall not exceed 200 feet.
5. Where more than one flag lots abut, access shall be via a shared drive wherever possible. The shared drive access strip shall be a minimum of 20 feet in width for two lots, and increased by 5 foot increments for each additional lot, with a maximum of four lots having access off of one access strip, except as required by the Uniform Fire Code. The improved surface shall be a minimum of 16 feet in width for two lots and increased by four feet for each additional lot, except as required by the Uniform Fire Code. A two foot wide vegetated planter strip shall be provided between the access strip and the abutting side lot lines.
6. Setbacks in Residential Zoning Districts. Subsequent development on flag lots in the R-7.5, R-5 and R-2.5 zoning districts shall provide minimum front, rear and side yard setbacks of 10 feet, except that the yard facing the garage door or carport entrance shall be a minimum of 20 feet.

Finding: *The proposed access strip is 20 feet wide. A minimum 12-foot wide improved surface and 3-foot wide landscaped planter strip separating the driveway from the property to the west will be required and verified at time of building permit review. The access strip is not included in the lot size calculation. The access strip is part of the rear parcel and is not an easement. The length of the access strip is 130 feet, not exceeding 200 feet. There is only one proposed flag lot. All setbacks will be met as conditioned early in this staff report in the R-7.5 section. This standard is met.*

This standard can be met as conditioned below.

Condition: *Prior to issuance of building permits, ensure the new driveway includes an improved surface of 12-feet wide and that a 3-foot landscaped planter strip separates the driveway from the property to the west.*

D. Through Lots: Through lots shall be avoided except where essential to provide separation of residential development from major traffic arteries, adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. Screening or buffering may be required by the Planning Commission during the review of the land division request.

Finding: *No through lots are proposed.*

This standard is met.

E. Lot Side Lines: The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.

Finding: *The side lot lines run at right angles to NW Hillcrest Street.*

This standard is met.

F. Lot Grading: Lot grading shall conform to the requirements of Chapter 70 of the Uniform Building Code, hereby adopted by reference, and to the following standards unless physical conditions demonstrate the propriety of other standards:

1. Cut slopes shall not exceed one and one-half feet horizontally to one foot vertically.
2. Fill slopes shall not exceed two feet horizontally to one foot vertically.
3. The character of soil for fill and the characteristics of lots and parcels made usable by fill shall be suitable for the purpose intended.

Finding: *The applicant has not proposed cut slopes in excess of 1.5 feet horizontally to 1 foot vertically. The applicant has not proposed fill slopes in excess of 2 feet horizontally to 1 foot vertically. All grading permits are reviewed by the city prior to issuance of a building permit.*

This standard is met.

G. Large Lots: In dividing tracts into large lots which at some future time are likely to be re-divided, the applicant's tentative plan shall also demonstrate that any redevelopment or re-subdivision may readily take place at the planned residential density without violating the requirements of this ordinance.

The Planning Commission may require that the blocks be of such size and shape, be so divided into building sites and contain such site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any tract into lots of smaller size.

Finding: *The two proposed parcels do not have redevelopment potential in the R-7.5 zone.*

This standard is met.

H. Land for Public Purposes: Where a proposed park, school or other public use indicated on the Comprehensive Plan is located in whole or in part within a subdivision, the sub-divider shall dedicate and reserve said area for such purpose. Where the City or other public authority has declared its intention to acquire said area, it shall proceed to perfect the title or a contract right to the same within three (3) years from the date of platting, and failing such, this reservation shall automatically expire. The public body shall expeditiously proceed, within its financial ability, to consummate such acquisitions.

Finding: *There are no lands for public purposes identified in the Comprehensive Plan at this site.*

This standard is met.

16.125.015 Standards for Blocks

A. General: The length, width, and shape of blocks shall take into account the need for adequate building site size and street width and shall recognize the limitations of the topography.

B. Sizes: Residential Districts shall have a maximum 600 foot block length, a minimum 160 foot street adjacent lot depth, and a 1,600 foot perimeter. Commercial Districts shall have a block length of 400 foot and a 1,200 foot perimeter. Light Industrial Districts shall have a block length of 600-800 feet and a 1,600-2,000 foot perimeter. General Industrial Districts do not have block length or perimeter requirements. A block shall have sufficient width to provide for two tiers of building sites unless topography or the location of adjoining streets justifies an exception.

Finding: *This site is 90 feet from the intersection of Hillcrest and 309th, well under the 600 foot block length standard.*

This standard is met.

16.125.020 Easements

A. Utility Lines: Minimum 5 foot wide easements for sewers, water mains, electric lines, or other public utilities shall be dedicated along the front, side, and rear lot or parcel lines of each lot. Easements shall be centered on lot lines.

B. Water Courses: If a tract is traversed by a water course such as a drainage way, channel or stream, a storm water easement or drainage right-of-way shall be provided which substantially parallels the lines of the water course.

C. Pedestrian and Bicycle Ways: When desirable for public convenience and access, a pedestrian or bicycle way easement may be required to connect to a cul-de-sac or to pass

through an unusually long or oddly spaced block, or to otherwise provide appropriate circulation.

Finding: *There are no water courses or planned pedestrian and bicycle ways identified for this site. Although this criterion indicates 5-foot-wide public utility easements, the Public Works Standards require an 8-foot public utility easement (PUE) along the front property lines (separating the parcels from NW Hillcrest Street) and along any property line where utilities will be located.*

This standard can be met as conditioned below.

Condition: *Prior to recording the final plat, submit a copy of the final partition plat for review showing 8-foot wide public utility easements along the front property lines of each parcel and along any property lines where utilities will be located, per Section 16.125.020.A.*

16.125.025 Improvement Requirements

A. **Partitions:** During the review of partition proposals, the City shall require as a conditions of approval, the improvement of:

1. Public streets upon which the property fronts to public standards, including: surfacing of street adjacent to property, installation of curbing, storm sewers, sanitary sewers, waterlines and other necessary public utilities.
2. Sidewalks, five feet in width, along public street frontage.
3. Paved private driveways serving flag lots.

All improvements required under this subsection shall be completed or assured through an irrevocable letter of credit, assignment of bank account, performance bond or other instrument acceptable to the City Attorney prior to the issuance of building permits.

B. **Subdivisions:** The following improvements shall be required for all subdivisions in the City of North Plains. ****content truncated for brevity****

Finding: *As this is a partition application, the standards of subsection A. above are applicable. Public facility development requirements are discussed in detail below in Section 16.145- Public Facility and Services Development.*

This standard is met as discussed and conditioned further in this report.

16.125.030 Improvements Procedures

Improvements installed by a developer for any land division, either as a requirement of these regulations or at his own option, shall conform to the requirements of this Ordinance and improvement standards and specifications adopted by the City, and shall be installed in accordance with the following procedure:

A. Improvement work shall not be commenced until plans have been checked for adequacy and approved by the City. Plans shall be prepared in accordance with requirements of the City.

B. Improvement work shall not be commenced until the City has been notified in advance; and, if work has been discontinued for any reason, it shall not be resumed until the City has been notified.

C. Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require changes in typical sections and details in the public interest, if unusual conditions arise during construction to warrant the change.

D. All underground utilities, sanitary sewers, and storm drains installed in streets by the subdivider shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length eliminating the necessity for disturbing the street improvements when service connections are made.

E. A map showing all public improvements as built shall be filed with the superintendent of public works upon completion of the improvements.

Finding: *Public facility development requirements are discussed in detail below in Section 16.145- Public Facility and Services Development.*

This standard is met as discussed and conditioned further in this report.

LAND DIVISION

Chapter 16.130 LAND PARTITIONING

16.130.005 GENERAL PROVISIONS

A. All partitions shall conform to all applicable Zoning District Standards, Development Standards of this ordinance and the comprehensive plan.

Finding: *This narrative addresses all applicable standards. Compliance with all criteria is either demonstrated or conditioned, as necessary. This standard is met.*

This standard is met.

B. A master plan for development shall be required for any application which leaves a portion of the subject property capable of redevelopment.

Finding: *Neither of the parcels exceeds 15,000 square feet in size (the minimum needed for redevelopment with a minimum lot size of 7,500 square feet). Therefore, a master plan is not*

required.

This standard is met.

C. Partition approval is valid in perpetuity, upon recording of the final partition plat.

Finding: *The approval of this partition shall be valid in perpetuity upon recording of the final partition plat.*

This standard is met.

D. A parcel within an approved partition may not be re-divided within the same calendar year in which it was recorded except through the subdivision process.

Finding: *The City will not accept a partition application on this parcel within the same year that this partition is recorded.*

This standard is met.

E. A tentative partition that creates a public road to access any of the proposed parcels shall be reviewed at a public hearing of the Planning Commission pursuant to the provisions of Public Hearings in this chapter.

Finding: *This partition does not include creation of a public road and therefore a public hearing before the Planning Commission is not required. Both parcels access NW Hillcrest Street.*

This standard is met.

F. Notice of the public hearing shall be provided in accordance with the provisions of Public Notice Requirements in this chapter.

Finding: *As discussed above, a public hearing is not needed. However, notice was mailed to all property owners within 250 feet of the site on October 15, 2015.*

During the open comment period, two letters were received; one from Grant and Maryann Spady and one from Mike and Mary Thurman. Mr. and Mrs. Spady state that the zoning should be left as is, that large lots sizes are characteristic of this area. The Spadys further state that the City as a whole has permitted too much development and that this is uncharacteristic of the North Plains they moved to. Mr. and Mrs. Thurman stated a strong preference to see this partition application denied to preclude construction of a new house close to their property and worry about the property value decrease as a result. These letters are included with the official record for this land use application file.

The property is located in the lowest density residential zone in the City of North Plains. The R-7.5 zone requires 7,500 square foot lot sizes. The Applicant's lot is in excess of 22,000 square feet, and can therefore legally be divided. The Applicant will be required to meet all setback standards of the R-7.5 zone, thus providing additional space between the new structure and the existing homes.

G. Approval of a Tentative Map for a partition is valid for one (1) year after the date of the written decision. A final plat map for a partition shall be approved and recorded within this one (1) year time period or the tentative approval shall lapse.

H. Requests for extensions of partition approvals may be made in accordance with the provisions of this chapter.

Finding: *The Applicant will be required to record the plat within one (1) year of tentative partition approval or request an extension of the approval.*

This standard is met as conditioned below.

Condition: *The partition plat shall be recorded within one (1) year of approval of the tentative partition plat, unless the Applicant applies for an extension per the standards of this code.*

16.130.016 Partition Approval Criteria

The City may approve, approve with conditions or deny a preliminary partition plat based on the approval criteria of this chapter including the Subdivisions section.

STANDARDS FOR DEVELOPMENT

16.145 PUBLIC FACILITY AND SERVICE REQUIREMENTS

16.145.005 Application of Public Facility Standards

The provisions of Chapter 16.145 Public Facility and Service Requirements shall apply to development within the City of North Plains as listed in the following table. No development permit shall be approved unless the following required improvements are provided to City standards prior to occupancy or operation unless an exception is approved by the City Council per Chapter 16.145.020 or future provision of the improvement is assured per Chapter 16.145.030.

Finding: *The partition of this property into two parcels will require application of public facility standards, as detailed in the subsections of 16.145, below.*

16.145.010 Public Facility Standards

The following public facility standards shall be applicable to all development as specified in the Application Review section of this chapter.

Finding: *Blake Boyles, City Manager and Public Works Director, provided comments regarding this proposal that all utilities are located in Hillcrest Street and that stormwater must be treated on-site.*

A. Streets: Street improvements required by Chapter 16.145.005 Public Facility & Service Standards shall be provided in compliance with Street Standards of this ordinance.

Finding: *Streets are discussed in detail in Section 16.150, further in this report.*

B. Storm Drainage: No development permit shall be approved for any property until the City Engineer has reviewed and approved provisions for storm water drainage in accordance with the following criteria:

1. For storm drainage across or over the property on which the development is located, there are storm drainage facilities available which are capable of handling a one-hundred year flood without damage to any improvement on the property, or inundation of the lowest habitable floor of any residential structure thereon.
2. For storm drainage along or from streets adjacent to the property on which the development is located, there are storm drainage facilities available in accordance with the City of North Plains adopted street standard.

Finding: *All storm drainage from this site is currently infiltrated on-site. Storm drainage for any construction on the second parcel will also be on-site and will be required to obtain Clean Water Services approval prior to the commencement of construction activities, as conditioned below.*

Condition: *Prior to issuance of building permits, obtain Clean Water Services approval of storm drainage for any new construction.*

C. Sewage Disposal: No development permit shall be approved until the City Engineer and Clean Water Services has reviewed and approved provisions for connection to the public sewer system.

Finding: *The existing home is connected to the public sanitary sewage system in NW Hillcrest Street. The new home will also be required to connect to the public system, as verified at time of building permit.*

This standard is met.

D. Water Supply: No development permit shall be approved for any property unless all affected water mains are either:

1. Fully improved to a standard providing both adequate potable water and fire flows, as established by the applicable State Plumbing Code and approved by the City Engineer; or
2. Improved to a standard providing adequate potable water flows pursuant to the City Water Master Plan and approved by the City Engineer and the Fire Chief for Washington County Fire District No. 2.

Finding: *The existing home receives public water from the line in Hillcrest Street. The new home will be required to connect to public water in Hillcrest as well, as verified at time of building permit.*

This standard is met.

16.145.120 Methods to Assure Facilities and Services

A legal and enforceable document, contract or process which assures the City that a public improvement will be accomplished is required. Assurances may include but are not limited to the following:

- A. Cash in escrow, assignment of letter of credit, etc.
- B. Establishment of a Local Improvement District (LID) through the post- remonstrance period. Failure of the City to accept the LID shall constitute a waiver of the assurance requirement.
- C. Evidence of formal action by public or private agencies or companies, including the City of North Plains, appropriating monies for the requisite public improvement.
- D. Any other legally binding arrangement that assures the improvements will be made within the required time frame, including:
 - 1. Phasing of the development;
 - 2. Construction of interim improvements;
 - 3. Construction of improvements on a phased basis.

Finding: *If any public improvements are required, the City will require a legal and enforceable document, contract or process to ensure public improvement completion. This will occur, if required, prior to issuance of building permits.*

16.145.130 Requirement for Public Work Permit

No person, firm or corporation shall commence construction of improvements within a public right-of-way or upon public property without first obtaining a Public Works Construction Permit on a form or forms provided by the City.

Finding: *The applicant is required to obtain permits from the City of North Plains for any work performed in the right of way.*

16.150 STREET STANDARDS

16.150.010 General Provisions

The following general provisions shall apply to the dedication, construction, improvement or other development of all public streets in the City of North Plains:

- A. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets.

B. Development proposals shall provide for the continuation of existing principal streets where necessary to promote appropriate traffic circulation in the vicinity of the development.

C. Reserve strips: Reserve strips or street plugs controlling the access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights, and in these cases they may be required. The control and disposal of the land composing such strips shall be placed within the jurisdiction of the City under conditions approved by the Planning Commission.

Finding: *This site is adjacent to fully connected streets. No additional continuation of public right-of-way is necessary adjacent to this site. No reserve strips are proposed.*

These standards are met.

D. Alignment: All streets other than minor streets or cul-de-sacs, as far as practical, shall be in alignment with existing streets by continuation of the center lines thereof. The staggering of street alignments resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 100 feet.

E. Future extension of streets: Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of a tract being developed and the resulting dead-end streets may be approved without turnarounds. Reserve strips and street plugs may be required to preserve the objectives of street extensions.

F. Intersection angles: Streets shall be laid out to intersect at angles as near to right angles as practical, except where topography requires lesser angle, but in no case shall the acute angle be less than 80 degrees unless there is a special intersection design. An arterial or collector street intersecting with another street shall have at least 100 feet of centerline tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Intersections which contain an acute angle of less than 80 degrees or which include an arterial or collector street shall have a minimum corner radius sufficient to allow for a roadway radius of 20 feet and maintain a uniform width between the roadway and the right-of-way line. All other intersections shall have a minimum corner radius sufficient to allow for a roadway radius of 10 feet and maintain a uniform width between the roadway and the right-of-way line. Ordinarily, the intersection of more than two streets at any one point will not be approved.

Finding: *Subsections D., E. and F., above, apply to developments proposing or required to construct new streets. These standards are not applicable as no new streets are proposed or necessary to serve this development.*

G. Existing streets: Whenever existing public streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision or

development.

Finding: *NW Hillcrest Street is 60 feet in right-of-way width, meeting the required width for a minor collector.*

This standard is met.

H. Cul-de-sacs: Cul-de-sacs shall be as short as possible, and shall have maximum lengths of 600 feet and shall not serve more than 20 dwelling units. All cul-de-sacs shall terminate with circular turnarounds. Commercial and industrial cul-de-sacs shall have a minimum 55' bulb radius. Additional cul-de sac specifications, including specifications for residential cul-de-sacs, are contained within the most recently adopted public works/street standards of the City of North Plains and/or Washington County development standards.

I. Street names: No street names shall be used which will duplicate or be confused with the names of existing streets, except for extensions of existing streets. Street names and number shall conform to the established pattern in the City and shall be subject to the approval of the Planning Commission.

J. Grades and curves: Grades shall not exceed 6 percent on arterials, 10 percent on collector streets or 12 percent on any other street. Center line radii of curves shall not be less than 300 feet on arterials, 200 feet on collectors or 100 feet on other streets, and shall be to an even 10 feet. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable sites, the Planning Commission may accept steeper grades and sharper curves. In flat areas, allowance shall be made for finished street grades having a minimum slope of 0.5 percent.

Finding: *Subsections H., I. and J. above apply to developments proposing new streets and are therefore not applicable.*

K. Marginal access streets: If a development abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

Finding: *There are no arterials adjacent to this site and, as such, this standard is not applicable.*

L. Alleys: Alleys shall be provided in commercial and industrial districts unless other permanent provisions for access to off-street parking and loading facilities are made as approved by the Planning Commission. While alley intersections and sharp changes in alignment shall be avoided, the corners of necessary alley intersections shall have radii of not less than 10 feet.

Finding: *This site is not in commercial or industrial districts and, therefore, alleys are not required.*

M. Sidewalks shall be a minimum of five feet in width. Curbs and sidewalks shall be required along both sides of all public streets. All new development upon lots, tracts or parcels of land adjacent to a public street will be required to construct curbs and sidewalks.

Finding: *This site is adjacent to NW Hillcrest Street, which does not currently have sidewalks. Although a partition can require the construction of sidewalks, construction of a sidewalk along this property's frontage would not connect on either side and would not be useful at this time. To address this code requirement, the City requires a waiver of remonstrance against a future Local Improvement District (LID) for construction of sidewalks along the NW Hillcrest Street frontage (as well as other city-initiated public improvements), as a general condition of approval.*

This standard is met.

N. Street trees, where provided, shall not be of a species which has a shallow spreading root system which is likely to disturb sidewalk or street improvements.

Finding: *There are no street trees along the frontage of this site. Though this criterion does not specifically require the planting of street trees, the Applicant is strongly encouraged to plant an appropriate tree species along the NW Hillcrest frontage of the property. This increases the livability of the City as a whole but also has been shown to positively affect property values.*

O. Access Spacing Standards shall, to the greatest extent possible, comply with Washington County's standards and the most recently adopted public works/street standards of the City of North Plains. Washington County's access spacing standards by street functional classification are as follows:

Major Arterial: 1,000 feet

Minor Arterial: 600 feet

Major Collector: 150 feet

Minor Collector: 50 feet

Local Street: 10 feet

Finding: *The existing home takes access from NW Hillcrest Street, a minor collector in this location. The existing driveway includes two approaches from Hillcrest, the westernmost is located 40 feet from the western property boundary and, therefore, there is not space for another driveway in this location while maintaining the 50-foot spacing requirement. In order to meet the 50-foot minor collector requirement, the applicant will need to cease use of the westernmost driveway approach to the existing home and utilize only the easternmost approach, or propose an alternative configuration that meets the requirements of Section 16.150.010.O. This will be verified at time of building permit review.*

Condition: *Prior to issuance of building permits, demonstrate compliance with access spacing*

standards found in Section 16.150.010.O of the North Plains Development Code.

16.150.115 General Right-of-Way and Improvement Widths

Construction specifications for all street and right-of-way improvement widths shall comply with the criteria of the most recently adopted public works/street standards of the City of North Plains, the North Plains Transportation System Plan, and/or Washington County standards. These standards shall be the minimum requirements for all streets, except where modifications are permitted under this chapter or the Street Standard adopted by the City Council of North Plains, whichever is less restrictive. Refer to Figures 5-2A-5-2P in the Transportation System Plan for detailed diagrams depicting street right-of-way, improved, and roadway width requirements.

16.150.025 Construction Specifications

Construction specifications for all public improvements shall comply with the criteria of the most recently adopted public works/street standards of the City of North Plains.

Finding: *No additional right-of-way dedication or improvement has been identified as necessary with this partition application.*

16.155 OFF STREET PARKING AND LOADING

Finding: *Section 16.155.015 requires two parking spaces per detached single family dwelling. The parcels resulting from this minor land partition will include ample space for off-street parking, exceeding this standard.*

This standard is met.

16.160 CLEAR VISION AREAS

16.160.000 Requirements

Except in the C-1 zone, a clear vision area shall be maintained on the corners of all property adjacent to the intersection of two streets, a street and a railroad, or a driveway providing vehicular access to a public street, including alleys.

A. Lots or parcels on street corners (public and/or private) shall maintain a sight triangle with no sight obstruction between three (3) feet and ten (10) feet in height as measured from street grade. Sight obstructions include, but are not limited to, fences, vegetation, berms, signs and structures. The sight triangle shall be measured from the street corner (apex), to a distance of twenty (20) feet along each street side (see Figure 1). For the purpose of this Section, a street corner is defined as that point where the extended edges of the road surface of two intersecting streets meet. The City may require additional vision clearance based on a hazard identified by the City. However, tree trunks and sign poles not exceeding 12 inches in diameter may be located within the vision clearance area, provided the diameter does not

exceed 24 inches.

B. A private access shall be treated as a public street for the purpose of this section. The vision clearance area shall be determined in the manner set forth form in Chapter 16.160.000.010(A). The edge of the paved surface area of the private access, be it roadway, curb or sidewalk, shall be treated as the right-of-way line in determining the vision clearance area.

Finding: *No construction on residential lots or parcels that would create any sight obstruction is proposed with this application. Compliance with 16.160.000 will be addressed through subsequent construction plans.*

IV. CONCLUSION

Based upon the findings contained in this Staff Report, the application materials and information submitted by the applicant, the proposed 2-parcel partition is **approved** as proposed and submitted to the City.

V. CONDITIONS OF APPROVAL

Prior to Final Plat approval, the Applicant shall:

1. Submit for review and approval a partition plat consistent with the proposed plans, but revised to show an 8-foot Public Utility Easement (PUE) along the frontage of NW Hillcrest Street.
2. Obtain approval of the Public Improvement Plans and construct all public improvements or adequately guarantee completion of public improvements consistent with Development Code Section 16.145.120.

Prior to Issuance of Building Permits, the Applicant shall:

1. Submit building permit applications which identify:
 - A. Front building elevations of any single-family residences in compliance with section 16.20.025, ensuring that at least two of the required design features are provided.
 - B. Lot coverage in compliance with section 16.20.015.E, ensuring that the maximum lot coverage for impervious surfaces does not exceed 65%.
 - C. Height of building in compliance with section 16.20.015.D, ensuring that the building height does not exceed 35 feet.
 - D. Structure placement in compliance with sections 16.20.015.C.
 - E. The new driveway including an improved surface of 12-feet wide and that a 3-foot landscaped planter strip separates the driveway from the property to the west.

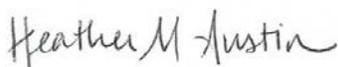
- F. Compliance with access spacing standards found in Section 16.150.010.O of the North Plains Development Code.
2. Obtain Clean Water Services approval of storm drainage for any new construction.
3. Obtain Clean Water Services approval to connect to the public sewer system.
4. Obtain City approval to connect to the public water system.

Ongoing (General) Conditions:

1. An 8' public utility easement should be located across all lot and tract frontages adjacent to public right-of-way.
2. Applicant shall comply with Washington County Fire District No. 2 regarding hydrant locations and other district requirements.
3. Applicant shall comply with the development standards of the City Zoning and Development Code Chapter 16.20 R-7.5 Low-Density Residential.
4. Applicant shall comply with City Zoning and Development Code Chapter 16.130.020 Process for Final Partition Approval.
5. All conditions of approval must be completed within one year of the date of this approval or the approval is void, unless specifically modified by an approved phased construction schedule, approval of an extension, or unless the applicant/owners provides assurances otherwise.
6. Prior to obtaining approval to begin construction of any public improvements, the applicant/owner shall provide a performance bond to the City in the amount of 125% of the total cost of such construction. Upon completion of all public improvements, the applicant/owner shall provide a maintenance bond to the City, in the amount of 40% of the total cost of such construction, guaranteeing said improvements for a period of one (1) year following City acceptance of said improvements. Comply with the recommended conditions of the Public Works Director.
7. Street lights on city local streets shall be installed as per IES standards and the PGE "Acorn" fixture. The developer is to contact PGE outdoor Lighting services 503-844-5361.
8. All utilities shall be constructed underground.
9. The applicant/owners shall have a licensed land surveyor prepare a Final Plat of the proposed partition and submit it to the City for City approval, and then record it with

the Washington County Surveyor's Office and County Clerk's Office. The applicant/owners shall then send a copy of the recorded Plat to the City Recorder.

10. The applicant/owners agree to waive their right to remonstrate against the formation of a local improvement district or other mechanism to construct future improvements to the streets, storm water, water and sewer systems that may be assessed against the subject property.
11. Prior to City approval of the final partition plat for the subject property, the applicant/owners shall sign and record a Development Agreement with the City, covering all of the conditions of approval and pay all fees.
12. The applicant shall be responsible for reimbursing the City for the reasonable costs associated with inspection of public works improvements.
13. It shall be the responsibility of the Developer or his representative to coordinate all design requirements with the appropriate agencies and utilities. In addition to the City of North Plains, Clean Water Services (CWS) must review and approve the proposed sanitary sewer /storm water sewer improvements. Also, the Fire District must review and approve the site plan for emergency access vehicles. Approval must be obtained in written form. Any coordination work with all agencies shall be the Developer's sole responsibility. Documentation of all written approvals and permits from affected agencies should be provided to the City for their records.
14. Approved plans do not guarantee the adequacy of the design, or guarantee that there will not be any design conflicts during construction. The design engineer should be notified of any design conflicts that are noted during construction and he/she should then immediately notify the City of North Plains. Modifications to the design must be approved by the City of North Plains and the appropriate Agency prior to continuing with any relevant construction activities.
15. After preliminary approval and if public improvements are required, the Applicant must submit separate construction plans that meet all Conditions of Approval, City of North Plains Public Works Design Standards, 1990 APWA Standard Specifications for Public Works Construction with August 1996 revisions, and Clean Water Services to the City for review and approval. Prior to the start of construction the plans must be approved by the City and all City and Agency permits must be obtained.



Heather M. Austin, AICP
3J Consulting, Inc., Planning Consultant
November 3, 2015

VI. APPEAL

The following people have legal standing to appeal this 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.

Any person with standing to appeal, as detailed above, may appeal the decision by filing a Notice 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.

A notice of appeal shall be filed with the City within 14 days of the date the Notice of Decision was mailed. The Notice of Appeal shall contain:

- a. An identification of the decision being appealed, including the date of the decision;
- b. A statement demonstrating the person filing the Notice of Appeal has standing to appeal;
- c. A statement explaining the specific issues being raised on appeal;
- d. Filing fee (half of the original submittal fee).

The deadline for filing an appeal is Tuesday, November 17, 2015 by 5:00 PM at North Plains City Hall.

The fee for filing an appeal is \$666.00.