

**CITY OF NORTH PLAINS PLANNING COMMISSION  
PRELIMINARY REGULAR SESSION AGENDA  
NORTH PLAINS SENIOR CENTER, 31450 NW Commercial Street  
WEDNESDAY, JUNE 11, 2014, 7:00 P.M.**

**1. CALL TO ORDER**

**2. FLAG SALUTE**

**3. ROLL CALL**

**4. PUBLIC COMMENTS**

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

**5. CONSENT AGENDA:** *(The items on the Consent Agenda are normally considered in a single motion. Any item may be removed for separate consideration upon request by any member of the Planning Commission.)*

A. Approval of Regular Session Agenda

B. Approval of May 14, 2014 Regular Session Minutes

**6. PUBLIC HEARING**

A. 2-Year Extension Request for Sunset Terrace, File #13-042

B. Sunset Ridge Final Plat, File #13-041

**7. STAFF REPORT**

City Manager

**8. UNFINISHED BUSINESS**

*Time allowed for Board members to bring up old, unfinished or additional issues before meeting is closed.*

**9. ADJOURNMENT**

The Planning Commission meetings are temporarily scheduled to be held at Jessie Mays Community Hall, 30975 NW Hillcrest Street, North Plains, Oregon, while the Senior Center is in the middle of a remodel. Meetings will be held on the following dates at 7:00 p.m.:

*Wednesday, July 9, 2013*

*Wednesday, August 13, 2014*

*Wednesday, September 10, 2014*

**CITY OF NORTH PLAINS PLANNING COMMISSION  
REGULAR SESSION MINUTES  
MAY 14, 2014, 6:30 P.M.  
NORTH PLAINS CITY HALL  
31360 NW COMMERCIAL STREET**

1. Chairman King called the meeting to order at 7:00.

2. The pledge of allegiance was led by Chairman King.

3. **ROLL CALL**

**Commission:** Stewart King, Heather LaBonte, Larry Gonzales, Jeff Low, Doug Nunnenkamp, and Garth Eimers present; Daryl Olson excused absence; Ex-Officio Charlynn Newton present.

**Staff:** City Manager Martha DeBry and Account Clerk II Pam Smith present.

**Audience:** John A. Rankin, Frank Vanderzanden

4. **PUBLIC COMMENTS**

No public comments. King welcomed Garth Eimers to the Planning Commission.

5. **CONSENT AGENDA**

A. Approval of the Regular Session Agenda.

B. Approval of February 12, 2014 Regular Session Minutes.

C. Approval of April 9, 2014 Regular Session Minutes.

As a single motion, Gonzales approved the consent agenda, LaBonte seconded it and it was approved unanimously.

6. **PUBLIC HEARING.**

A. John A. Rankin, LLC, Representing Francis J. Vanderzanden Living Trust, Vanderzanden Townhouses Subdivision and Variance Permit Extension Request; File #SD/VAR 07-0002. King requested the reading of the quasi-judicial hearing process statement. Following the reading of the rules by Ms. Smith, King opened the Public Hearing at 7:05 p.m., and called for abstentions, ex parte contacts or any conflicts of interest by any Planning Commissioner. Hearing none, he asked if the audience had questions for, or objections to, any Commissioners. Hearing none, King asked for the Staff Report which DeBry read. King asked about the requested time frame being for Two years. DeBry noted that was common with subdivisions.

John A. Rankin, 26715 SW Baker Road, Sherwood, OR 97140 addressed the Commission and related how townhouses had been popular in May 2007 when the application was originally approved. He noted they would like to request an extension of the current application although they may submit a new plan for a modification possibly involving single family detached housing. He said they needed time to appraise the property and look at what opportunities might be available, including the possibility of mixed use with homes above businesses.

King asked if there were any questions from the Commission. Nunnenkamp, King and Gonzales were concerned about a modified plan with additional driveways onto Commercial Street although Gonzales said he did like the idea of mixed use. DeBry noted

mixed use was permitted in R-2.5. LaBonte and Low also liked the idea of mixed use. Eimers asked why the applicant was applying for an extension for townhouses if they planned on presenting a new idea. Mr. Rankin stated he had spent a lot of money on the townhouse application and wanted to maintain the approval until they came up with something different. The approval might also be an asset to selling the property. LaBonte asked if he was interested in selling as opposed to developing the property to which Mr. Rankin replied yes, it would be an option.

King asked for discussion. LaBonte asked if the extension would be required to use the current R-2.5 standards or the 2007 ones. DeBry said the current ones. Eimers asked about the extension being for 2 years or less. DeBry said 2 years was appropriate for a subdivision. Hearing no more discussion, the Public Hearing was close at 7:34. Low approved the approval of a two year extension for the Vanderzanden Townhouse Subdivision, File #SD/VAR 07-0002, Gonzales seconded it and it was approved unanimously.

7. **STAFF REPORT.** DeBry noted the Polygon project was moving ahead, the McKay Fields project was behind on the Public Works side and the Sunset Terrace approval would likely come next week.

LaBonte had a question about the fact that the City doesn't require the withdrawal of an application and wondered how other agencies get notified. King said if we approve something and there is no Development Agreement, the application expires. LaBonte asked why not require a withdrawal. Low asked if the Commission could have a list of what was still open and King asked that the City make that available. Gonzales agreed it would be nice to know where we are in the process with extensions, etc.

Newton noted the new water fountain on NW Curtis Street was up today but had some concerns about it possibly not draining correctly to recycle. DeBry said the water was not recycling. King asked who pays for the water and DeBry said the City does. She also mentioned a grand opening of the park on June 14<sup>th</sup>. Nunnenkamp asked when the Planning Commission would have their next joint meeting with City Council. DeBry thought August would work well.

8. **ADJOURNMENT.** King noted the next meeting would be on June 11, 2014, and would probably be held at the Senior Center. The meeting was adjourned at 7:54 pm.

Submitted by:

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Pamela L. Smith, Account Clerk II

Minutes Approved: \_\_\_\_\_



**STAFF REPORT**

Date: June 5, 2014

To: Planning Commission

From: Martha DeBry, City Manager

Subject: Extension of Map Approval

**REQUEST:** Extend the subdivision approval for Sunset Terrace Subdivision for two years

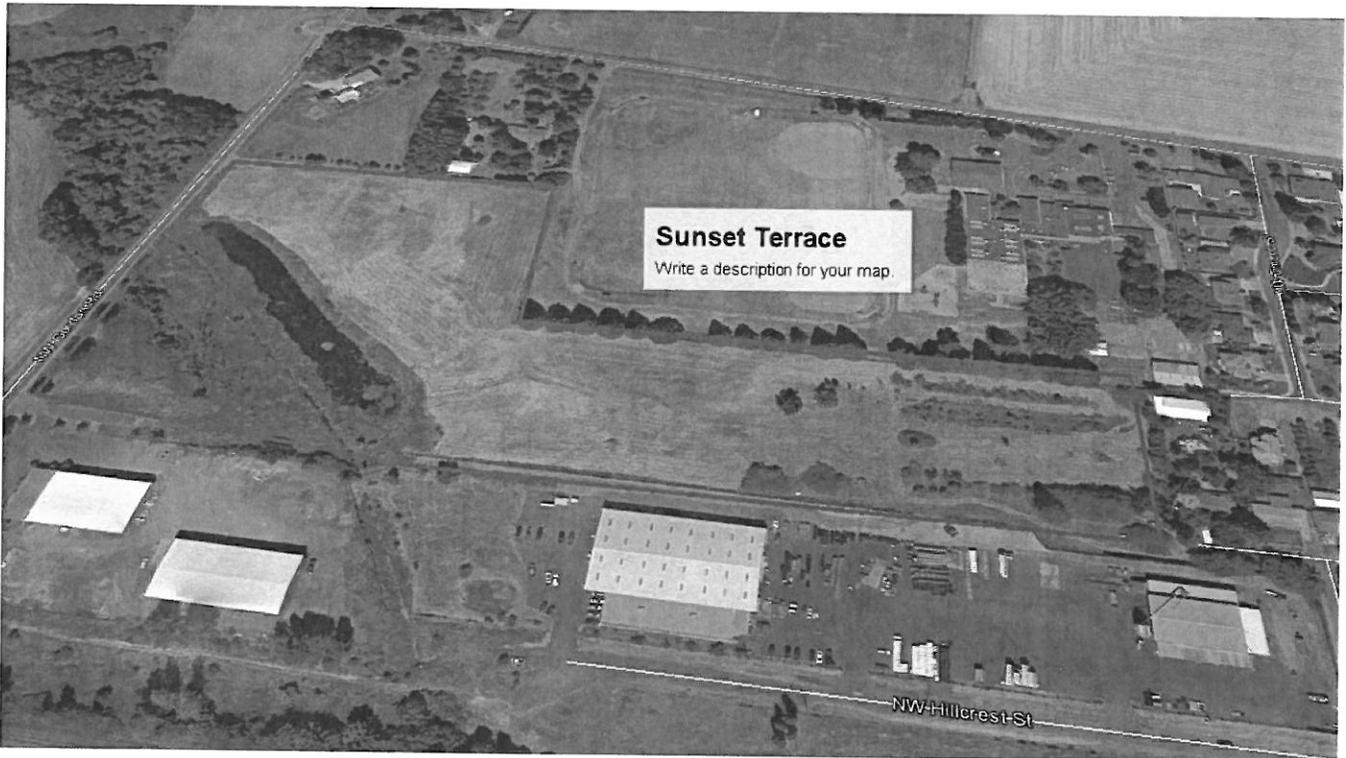
**APPLICANT/OWNER:** KKNW, LLC. 1800 NW 167<sup>th</sup> Place, Beaverton Oregon 97006

**TAX LOT ID:** Tax Lot 1N131BC 200 and 300

**SIZE:** 12.84 Acres

**LOCATION:** Wascoe from west terminus to Gordon Road

**LAND- USE DISTRICT:** R2.5



**I. APPLICABLE REGULATIONS**

A. City of North Plains Comprehensive Plan

- B. North Plains Zoning and Development Ordinance:
  - Chapter 16.00: General Provisions
  - Chapter 16.135.020 Subdivision
  - Chapter 16.170: Application Requirements and Review Procedures

**II. AFFECTED JURISDICTIONS**

Domestic Water:	City of North Plains
Drainage:	Clean Water Services
Erosion Control:	Clean Water Services
Fire Protection:	Washington County Fire District #2
Parks:	City of North Plains
Police Protection:	City of North Plains
Schools:	Hillsboro School District
Sewer:	Clean Water Services
Streets:	City of North Plains
Water Quality/Quantity:	Clean Water Services

**III. BACKGROUND:**

The applicant is requesting an extension of an approval first granted on August 16, 2007. Due to a downturn in the economy the project was delayed and five extensions were subsequently granted. (2008, 2009, 2010, 2011, and 2012). The applicant has requested the extension under 16.135.020 which provides the Commission with the authority to extend an approval if the delay is caused by circumstances out of the owner’s control. In this instance the applicant is stating the economic downturn remains a barrier to the development of attached townhomes.

**IV. FINDINGS**

**A. NORTH PLAINS COMPREHENSIVE PLAN**

***FINDING:** Except where required by the North Plains Zoning and Development Ordinance, this application is not required to address the city’s goals and policies related to the development of land, since the North Plains Comprehensive Plan is implemented by the municipal code.*

**B. NORTH PLAINS ZONING AND DEVELOPMENT ORDINANCE**

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.

**16.00.080 Termination of Approvals and Extensions**

**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.*

***Finding:*** *The economy is still recovering from the effects of the great recession.*

***Finding:*** *There have been no substantial changes in the standards of the Municipal code or regulations of other affected jurisdictions.*

***Finding:*** *There have been no significant changes to properties within 250 feet of the project.*

## **Chapter 16.135 APPLICATION REQUIREMENTS AND REVIEW PROCEDURES**

### **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

*Finding: The Planning Commission has authority to extend the approval of the map.*

## **Chapter 16.170 APPLICATION REQUIREMENTS AND REVIEW PROCEDURES**

### **16.170.000 General Provisions**

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

#### **C. Type III Quasi-Judicial Permits by Planning Commission**

##### **4. Extensions for Type II and Type III permits**

*Finding: The application for the approval extension is subject to a Type III review before the Planning Commission.*

### **16.170.012 Type III Quasi-Judicial Decisions by the Planning Decision**

Pre-application Conference. A pre-application conference is required for all Type III quasi-judicial applications under this Section. The City Manager may waive this requirement.

A. The requirements and procedures for a pre-application conference are described in Chapter 16.170.001.

*Finding: The City Manager waived the requirement for a preapplication conference.*

B. Application Requirements.

*Finding: the applicant met application requirements.*

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...:

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...

*Finding: Notices were mailed in accordance with code requirements to property owners within 250 feet. Comments were received which are included in the Commission's packet.*

**V. SUMMARY AND CONCLUSIONS**

Based upon the findings of this report and the submitted material, the applicant has demonstrated compliance with the requirements of the relevant sections of the North Plains Zoning and Development Ordinance for the requested approval. The Planning Commission can make a discretionary decision to extend the approval if it finds the information in the application is adequate to merit an extension.

May 16, 2014

City of North Plains  
Attn: Martha DeBry  
31360 NW Commercial Street  
North Plains, OR 97133

Re: Request for Extension – Sunset Terrace – 55 Lot Subdivision

Dear Martha,

As you are aware, we are very close to receiving final engineering approval from the City for our 55 lot subdivision, Sunset Terrace, located west of the terminus of Wasco Street and east of Gordon Road. Concurrent with the City's review, we are working with Washington County and Clean Water Services on improvements that fall under their jurisdiction, including for the sanitary pump station servicing our site. We are very close to completing all of the work necessary to commence construction of Sunset Terrace and our goal is for that to occur this construction season (Summer 2014).

One significant permitting requirement, however, does remain. Our ability to move forward with construction of Sunset Terrace is currently impeded by the need to secure a removal/fill permit from the Department of State Lands (DSL) and the Army Corps of Engineers (COE). The COE review has triggered an outside review by NOAA Fisheries. The involvement of NOAA Fisheries, from a timing perspective, is a serious issue that we are trying to address head on. We are concerned that it may threaten our ability to commence this season and unfortunately this site is not suited for wet weather construction.

We are a bit frustrated by the interest of NOAA Fisheries in this project and the potential delays that could result from their involvement. One of the two wetland impacts is a historic fill that occurred long before we ever owned the property. The second impact is a minor encroachment necessary to accommodate frontage improvements occurring on Gordon Road. Given that our project will comply with both CWS and DEQ standards for storm water quality, there are no direct or indirect impacts to fish that can be attributed. However, we still need to resolve the permitting requirement.

In December of 2013, KKNW, LLC received approval from the City of a minor modification for the Sunset Terrace development. The decision document was signed by you on December 18, 2013. On Page 17 of that document, Section V.3 states:

*Applicant shall record a final map with Washington County within 12 months of this approval.*

This requirement would suggest that the final plat for Sunset Terrace must record by December 18, 2013, or the decision will expire. We ask that you please confirm that date.

At this time, we are preparing for a worst case scenario and we would like to preserve the existing land use decision(s) for as long a period as is reasonably feasible. We are asking for a 2-year extension of the City's approval(s) for Sunset Terrace, beyond the current expiration date. Approval of this request will provide sufficient time to resolve all permitting and final engineering issues and will allow two full construction seasons in the event that we run into any further delays. Again, we are hopeful that we are able to move forward with construction this season (Summer 2014) and are continuing to work toward

that goal. We are simply trying to ensure that the sizeable investment we have put into the project, especially for final engineering of the approved plan, does not go to waste.

Under City of North Plains code section 16.00.080, the City may grant up to a 2-year extension for a project approval, if determined that the following criteria are met:

A. *The City determines just cause for the delay and the reason for the delay is outside the control of the applicant.*

RESPONSE: Since the initial project approval, the primary cause for delay was market related. In the last 12 months we have seen a revival in partition and subdivision entitlement and development. In response, we proceeded with final engineering for Sunset Terrace in late 2013 with the intention of commencing construction this summer. As described above, our local engineering approvals are just about secured, but we are running into roadblocks at the State and Federal agencies. Our removal/fill application was submitted almost 6 months ago and we have yet to receive agency comments. These extended timelines are outside of our control and they may unfortunately threaten our ability to proceed this construction season (Summer 2014).

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.*

RESPONSE: To our knowledge, there have been no significant changes to the applicable standards of the City of North Plains or of any other affected jurisdictions. Our final engineering plans, which are nearing approval, have been generated based upon the most current standards of the City and other applicable agencies.

C. *No significant changes have been made to properties within 250 feet of the exterior boundaries of the subject property.*

RESPONSE: We are not aware of any significant changes that have been made to properties within 250 feet of the exterior boundaries of the subject property.

We are very excited to see the construction of Sunset Terrace finally get underway. Thank you for your consideration of our request. Please feel free to contact me at any time with questions. My direct number is 503-970-5699.

Sincerely,



Matt Wellner  
KKNW, LLC



# City of North Plains

31360 NW Commercial St. North Plains, OR 97133  
 Ph. 503-647-5555 Fax 503-647-2031  
 Email: [info@northplains.org](mailto:info@northplains.org)

## GENERAL LAND USE APPLICATION

### Applicant General Information

Applicant Name: KKNW, LLC

Mailing Address: 1800 NW 167<sup>TH</sup> Place  
Street  
Beaverton, OR Apartment/Unit # 97006  
City State ZIP Code

Email Address: matt@crandallgroup.com Phone: (503) 970-5699

Property Owner: KKNW, LLC

Mailing Address: 1800 NW 167<sup>TH</sup> Place  
Street  
Beaverton Apartment/Unit # OR 97006  
City State ZIP Code

Email Address: matt@crandallgroup.com Phone: 503 970 5699

### Property Description

Address: \_\_\_\_\_  
Street Apartment/Unit #

\_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code

Tax Lot ID: 1N131BC 200/300 Existing Zoning: R2.5

Property Area: 12.84 Acres Existing Land Use: Vacant

General Development Description: Request for Extension - 2 years  
55 Lot Subdivision - Sunset Terrace

### Fees

Land Use Process	Fee	Land Use Process	Fee
<input type="checkbox"/> Annexation	\$10,000 deposit*	<input type="checkbox"/> Non-Conforming Use	\$200
<input type="checkbox"/> Appeal	\$218	<input type="checkbox"/> Subdivision	\$2,615
<input type="checkbox"/> Comp Plan Amendment, Text	\$8,000	<input type="checkbox"/> Manu Home Park	\$3,372
<input type="checkbox"/> Comp Plan Amendment, Map	\$5,000	<input type="checkbox"/> Modification - Minor	\$142
<input type="checkbox"/> Conditional Use, Residential	\$328	<input type="checkbox"/> Modification - Major	\$1,941
<input type="checkbox"/> Conditional Use, Ind. & Comm.	\$544	<input type="checkbox"/> SNR Permit	\$1,486
<input type="checkbox"/> Design Review Type II	\$175	<input type="checkbox"/> Similar Use	\$567**
<input type="checkbox"/> Design Review Type III	\$879	<input type="checkbox"/> Street Vacation	\$1,441
<input type="checkbox"/> Floodplain Permit	\$1,699	<input type="checkbox"/> UGB Expansion	\$28,000
<input type="checkbox"/> Partition, with street dedication	\$669	<input type="checkbox"/> Variance, Administrative	\$105
<input type="checkbox"/> Partition, no street dedication	\$331	<input type="checkbox"/> Variance, PC Hearing	\$1,078
<input type="checkbox"/> Lot Line Adjustment	\$202	<input type="checkbox"/> Zoning Code Amendment	\$2,621
<input checked="" type="checkbox"/> Other: <u>Request for Extension - 2 years</u>			

\* plus \$9,000 election deposit \*\* waived until 2013

Information to Include with Your Application

- Narrative describing the Development Proposal and addressing the Decision Criteria. *All applications will be reviewed based on the criteria of North Plains Zoning Ordinance.* Ask Staff for the applicable chapters to address in your narrative.
- Application and fee
- Plans drawn to scale showing:
  - All property boundaries in which development is occurring
  - All adjacent roads (with names and dimensions)
  - Location and dimensions of all existing and proposed accessways/driveways
  - Location, number, dimensions, setbacks, and types of existing and proposed utilities, including water, sewer, stormwater, electric, gas, phone, and cable
  - Location, size (area), and setbacks of all existing and proposed fire hydrants
  - Location, size (area), and setbacks of all existing and proposed buildings and structures
  - Location, size (area), and layout of existing and proposed landscaping
  - Location, number and dimensions of existing and proposed parking areas, including handicapped spaces
  - Location, number and dimensions of existing and proposed loading areas
  - Location, number, dimensions, and types of existing and proposed lighting
  - Location, number, dimensions, setbacks, and types of existing and proposed fencing and or/screening
  - Location, number, dimensions, setbacks, and types of existing and proposed mechanical equipment, such as rooftop equipment and transformer boxes. Show any screening of proposed equipment.
  - Pedestrian circulation
  - Outdoor seating areas
  - Flood plains
  - Water courses
  - Significant vegetation
  - Easements
- If required, mailing labels for all property owners and residents within 250 feet of the subject property or properties. A list of property owners/site addresses may be obtained from a title insurance company. Please ask staff if mailing labels are required for your application.
- If required, a traffic study shall be submitted. Please ask staff if a traffic study is required.

After initial review, the City may require additional information.

Additional Information

In order to expedite and complete the processing of this application, the City of North Plains requires that all pertinent material required for review of this application be submitted at the time application is made. If the application is found to be incomplete, review and processing of the application will not begin until the application is made complete.

I certify that the statements made in this application are complete and true to the best of my knowledge. I understand that any false statements may result in denial of this application.

I understand that there may be additional costs of processing this application including, but not limited to, planning, engineering, city attorney and administration. The City will notify the applicant if there will be additional costs.

Date: 5/16/14 Signature of Applicant: \_\_\_\_\_

Date: 5/16/14 Signature of Property Owner: \_\_\_\_\_

<b>FOR OFFICE USE</b>		
Received by: <u>Pam Smith</u>		Date: <u>5/20/14</u>
Fee paid: <u>\$ 146</u>	Receipt No. <u>14762</u>	Application No. <u>SD 13-042</u>

# ***CITY OF NORTH PLAINS***

## ***NOTICE OF PUBLIC HEARING & REQUEST FOR COMMENTS***

The purpose of this notice is to invite comments on:

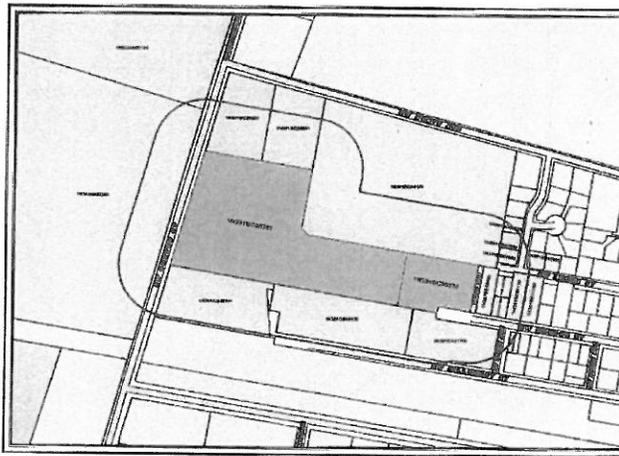
**An application requesting an extension to the approved Sunset Terrace subdivision decision located between Gordon Road and Wascoe Street, for a 55 lot subdivision project in the R-2.5 zone on the City of North Plains Zoning Map. Tax lots #1N31BC200 and 1N31BC300.**

**The City will accept all written comments received prior to the hearing scheduled for**

***June 11, 2014, at 7 p.m.***

***North Plains Senior Center, 31450 NW Commercial Street, North Plains, Oregon 97133***

Written comments will be received until 5:00 p.m. Monday, June 9, 2014 at City Hall, and at the public meeting. Comments may be submitted on this form, by email or letter; please include your name, address and date. All comments received in a timely manner will be shared with the Commission.



**LOT SIZE:** 12.84 acres

**ZONING:** R-2.5

**OWNER AND APPLICANT:** KKNW, LLC (The Crandall Group)

**DATE OF THIS NOTICE:** May 23, 2014

**WHAT IS THE DECISION PROCESS?** The North Plains Planning Commission will make a decision on the application requesting an extension to the approved subdivision decision for a 55 lot subdivision project in the R-2.5 zone on the City of North Plains Zoning Map. The Planning Commission's decision may be appealed to the City Council.

**HOW CAN I REVIEW THE DOCUMENTS AND STAFF REPORT?** You can review application and staff report materials at City Hall, online after June 4, 2014 at [www.northplains.org](http://www.northplains.org) or request a copy by emailing [martha@northplains.org](mailto:martha@northplains.org)

**INFORMATION TO INCLUDE IN COMMENTS:** Issues which may provide the basis for an appeal to the Land Use Board of Appeals shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue. Failure of an issue to be raised in a hearing, in person, or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue, precludes appeal.



Application: Sunset Terrace

Name: **Laurie Verboort**

Organization or Business (If Any):

Address: **11440 NW Gordon Road, North Plains OR 97133 Tax lot IN21BC-00202**

Phone # (Optional): **Home 503 647 7654 mobile 503 819 0642**

Date: **6/3/2014**

**COMMENTS: QUESTIONS**

What are the future plans for access to my property; North Ave, Gordon Rd and Sunsetway (?) west end to Gordon RD

Will there be access to new public street ( Sunsetway)?

Construction Hours, Noise for city rules ? days and weekend

Provide superintendant name and contact phone

Maintain Chain link fence along Sunsetway or new fence on boundry?

Maintain Gordon Road ditch to House driveway.

How will Dust and Dirt be maintained during construction ?

Will there be water and sewer, Natural Gas access to my Property?

What is "Time duration" of 55 house to built ?

Partition ?

**Please return by one of the following ways:**

**MAIL: 31360 NW Commercial Street, North Plains, OR 97133**

**IN PERSON: City Hall, 31360 NW Commercial Street, North Plains, OR**

**E-MAIL: martha@northplains.org**

Please contact City Manager Martha DeBry at (503) 647-5555 with any questions

Thank you!

CITY OF NORTH PLAINS PLANNING COMMISSION

Subject: Sunset Ridge Subdivision

From: Martha DeBry, City Manager

June 5, 2014

Application Purpose: An application to approve the final plat for a 104 lot subdivision.

Public Hearing Date: June 9, 2014

Applicant: **Polygon Northwest Company**  
109 E. 13<sup>th</sup> Street  
Vancouver, WA 98660  
Fred Gast

Applicant's Representative: **Pacific Community Design, Inc.**  
12564 SW Main Street  
Tigard, OR 97223  
Stacy Connery, AICP  
Jim Lange, PE  
Travis Jansen, PLS

Property Owners: **McKay Creek Land LLC**  
Robert Bobosky  
6770 SW Canyon Drive  
Portland, Oregon 97225

**Jackson Farm Land, LLC**  
Don Maltase  
525 N. Tomahawk Island Drive  
Portland, Oregon 97217

Site Location: Southwestern Corner of NW West Union Road & NW Jackson School Road

Tax Lot: 1N2070001200

Size: 24.33 Acres

City Land Use Classification: Neighborhood Community (NC)

Existing City Approvals: Comprehensive Plan Amendment East Side Master Plan File Number CPA-07-0017 & Subdivision File Number SD-07-0016

## REQUEST

The applicant requests approval of the final plat for the Sunset Ridge Subdivision.:

This request is subject to a Type III process for quasi-judicial review by the Planning Commission. No modifications from the approved tentative plat are proposed.

## II. Compliance with City of North Plains Comprehensive Plan

***FINDING:** Except where required by the North Plains Zoning and Development Ordinance, this application is not required to address the city's goals and policies related to the development of land, since the North Plains Comprehensive Plan is implemented by the municipal code.*

## III. Compliance with City of North Plains Municipal Code

### 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.

Finding: Application is timely.

#### 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.
1. A copy of any deed restrictions applicable to the subdivision.
2. A copy of any dedication requiring separate documents.
3. 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 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 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.

***Finding:*** Applicant has submitted the application package which is included in the Commission's packet.

**16.135.035 Final Subdivision Plat Review**

- A. 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.

- B. 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.
- C. 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.

*Finding: Application was submitted in accordance with Municipal Code 16.135.05*

#### **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.

#### **16.170.012 Type III Quasi-Judicial Decisions by the Planning Decision**

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

**Finding:** *The City Manager waived the preapplication requirement.*

**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.

**Finding:** *The applicant has met the requirements of 16.170.020.*

**V. CONCLUSION**

The applicant has demonstrated compliance with Municipal Codes and the requirements of other public agencies and utilities. It is recommended that the Sunset Ridge Final Plat be approved, and the developer may record the plat upon presenting bonding for public improvements.



REC'D MAY 1 2014

**City of North Plains**

31360 NW Commercial St. North Plains, OR 97133  
 Ph. 503-647-5555 Fax 503-647-2031  
 Email: [info@northplains.org](mailto:info@northplains.org)

**GENERAL LAND USE APPLICATION**

13-041-02

**Applicant General Information**

Applicant Name: Polygon NW Company (Fred Gast)

Mailing Address: 109 E. 13th Street  
 Street  
Vancouver, WA 98660  
 City State ZIP Code

Email Address: fred.gast@polygonhomes.com Phone: (360) 695 - 7700

Property Owner: McKay Creek Land LLC (Robert Bobosky) Jackson Farm Land LLC (Don Maltase)  
6770 SW Canyon Drive 525 N. Tomahawk Island Dr  
Portland, OR 97225 Portland, OR 97217  
 Street Apartment/Unit #

City State ZIP Code

Email Address: \_\_\_\_\_ Phone: ( ) -

**Property Description**

Address: Southwestern corner of NW West Union Road & NW Jackson School Road  
 Street  
North Plains OR 97133  
 City State ZIP Code

Tax Lot ID: Tax Lot 1200, 1N2-7 Existing Zoning: Neighborhood Community

Property Area: North Plains East Existing Land Use: Vacant

General Development Description: Final plat for approved "Sunset Ridge" subdivision (File 13-41)

**Fees**

Land Use Process	Fee	Land Use Process	Fee
<input type="checkbox"/> Annexation	\$10,000 deposit*	<input type="checkbox"/> Non-Conforming Use	\$200
<input type="checkbox"/> Appeal	\$218	<input checked="" type="checkbox"/> Subdivision	\$2,615
<input type="checkbox"/> Comp Plan Amendment, Text	\$8,000	<input type="checkbox"/> Manu Home Park	\$3,372
<input type="checkbox"/> Comp Plan Amendment, Map	\$5,000	<input type="checkbox"/> Modification – Minor	\$142
<input type="checkbox"/> Conditional Use, Residential	\$328	<input type="checkbox"/> Modification – Major	\$1,941
<input type="checkbox"/> Conditional Use, Ind. & Comm.	\$544	<input type="checkbox"/> SNR Permit	\$1,486
<input type="checkbox"/> Design Review Type II	\$175	<input type="checkbox"/> Similar Use	\$567**
<input type="checkbox"/> Design Review Type III	\$879	<input type="checkbox"/> Street Vacation	\$1,441
<input type="checkbox"/> Floodplain Permit	\$1,699	<input type="checkbox"/> UGB Expansion	\$28,000
<input type="checkbox"/> Partition, with street dedication	\$669	<input type="checkbox"/> Variance, Administrative	\$105
<input type="checkbox"/> Partition, no street dedication	\$331	<input type="checkbox"/> Variance, PC Hearing	\$1,078
<input type="checkbox"/> Lot Line Adjustment	\$202	<input type="checkbox"/> Zoning Code Amendment	\$2,621
<input checked="" type="checkbox"/> Other: <u>Final subdivision plat</u>			

\* plus \$9,000 election deposit \*\* waived until 2013

**Information to Include with Your Application**

- Narrative describing the Development Proposal and addressing the Decision Criteria. *All applications will be reviewed based on the criteria of North Plains Zoning Ordinance.* Ask Staff for the applicable chapters to address in your narrative.
- Application and fee
- Plans drawn to scale showing:
  - All property boundaries in which development is occurring
  - All adjacent roads (with names and dimensions)
  - Location and dimensions of all existing and proposed accessways/driveways
  - Location, number, dimensions, setbacks, and types of existing and proposed utilities, including water, sewer, stormwater, electric, gas, phone, and cable
  - Location, size (area), and setbacks of all existing and proposed fire hydrants
  - Location, size (area), and setbacks of all existing and proposed buildings and structures
  - Location, size (area), and layout of existing and proposed landscaping
  - Location, number and dimensions of existing and proposed parking areas, including handicapped spaces
  - Location, number and dimensions of existing and proposed loading areas
  - Location, number, dimensions, and types of existing and proposed lighting
  - Location, number, dimensions, setbacks, and types of existing and proposed fencing and or/screening
  - Location, number, dimensions, setbacks, and types of existing and proposed mechanical equipment, such as rooftop equipment and transformer boxes. Show any screening of proposed equipment.
  - Pedestrian circulation
  - Outdoor seating areas
  - Flood plains
  - Water courses
  - Significant vegetation
  - Easements
- If required, mailing labels for all property owners and residents within 250 feet of the subject property or properties. A list of property owners/site addresses may be obtained from a title insurance company. Please ask staff if mailing labels are required for your application.
- If required, a traffic study shall be submitted. Please ask staff if a traffic study is required.

After initial review, the City may require additional information.

**Additional Information**

In order to expedite and complete the processing of this application, the City of North Plains requires that all pertinent material required for review of this application be submitted at the time application is made. If the application is found to be incomplete, review and processing of the application will not begin until the application is made complete.

I certify that the statements made in this application are complete and true to the best of my knowledge. I understand that any false statements may result in denial of this application.

I understand that there may be additional costs of processing this application including, but not limited to, planning, engineering, city attorney and administration. The City will notify the applicant if there will be additional costs.

Date: 4/24/14 Signature of Applicant: [Signature]  
 Date: \_\_\_\_\_ Signature of Property Owner: \_\_\_\_\_

<b>FOR OFFICE USE</b>			
Received by: <u>SW per Pam</u>		Date: <u>5/1/14</u>	
Fee paid: <u>\$2615</u>	Receipt No. <u>014719</u>	Application No. <u>13-041-2</u>	

**Information to Include with Your Application**

- Narrative describing the Development Proposal and addressing the Decision Criteria. *All applications will be reviewed based on the criteria of North Plains Zoning Ordinance. Ask Staff for the applicable chapters to address in your narrative.*
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Date: \_\_\_\_\_ Signature of Applicant: \_\_\_\_\_

Date: 4/12/14 Signature of Property Owner: *Robert D. Brady* Member  
*McKay Creek Land LLC*

**FOR OFFICE USE**

Received by: *see prior* Date: \_\_\_\_\_  
Fee paid: \_\_\_\_\_ Receipt No. \_\_\_\_\_ Application No. \_\_\_\_\_

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Date: \_\_\_\_\_ Signature of Applicant: \_\_\_\_\_

Date: 4/21/14 Signature of Property Owner: [Signature]

<b>FOR OFFICE USE</b>			
Received by: _____	<u>see prior</u>	Date: _____	
Fee paid: _____	Receipt No. _____	Application No. _____	



# SUNSET RIDGE

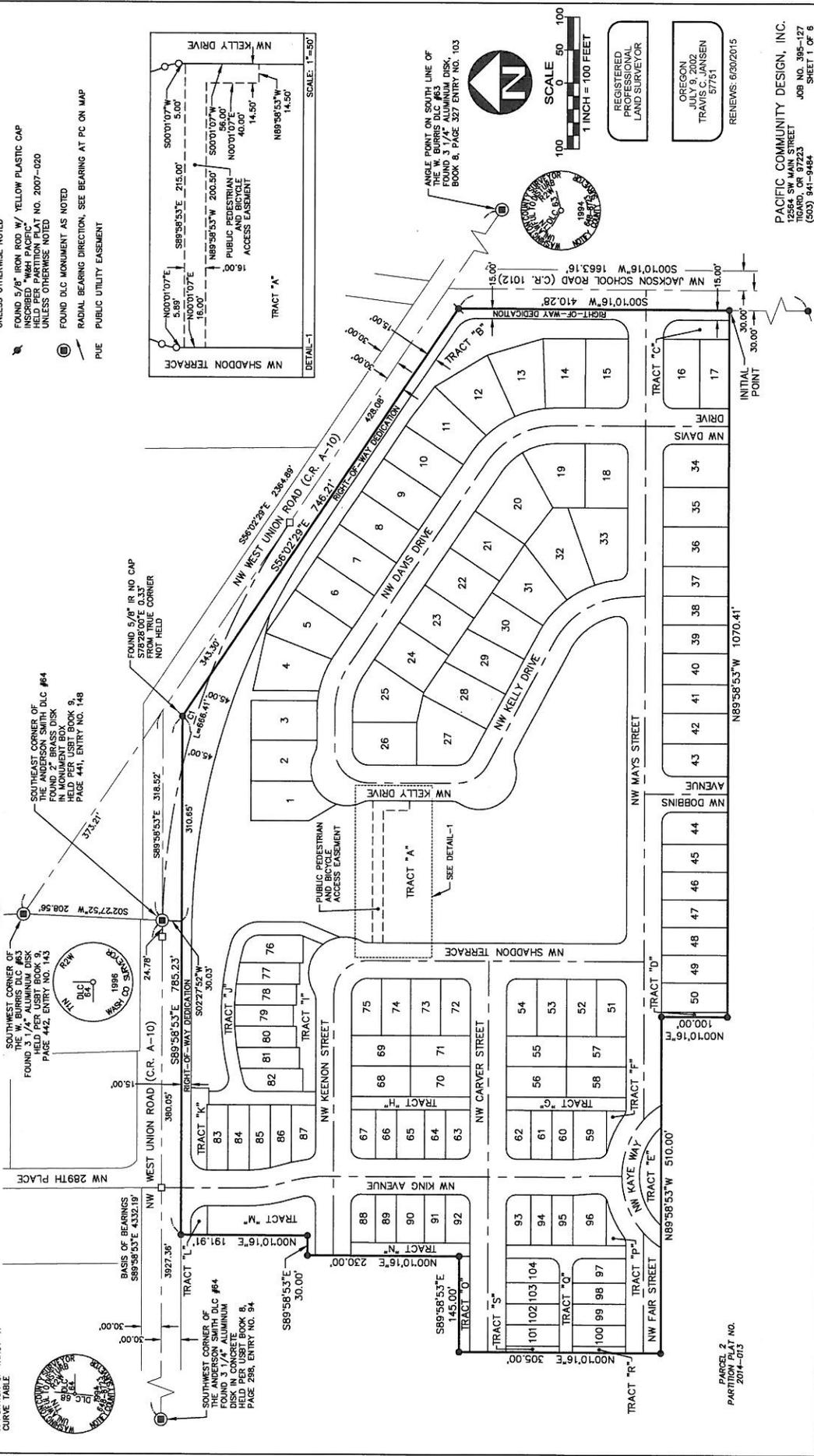
A REPLAT OF PARCEL 1 OF PARTITION PLAT NO. 2014-013, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 5, AND THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 1 NORTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, CITY OF NORTH PLAINS, WASHINGTON COUNTY, OREGON

## SHEET INDEX

- NARRATIVE  
PLAY BOUNDARY  
DETAIL-1
- LOTS 1-15, 18-33  
PORTION OF TRACT "A"  
DETAIL-2
- LOTS 16-17, 34-50  
TRACTS "C", "D", "E", "F", "G", "H", "I", "J", "K", "L", "M", "N", "O", "P", "Q", "R", "S", "T", "U", "V", "W", "X", "Y", "Z", "AA", "AB", "AC", "AD", "AE", "AF", "AG", "AH", "AI", "AJ", "AK", "AL", "AM", "AN", "AO", "AP", "AQ", "AR", "AS", "AT", "AU", "AV", "AW", "AX", "AY", "AZ", "BA", "BB", "BC", "BD", "BE", "BF", "BG", "BH", "BI", "BJ", "BK", "BL", "BM", "BN", "BO", "BP", "BQ", "BR", "BS", "BT", "BU", "BV", "BW", "BX", "BY", "BZ", "CA", "CB", "CC", "CD", "CE", "CF", "CG", "CH", "CI", "CJ", "CK", "CL", "CM", "CN", "CO", "CP", "CQ", "CR", "CS", "CT", "CU", "CV", "CW", "CX", "CY", "CZ", "DA", "DB", "DC", "DD", "DE", "DF", "DG", "DH", "DI", "DJ", "DK", "DL", "DM", "DN", "DO", "DP", "DQ", "DR", "DS", "DT", "DU", "DV", "DW", "DX", "DY", "DZ", "EA", "EB", "EC", "ED", "EE", "EF", "EG", "EH", "EI", "EJ", "EK", "EL", "EM", "EN", "EO", "EP", "EQ", "ER", "ES", "ET", "EU", "EV", "EW", "EX", "EY", "EZ", "FA", "FB", "FC", "FD", "FE", "FF", "FG", "FH", "FI", "FJ", "FK", "FL", "FM", "FN", "FO", "FP", "FQ", "FR", "FS", "FT", "FU", "FV", "FW", "FX", "FY", "FZ", "GA", "GB", "GC", "GD", "GE", "GF", "GG", "GH", "GI", "GJ", "GK", "GL", "GM", "GN", "GO", "GP", "GQ", "GR", "GS", "GT", "GU", "GV", "GW", "GX", "GY", "GZ", "HA", "HB", "HC", "HD", "HE", "HF", "HG", "HH", "HI", "HJ", "HK", "HL", "HM", "HN", "HO", "HP", "HQ", "HR", "HS", "HT", "HU", "HV", "HW", "HX", "HY", "HZ", "IA", "IB", "IC", "ID", "IE", "IF", "IG", "IH", "II", "IJ", "IK", "IL", "IM", "IN", "IO", "IP", "IQ", "IR", "IS", "IT", "IU", "IV", "IW", "IX", "IY", "IZ", "JA", "JB", "JC", "JD", "JE", "JF", "JG", "JH", "JI", "JJ", "JK", "JL", "JM", "JN", "JO", "JP", "JQ", "JR", "JS", "JT", "JU", "JV", "JW", "JX", "JY", "JZ", "KA", "KB", "KC", "KD", "KE", "KF", "KG", "KH", "KI", "KJ", "KK", "KL", "KM", "KN", "KO", "KP", "KQ", "KR", "KS", "KT", "KU", "KV", "KW", "KX", "KY", "KZ", "LA", "LB", "LC", "LD", "LE", "LF", "LG", "LH", "LI", "LJ", "LK", "LL", "LM", "LN", "LO", "LP", "LQ", "LR", "LS", "LT", "LU", "LV", "LW", "LX", "LY", "LZ", "MA", "MB", "MC", "MD", "ME", "MF", "MG", "MH", "MI", "MJ", "MK", "ML", "MM", "MN", "MO", "MP", "MQ", "MR", "MS", "MT", "MU", "MV", "MW", "MX", "MY", "MZ", "NA", "NB", "NC", "ND", "NE", "NF", "NG", "NH", "NI", "NJ", "NK", "NL", "NM", "NN", "NO", "NP", "NQ", "NR", "NS", "NT", "NU", "NV", "NW", "NX", "NY", "NZ", "OA", "OB", "OC", "OD", "OE", "OF", "OG", "OH", "OI", "OJ", "OK", "OL", "OM", "ON", "OO", "OP", "OQ", "OR", "OS", "OT", "OU", "OV", "OW", "OX", "OY", "OZ", "PA", "PB", "PC", "PD", "PE", "PF", "PG", "PH", "PI", "PJ", "PK", "PL", "PM", "PN", "PO", "PP", "PQ", "PR", "PS", "PT", "PU", "PV", "PW", "PX", "PY", "PZ", "QA", "QB", "QC", "QD", "QE", "QF", "QG", "QH", "QI", "QJ", "QK", "QL", "QM", "QN", "QO", "QP", "QQ", "QR", "QS", "QT", "QU", "QV", "QW", "QX", "QY", "QZ", "RA", "RB", "RC", "RD", "RE", "RF", "RG", "RH", "RI", "RJ", "RK", "RL", "RM", "RN", "RO", "RP", "RQ", "RR", "RS", "RT", "RU", "RV", "RW", "RX", "RY", "RZ", "SA", "SB", "SC", "SD", "SE", "SF", "SG", "SH", "SI", "SJ", "SK", "SL", "SM", "SN", "SO", "SP", "SQ", "SR", "SS", "ST", "SU", "SV", "SW", "SX", "SY", "SZ", "TA", "TB", "TC", "TD", "TE", "TF", "TG", "TH", "TI", "TJ", "TK", "TL", "TM", "TN", "TO", "TP", "TQ", "TR", "TS", "TT", "TU", "TV", "TW", "TX", "TY", "TZ", "UA", "UB", "UC", "UD", "UE", "UF", "UG", "UH", "UI", "UJ", "UK", "UL", "UM", "UN", "UO", "UP", "UQ", "UR", "US", "UT", "UU", "UV", "UW", "UX", "UY", "UZ", "VA", "VB", "VC", "VD", "VE", "VF", "VG", "VH", "VI", "VJ", "VK", "VL", "VM", "VN", "VO", "VP", "VQ", "VR", "VS", "VT", "VU", "VV", "VW", "VX", "VY", "VZ", "WA", "WB", "WC", "WD", "WE", "WF", "WG", "WH", "WI", "WJ", "WK", "WL", "WM", "WN", "WO", "WP", "WQ", "WR", "WS", "WT", "WU", "WV", "WW", "WX", "WY", "WZ", "XA", "XB", "XC", "XD", "XE", "XF", "XG", "XH", "XI", "XJ", "XK", "XL", "XM", "XN", "XO", "XP", "XQ", "XR", "XS", "XT", "XU", "XV", "XW", "XX", "XY", "XZ", "YA", "YB", "YC", "YD", "YE", "YF", "YG", "YH", "YI", "YJ", "YK", "YL", "YM", "YN", "YO", "YP", "YQ", "YR", "YS", "YT", "YU", "YV", "YW", "YX", "YZ", "ZA", "ZB", "ZC", "ZD", "ZE", "ZF", "ZG", "ZH", "ZI", "ZJ", "ZK", "ZL", "ZM", "ZN", "ZO", "ZP", "ZQ", "ZR", "ZS", "ZT", "ZU", "ZV", "ZW", "ZX", "ZY", "ZZ"
- REPLAT OF PARCEL 1 OF PARTITION PLAT NO. 2014-013, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 5, AND THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 1 NORTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, CITY OF NORTH PLAINS, WASHINGTON COUNTY, OREGON

- ## NARRATIVE
- THE PURPOSE OF THIS REPLAT IS TO SUBDIVIDE PARCEL 1 OF PARTITION PLAT NO. 2014-013, WASHINGTON COUNTY PLAT RECORDS. THE BOUNDARY DEPICTED HEREON HOLDS THOSE FOUND MONUMENTS AND RECORD BEARING AND DISTANCES PER SAID PARTITION PLAT NO. 2014-013. THE BASIS OF BEARINGS IS THE CENTERLINE OF NW WEST UNION ROAD (C.R. A-10) BEING S89°58'53"E PER SAID PARTITION PLAT NO. 2014-013 HOLDING FOUND D.L.C. MONUMENTS AS SHOWN.

- ## LEGEND
- SET 5/8" X 3/8" IRON ROD WITH ORANGE PLASTIC CAP SET DURING REMAINING MONUMENTATION
  - SET 5/8" X 3/8" IRON ROD WITH ALUMINUM CAP IN MONUMENT BOX INSCRIBED "PACIFIC COMMUNITY DESIGN" SET DURING REMAINING MONUMENTATION
  - ⊠ SET 5/8" X 3/8" IRON ROD WITH ALUMINUM CAP FLUSH WITH STREET INSCRIBED "PACIFIC COMMUNITY DESIGN" SET DURING REMAINING MONUMENTATION
  - FOUND 5/8" IRON ROD WITH ORANGE PLASTIC CAP SET DURING REMAINING MONUMENTATION
  - ⊙ FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "M&H PACIFIC" HELD PER PARTITION PLAT NO. 2007-020 UNLESS OTHERWISE NOTED
  - ⊙ FOUND D.L.C. MONUMENT AS NOTED
  - ⊙ RADIAL BEARING DIRECTION, SEE BEARING AT PC ON MAP
  - PUBLIC UTILITY EASEMENT



PARCEL 2  
PARTITION PLAT NO.  
2014-013

INITIAL POINT  
30.00'

REGISTERED PROFESSIONAL LAND SURVEYOR  
OREGON  
JULY 9, 2002  
TRAVIS C. JANSEN  
57751  
RENEWS: 6/30/2015

PACIFIC COMMUNITY DESIGN, INC.  
12584 SW MAIN STREET  
PORTLAND, OREGON 97223  
(503) 941-9664  
JOB NO. 395-127  
SHEET 1 OF 6

# SUNSET RIDGE

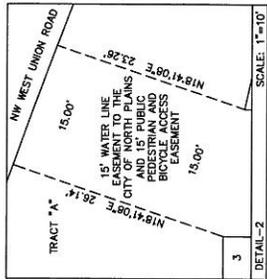
A REPLAT OF PARCEL 1 OF PARTITION PLAT NO. 2014-013, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 5, AND THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 1 NORTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, CITY OF NORTH PLAINS, WASHINGTON COUNTY, OREGON

SURVEYED:

RECORDED AS DOCUMENT NO. \_\_\_\_\_

## LEGEND

- SET 5/8" X 30" IRON ROD WITH ORANGE PLASTIC CAP INSCRIBED "PACIFIC COMMUNITY DESIGN" SET DURING REMAINING MONUMENTATION
- SET 5/8" X 30" IRON ROD WITH ALUMINUM CAP IN MONUMENT BOX SET DURING REMAINING MONUMENTATION
- ◻ SET 5/8" X 30" IRON ROD WITH ALUMINUM CAP FLUSH WITH STREET SET DURING REMAINING MONUMENTATION
- FOUND 5/8" IRON ROD W/ ORANGE PLASTIC CAP INSCRIBED "PACIFIC COMMUNITY DESIGN" 1" DOWN UNLESS OTHERWISE NOTED
- FOUND 5/8" IRON ROD W/ YELLOW PLASTIC CAP INSCRIBED "PACIFIC COMMUNITY DESIGN" 1" DOWN UNLESS OTHERWISE NOTED
- FOUND D.L.C. MONUMENT AS NOTED
- RADIAL BEARING DIRECTION, SEE BEARING AT PC ON MAP
- PUBLIC UTILITY EASEMENT



15' WATER LINE EASEMENT TO THE CITY OF NORTH PLAINS AND 15' PUBLIC PEDESTRIAN AND BICYCLE ACCESS EASEMENT

15' WATER LINE EASEMENT TO THE CITY OF NORTH PLAINS AND 15' PUBLIC PEDESTRIAN AND BICYCLE ACCESS EASEMENT

SEE SHEET 5

SEE SHEET 4

SEE SHEET 3

# SUNSET RIDGE

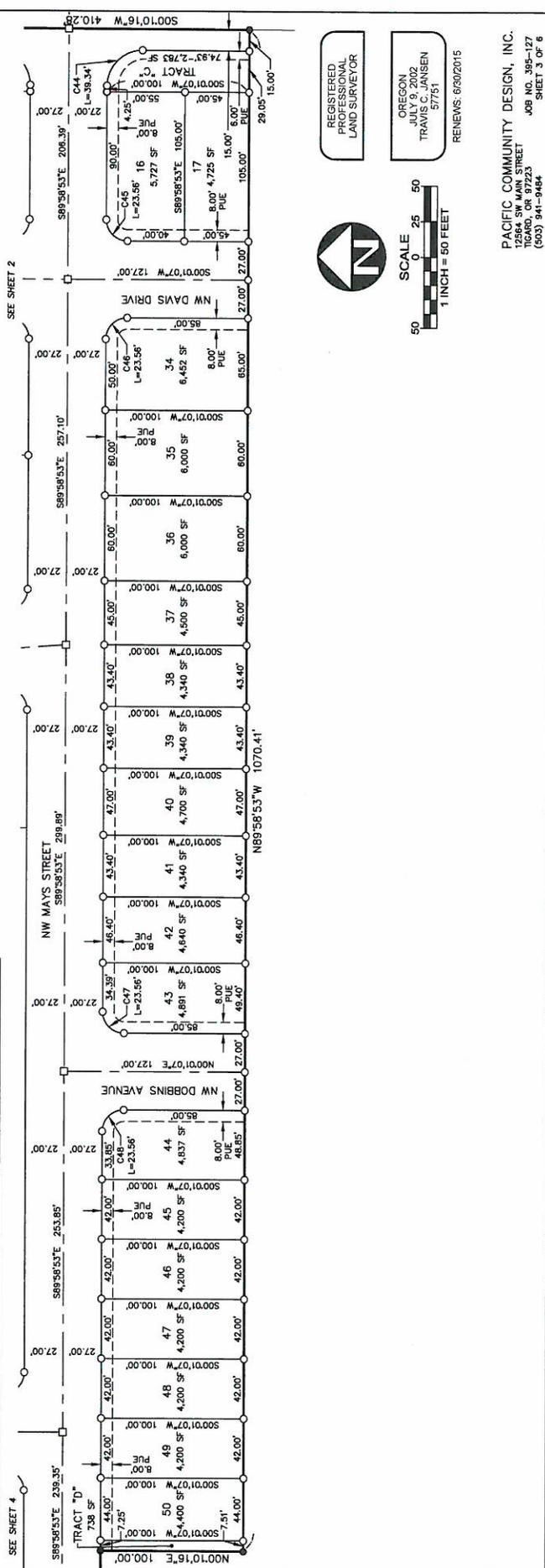
A REPLAT OF PARCEL 1 OF PARTITION PLAT NO. 2014-013, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 5, AND THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 1 NORTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, CITY OF NORTH PLAINS, WASHINGTON COUNTY, OREGON

RECORDED AS DOCUMENT NO. \_\_\_\_\_

### LEGEND

- SET 5/8" X 30" IRON ROD WITH ORANGE PLASTIC CAP INSCRIBED "PACIFIC COMMUNITY DESIGN" SET DURING REMAINING MONUMENTATION
- SET 5/8" X 30" IRON ROD WITH ALUMINUM CAP IN MONUMENT BOX INSCRIBED "PACIFIC COMMUNITY DESIGN" SET DURING REMAINING MONUMENTATION
- ⊠ SET 5/8" X 30" IRON ROD WITH ALUMINUM CAP FLUSH WITH STREET INSCRIBED "PACIFIC COMMUNITY DESIGN" SET DURING REMAINING MONUMENTATION
- FOUND 5/8" IRON ROD WITH ORANGE PLASTIC CAP INSCRIBED "PACIFIC COMMUNITY DESIGN" HELD PER PARTITION PLAT NO. 2014-031 UNLESS OTHERWISE NOTED
- ⊙ FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "W&H PACIFIC" HELD PER PARTITION PLAT NO. 2007-020 UNLESS OTHERWISE NOTED
- ⊙ FOUND ILC MONUMENT AS NOTED
- ↖ RADIAL BEARING DIRECTION, SEE BEARINGS AT PC ON MAP
- PUBLIC UTILITY EASEMENT

CURVE TABLE				CURVE TABLE							
CURVE	RADIUS	LENGTH	DELTA	CHORD	BEARING	CURVE	RADIUS	LENGTH	DELTA	CHORD	BEARING
C1	1125.00'	666.41'	3359.24"	656.71'	N73°00'41"W	C25	25.00'	27.01'	61°54'21"	25.72'	N30°56'03"W
C2	1080.00'	507.55'	2835.35"	502.89'	S76°31'06"E	C26	154.00'	12.95'	4°48'59"	12.94'	N89°28'44"W
C3	1080.00'	132.20'	700'48"	132.12'	S89°32'54"E	C27	154.00'	53.33'	19°50'29"	53.06'	N47°09'00"W
C4	25.00'	11.08'	2625.57"	10.98'	S12°40'22"E	C28	154.00'	47.98'	17°51'12"	47.79'	N281°16'09"W
C5	55.00'	40.41'	4203.39"	39.50'	S04°19'01"E	C29	154.00'	37.05'	13°47'00"	36.96'	N12°29'03"W
C6	55.00'	51.77'	5355.38"	49.88'	S43°41'37"W	C30	15.00'	22.08'	84°23'20"	20.15'	N47°47'13"W
C7	55.00'	45.04'	4854.59"	43.79'	N85°53'05"W	C31	25.00'	14.37'	32°55'40"	14.17'	S16°26'57"W
C8	25.00'	12.02'	2733'18"	11.91'	N76°12'14"W	C32	55.00'	134.57'	140°11'09"	103.43'	S37°08'47"E
C9	154.00'	16.99'	610'20"	16.98'	N86°53'43"W	C33	25.00'	19.79'	45°21'08"	19.28'	S84°33'48"E
C10	154.00'	15.19'	539'08"	15.19'	N80°58'58"W	C34	100.00'	86.48'	50°41'46"	86.62'	S36°32'21"E
C11	154.00'	52.13'	1923'38"	51.88'	N88°27'34"W	C35	15.00'	26.50'	101°12'35"	23.18'	S39°24'49"W
C12	154.00'	7.31'	243'16"	7.31'	N57°24'07"W	C36	52.00'	81.68'	90°00'00"	73.54'	N45°01'07"E
C13	154.00'	34.01'	1239'11"	33.94'	N49°42'54"W	C37	127.00'	75.23'	33°56'24"	74.14'	S73°00'41"E
C14	154.00'	51.89'	1918'25"	51.65'	N33°44'06"W	C38	127.00'	124.26'	56°03'36"	119.36'	S28°00'41"E
C15	154.00'	47.89'	1749'09"	47.70'	N15°10'19"W	C39	52.00'	56.18'	61°54'21"	53.49'	N30°56'03"W
C16	154.00'	16.88'	616'51"	16.87'	N03°07'19"W	C40	127.00'	127.76'	57°38'25"	122.44'	N33°04'01"W
C17	15.00'	23.56'	90°00'00"	21.21'	N44°58'53"W	C41	11.00'	8.10'	42°11'06"	7.92'	S07°01'53"W
C18	25.00'	39.20'	89°50'51"	35.31'	S45°05'41"W	C42	70.00'	75.16'	61°31'23"	71.80'	S16°41'18"W
C19	35.00'	34.34'	561'24"	32.98'	S27°56'07"E	C43	11.00'	9.11'	47°25'50"	8.85'	S23°44'01"W
C20	15.00'	23.56'	90°00'00"	21.21'	S45°01'07"W	C44	25.00'	39.34'	90°09'09"	35.40'	S44°54'18"E
C21	100.00'	53.79'	3048'13"	53.15'	S15°23'32"E	C45	15.00'	23.56'	90°00'00"	21.21'	N45°01'07"E
C22	100.00'	44.05'	251'424"	43.70'	S43°25'20"E	C46	15.00'	23.56'	90°00'00"	21.21'	S44°58'53"E
C23	100.00'	59.24'	3358'24"	58.37'	S73°00'41"E	C47	15.00'	23.56'	90°00'00"	21.21'	N45°01'11"E
C24	25.00'	39.27'	90°00'00"	35.36'	N45°01'07"E	C48	15.00'	23.56'	90°00'00"	21.21'	S44°58'49"E



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULIEN  
TRAVIS C. JANSEN  
57751

SCALE  
0 25 50  
1 INCH = 50 FEET

RENEWS: 6/30/2015

PACIFIC COMMUNITY DESIGN, INC.  
12564 SW MAIN STREET  
TIGARD, OR 97223  
(503) 941-9484  
JOB NO. 395-127  
SHEET 3 OF 6

# SUNSET RIDGE

A REPLAT OF PARCEL 1 OF PARTITION PLAT NO. 2014-013, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 5, AND THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 1 NORTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, CITY OF NORTH PLAINS, WASHINGTON COUNTY, OREGON

RECORDED AS DOCUMENT NO. \_\_\_\_\_

SURVEYED:

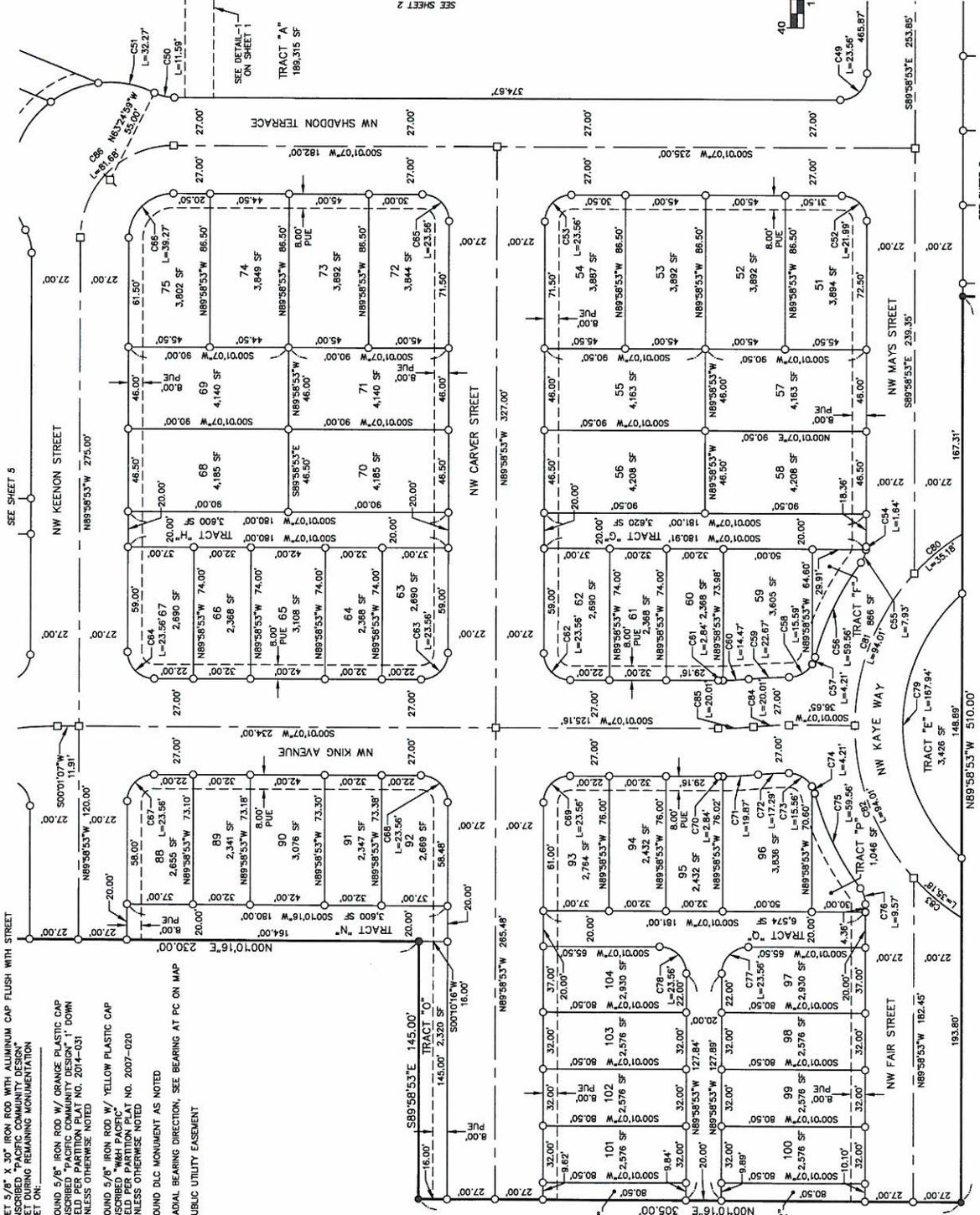
CURVE TABLE		CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA	CHORD	BEARING
C49	15.00'	23.56'	90°00'00"	21.21'	N44°58'53"W
C50	25.00'	11.59'	26°33'54"	11.49'	N13°16'04"E
C51	55.00'	32.27'	33°37'00"	31.81'	N09°46'30"E
C52	14.00'	21.99'	90°00'00"	19.80'	S45°01'07"W
C53	15.00'	23.56'	90°00'00"	21.21'	S44°58'53"E
C54	15.00'	1.64'	6°16'28"	1.64'	N85°50'39"W
C55	15.00'	7.93'	30°16'26"	7.83'	N83°54'12"W
C56	154.00'	58.56'	22°08'30"	58.18'	N83°50'44"W
C57	15.00'	4.21'	16°03'44"	4.19'	N87°33'37"W
C58	15.00'	15.59'	59°32'13"	14.89'	N29°45'39"W
C59	227.00'	22.67'	5°43'17"	22.66'	N02°31'10"W
C60	173.00'	14.47'	4°47'34"	14.47'	N03°19'07"W
C61	173.00'	2.84'	0°56'21"	2.84'	N02°27'07"W
C62	15.00'	23.56'	90°00'00"	21.21'	N45°01'07"E
C63	15.00'	23.56'	90°00'00"	21.21'	N44°58'53"W
C64	15.00'	23.56'	90°00'00"	21.21'	N45°01'07"E
C65	15.00'	39.27'	90°00'00"	35.36'	S44°58'53"E
C66	15.00'	23.56'	90°00'00"	21.21'	S44°58'53"E
C67	15.00'	23.56'	90°00'00"	21.21'	S44°58'53"E
C68	15.00'	23.56'	90°00'00"	21.21'	S44°58'53"E
C69	15.00'	23.56'	90°00'00"	21.21'	S44°58'53"E
C70	227.00'	2.84'	0°42'57"	2.84'	S02°20'21"E
C71	227.00'	19.87'	5°00'58"	19.87'	S03°12'19"E
C72	173.00'	17.29'	5°43'36"	17.28'	S02°50'56"E
C73	15.00'	15.56'	59°26'11"	14.87'	S29°50'51"W
C74	15.00'	4.21'	16°03'44"	4.19'	S67°33'48"W
C75	154.00'	58.56'	22°08'29"	58.18'	S64°32'58"W
C76	15.00'	9.57'	36°32'54"	9.41'	S71°44'40"W
C77	15.00'	23.56'	90°00'00"	21.21'	N44°58'53"W
C78	15.00'	23.56'	90°00'00"	21.21'	N45°01'07"E
C79	100.00'	167.94'	148.69'	148.69'	S89°58'53"E
C80	127.00'	35.18'	15°32'14"	35.07'	S39°38'08"E
C81	127.00'	94.01'	42°24'40"	91.88'	S68°46'33"E
C82	127.00'	94.01'	42°24'40"	91.88'	N68°46'47"E
C83	127.00'	35.18'	15°32'14"	35.07'	N39°40'20"E
C84	200.00'	20.01'	5°43'55"	20.00'	S02°50'51"E
C85	200.00'	20.01'	5°43'55"	20.00'	S02°50'51"E
C86	52.00'	81.68'	90°00'00"	73.54'	N44°58'53"W

REGISTERED PROFESSIONAL LAND SURVEYOR  
 OREGON  
 JULY 9, 2002  
 TRAVIS C. JANSEN  
 57751  
 RENEWS 6302015



PACIFIC COMMUNITY DESIGN, INC.  
 12564 SW MAIN STREET  
 TIGARD, OR 97223  
 (503) 941-9464  
 JOB NO. 395-127  
 SHEET 4 OF 6

- LEGEND**
- SET 5/8" X 30" IRON ROD WITH ORANGE PLASTIC CAP
  - ◻ INScribed "PACIFIC COMMUNITY DESIGN"
  - ◻ INScribed "PACIFIC COMMUNITY DESIGN"
  - ◻ SET ON
  - ◻ SET DURING REMAINING MONUMENTATION
  - ◻ SET ON
  - ◻ SET 5/8" X 30" IRON ROD WITH ALUMINUM CAP FLUSH WITH STREET
  - ◻ SET ON
  - ◻ SET DURING REMAINING MONUMENTATION
  - ◻ SET ON
  - ◻ SET 5/8" X 30" IRON ROD WITH ALUMINUM CAP FLUSH WITH STREET
  - ◻ SET ON
  - ◻ SET DURING REMAINING MONUMENTATION
  - ◻ SET ON
  - ◻ FOUND 5/8" IRON ROD W/ ORANGE PLASTIC CAP
  - ◻ INScribed "PACIFIC COMMUNITY DESIGN"
  - ◻ HED SET PARTITION PLAT NO. 2014-031
  - ◻ UNLESS OTHERWISE NOTED
  - ◻ FOUND 5/8" IRON ROD W/ YELLOW PLASTIC CAP
  - ◻ INScribed "PACIFIC COMMUNITY DESIGN"
  - ◻ HED SET PARTITION PLAT NO. 2007-020
  - ◻ UNLESS OTHERWISE NOTED
  - ◻ FOUND D.C. MONUMENT AS NOTED
  - ◻ RADIAL BEARING DIRECTION, SEE BEARING AT PC ON MAP
  - ◻ PUBLIC UTILITY EASEMENT



# SUNSET RIDGE

A REPLAT OF PARCEL 1 OF PARTITION PLAT NO. 2014-013, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 5, AND THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 1 NORTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, CITY OF NORTH PLAINS, WASHINGTON COUNTY, OREGON

RECORDED AS DOCUMENT NO. \_\_\_\_\_

SURVEYED: \_\_\_\_\_

CURVE	RADIUS	LENGTH	DELTA	CHORD	BEARING
C1	1125.00'	666.41'	33°56'24"	666.71'	N73°00'41"W
C2	1080.00'	507.55'	26°55'35"	502.88'	S76°31'06"E
C3	55.00'	32.27'	33°37'00"	31.81'	N09°46'30"E
C6	52.00'	81.68'	90°00'00"	73.54'	N44°58'53"W
C7	55.00'	28.89'	30°05'31"	28.56'	N22°04'45"W
C8	55.00'	80.52'	83°52'58"	73.52'	N79°04'00"W
C9	25.00'	13.54'	31°01'36"	13.37'	S74°30'19"W
C91	10.00'	3.90'	22°21'38"	3.86'	N11°11'56"E
C92	25.00'	32.56'	74°37'27"	30.31'	N37°17'37"W
C93	360.00'	24.31'	3°39'55"	24.30'	N76°26'18"W
C94	360.00'	32.43'	4°53'25"	32.42'	N69°42'57"W
C95	360.00'	32.10'	4°50'26"	32.09'	N85°34'53"W
C96	360.00'	32.01'	4°49'35"	32.00'	S89°39'07"W
C97	360.00'	32.15'	4°50'49"	32.14'	S84°44'55"W
C98	360.00'	32.52'	4°54'11"	32.51'	S78°52'25"W
C99	360.00'	25.91'	74°13'28"	24.14'	S79°07'51"W
C100	30.00'	11.71'	22°21'38"	11.63'	S11°11'56"W
C101	45.00'	58.61'	74°37'27"	54.55'	N37°17'37"W
C102	400.00'	201.42'	28°51'05"	199.30'	N89°01'52"W
C103	20.00'	36.12'	103°28'32"	31.41'	N51°43'08"W
C104	25.00'	38.18'	87°29'33"	34.57'	N46°16'21"E
C105	25.00'	1.08'	2°30'27"	1.08'	N01°16'21"E
C106	173.00'	3.45'	1°08'37"	3.45'	N00°33'12"W
C107	173.00'	32.25'	10°40'54"	32.21'	N06°27'58"W
C108	173.00'	16.80'	5°33'49"	16.79'	N1°35'19"W
C109	227.00'	16.34'	4°07'23"	16.33'	N15°18'32"W
C110	227.00'	24.28'	6°07'24"	24.25'	N10°11'08"W
C111	15.00'	21.69'	82°51'27"	19.85'	N48°33'10"W
C112	25.00'	38.27'	90°00'00"	35.36'	S44°56'53"E
C113	227.00'	68.89'	17°33'30"	68.63'	S08°40'33"E
C114	173.00'	19.36'	6°24'37"	19.35'	S1°09'55"E
C115	15.00'	26.44'	100°58'43"	23.15'	S39°31'48"W
C116	200.00'	60.70'	17°23'30"	60.47'	N08°40'33"W
C117	200.00'	60.70'	17°23'30"	60.47'	N08°40'33"W



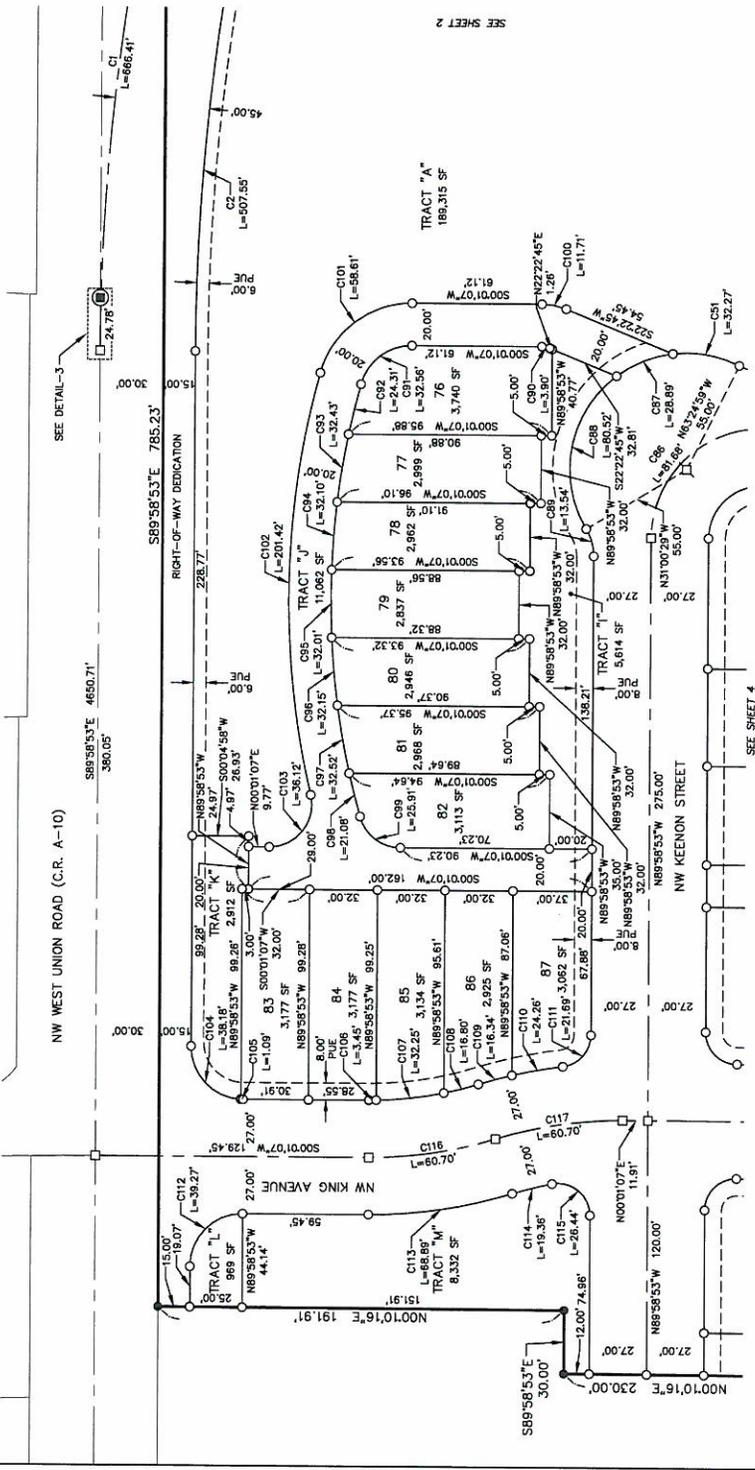
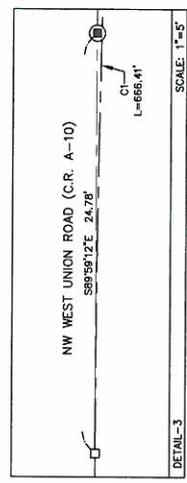
REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON  
JULY 9, 2002  
TRAVIS C. JANSEN  
57751

RENEWS: 6/30/2015

PACIFIC COMMUNITY DESIGN, INC.  
12584 SW MAIN STREET  
TIGARD, OR 97223  
(503) 941-9484  
JOB NO. 395-127  
SHEET 5 OF 6

- LEGEND**
- SET 5/8" X 30" IRON ROD WITH ORANGE PLASTIC CAP INSCRIBED "PACIFIC COMMUNITY DESIGN" SET DURING REMAINING MONUMENTATION
  - SET 5/8" X 30" IRON ROD WITH ALUMINUM CAP IN MONUMENT BOX INSCRIBED "PACIFIC COMMUNITY DESIGN" SET DURING REMAINING MONUMENTATION
  - SET 5/8" X 30" IRON ROD WITH ALUMINUM CAP FLUSH WITH STREET INSCRIBED "PACIFIC COMMUNITY DESIGN" SET DURING REMAINING MONUMENTATION
  - FOUND 5/8" IRON ROD W/ ORANGE PLASTIC CAP HELD PER PARTITION PLAT NO. 2014-031 UNLESS OTHERWISE NOTED
  - FOUND 5/8" IRON ROD W/ YELLOW PLASTIC CAP INSCRIBED "W&H PACIFIC" PARTITION PLAT NO. 2007-020 UNLESS OTHERWISE NOTED
  - FOUND D.L.C. MONUMENT AS NOTED
  - RADIAL BEARING DIRECTION, SEE BEARING AT PC ON MAP
  - PUBLIC UTILITY EASEMENT



SEE SHEET 2

SEE SHEET 4

# SUNSET RIDGE

A REPLAT OF PARCEL 1 OF PARTITION PLAT NO. 2014-013, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 5, AND THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 1 NORTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, CITY OF NORTH PLAINS, WASHINGTON COUNTY, OREGON

RECORDED AS DOCUMENT NO. \_\_\_\_\_

SURVEYED: \_\_\_\_\_

### DECLARATION

KNOW ALL PEOPLE BY THESE PRESENTS THAT POLYGON AT SUNSET RIDGE, L.L.C., A WASHINGTON LIMITED LIABILITY COMPANY, DOES HEREBY MAKE, ESTABLISH AND DECLARE THE ANNEXED MAP OF SUNSET RIDGE, AS DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE, TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL RECORDS OF THE SURVEY, AND THAT THE PROPERTY SUBDIVIDED IN ACCORDANCE WITH THE PROVISIONS OF O.R.S. CHAPTER 92, ALL LOTS AND TRACT LINES BEING OF THE DIMENSIONS SHOWN AND ALL STREETS AND EASEMENTS OF THE WIDTHS SHOWN, AND THAT THE DIMENSIONS AND EASEMENTS SHOWN ON SAID MAP AND PLAT, USE, AND DOES HEREBY GRANT ALL EASEMENTS AS SHOWN OR NOTED ON SAID MAP AND PLAT.

IN WITNESS WHEREOF, DECLARANT HAS CAUSED THIS DECLARATION TO BE EXECUTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

DECLARANT: POLYGON AT SUNSET RIDGE, L.L.C., A WASHINGTON LIMITED LIABILITY COMPANY  
ITS: MANAGER

BY: PNW HOME BUILDERS, L.L.C., A WASHINGTON CORPORATION  
ITS: SOLE MEMBER  
BY: PNW HOME BUILDERS GROUP, INC., A WASHINGTON CORPORATION  
ITS: MANAGER

BY: FRED GAST  
ITS: ASSISTANT VICE PRESIDENT

### ACKNOWLEDGEMENT

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON \_\_\_\_\_, 2014, BY FRED GAST, WHO IS THE ASSISTANT VICE PRESIDENT OF PNW HOME BUILDERS GROUP, INC., A WASHINGTON CORPORATION, AND TRAVIS C. JANSEN, SOLE MEMBER OF PNW HOME BUILDERS, L.L.C., THE MANAGER OF POLYGON AT SUNSET RIDGE, ALL A WASHINGTON LIMITED LIABILITY COMPANY, ON BEHALF OF SAID LIMITED LIABILITY COMPANIES.

NOTARY SIGNATURE \_\_\_\_\_ COMMISSION NO. \_\_\_\_\_  
NOTARY PUBLIC - OREGON \_\_\_\_\_ MY COMMISSION EXPIRES: \_\_\_\_\_

### REMAINING CORNER MONUMENTATION

IN ACCORDANCE WITH O.R.S. 92.070, THE REMAINING CORNERS OF THIS SUBDIVISION HAVE BEEN CORRECTLY SET WITH PROPER MONUMENTS. AN AFFIDAVIT HAS BEEN PREPARED REGARDING THE SETTING OF SAID MONUMENTS AND IS FILED WITH THIS DOCUMENT NO. \_\_\_\_\_, WASHINGTON COUNTY RECORDS.

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

WASHINGTON COUNTY SURVEYOR \_\_\_\_\_

### CONSENT AFFIDAVIT

A CONSORT AFFIDAVIT FROM \_\_\_\_\_ A TRUST DEED BENEFICIARY, HAS BEEN RECORDED AS DOCUMENT NO. \_\_\_\_\_ WASHINGTON COUNTY DEED RECORDS.

### SURVEYOR'S CERTIFICATE

I, TRAVIS C. JANSEN, HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE LANDS REPRESENTED ON THE ANNEXED MAP OF "SUNSET RIDGE" PARCEL 1 OF PARTITION PLAT NO. 2014-013, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 5, AND SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 1 NORTH, RANGE 2 WEST, OF THE WILLAMETTE MERIDIAN, CITY OF NORTH PLAINS, WASHINGTON COUNTY, OREGON. THE SURVEY WAS CONDUCTED ON \_\_\_\_\_, 2014. THE INITIAL POINT OF WHICH IS A FOUND 5/8" IRON ROD WITH AN ORANGE PLASTIC CAP INScribed NO. 21400-013. THE COMMUNITY DESIGN LOCATED AT THE SOUTHEAST CORNER OF PARCEL 1, PARTITION PLAT NO. 2014-013, CONTAINING 24.33 ACRES, MORE OR LESS.

AS PER O.R.S. 92.070(3), I, TRAVIS C. JANSEN, ALSO SAY THAT THE POST MONUMENTATION OF THE REMAINING CORNERS WITHIN THE SUBDIVISION, BEING CORRECTLY SET WITH PROPER MONUMENTS, AND THAT THE COMPLETION OF PAVING AND IMPROVEMENTS OR WITHIN ONE YEAR FOLLOWING THE ORIGINAL PLAT RECORDATION, WHICHEVER COMES FIRST, IN ACCORDANCE WITH O.R.S. 92.060.

### PLAT NOTES

1. THIS SUBDIVISION IS SUBJECT TO THE CONDITIONS OF APPROVAL PER CITY OF NORTH PLAINS CASE FILE NO. 13-41.
2. THIS SUBDIVISION IS SUBJECT TO COVENANTS, CONDITIONS, AND RESTRICTIONS AS RECORDED IN DOCUMENT NO. \_\_\_\_\_, WASHINGTON COUNTY RECORDS.
3. TRACTS "A", "B", "C", "D", "E", "F", "G", "H", "I", "J", "K", "L", "M", "N", "O", "P", "Q", "R", "S", "T", "U", "V", "W", "X", "Y", AND "Z" ARE HEREBY COMMITTED TO THE SUNSET RIDGE HOMEOWNERS ASSOCIATION AS RECORDED IN DOCUMENT NO. 2014-013, WASHINGTON COUNTY RECORDS, AND SHALL BE MAINTAINED IN ACCORDANCE WITH THE COVENANTS, CONDITIONS, AND RESTRICTIONS (SEE NOTE 2).
4. TRACT "A" IS A NATURAL RESOURCE AND WETLANDS TRACT.
5. TRACTS "B", "C", "E", "F", "I", "K", "L", AND "P" ARE COMMON OPEN SPACE TRACTS.
6. TRACTS "G", "H", "J", "M", AND "O" ARE PRIVATE ALLEYS AND SUBJECT TO A PRIVATE ACCESS EASEMENT TO BENEFIT THE ADJACENT LOTS AND TRACTS, AN EMERGENCY VEHICLE ACCESS EASEMENT AND A PUBLIC UTILITY EASEMENT OVER THEIR ENTIRETIES.
7. TRACT "A" IS SUBJECT TO A STORM SEWER EASEMENT AND A DETENTION EASEMENT TO CLEAN WATER SERVICES OVER ITS ENTIRETY.
8. TRACT "I" IS SUBJECT TO A PUBLIC UTILITY EASEMENT OVER ITS ENTIRETY.
9. THERE SHALL BE NO DIRECT MOTOR VEHICLE ACCESS TO OR FROM ANY LOTS OR TRACTS ONTO NW WEST JURISDICTION OF SAID ROAD.
10. TRACTS "D", "M", "O", "R", AND "S" ARE FUTURE DEVELOPMENT TRACTS, AND SHALL BE OWNED AND MAINTAINED BY THE DECLARANT, ITS SUCCESSORS, OR ASSIGNS.
11. TRACT "E" IS SUBJECT TO A STORM WATER TREATMENT EASEMENT TO CLEAN WATER SERVICES AND A WATER LINE EASEMENT TO THE CITY OF NORTH PLAINS OVER ITS ENTIRETY.
12. TRACT "O" IS SUBJECT TO A STORM SEWER EASEMENT TO CLEAN WATER SERVICES OVER ITS ENTIRETY.

### CITY OF NORTH PLAINS APPROVALS

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014

BY: CITY MANAGER, CITY OF NORTH PLAINS \_\_\_\_\_

### WASHINGTON COUNTY APPROVALS

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014

BY: \_\_\_\_\_

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014

BY: \_\_\_\_\_

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014

BY: \_\_\_\_\_

ATTEST THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014

BY: \_\_\_\_\_

STATE OF OREGON )  
COUNTY OF WASHINGTON ) SS

I DO HEREBY CERTIFY THAT THIS SUBDIVISION PLAT WAS RECEIVED FOR RECORD ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014 AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M. AND RECORDED IN THE COUNTY CLERK RECORDS.

DEPUTY COUNTY CLERK \_\_\_\_\_

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON  
JULY 9, 2002  
TRAVIS C. JANSEN  
57751

RENEWS: 6/30/2015

PACIFIC COMMUNITY DESIGN, INC.  
12584 SW MAIN STREET  
TIGARD, OR 97223  
(503) 841-9484

JOB NO. 395-127  
SHEET 6 OF 6

## COMPLIANCE WITH CONDITIONS OF APPROVAL SUNSET RIDGE FINAL PLAT

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### MASTER PLAN CONDITIONS OF APPROVAL - INCLUDING SUNSET RIDGE PRELIMINARY SUBDIVISION PLAN CONDITIONS OF APPROVAL

Prior to approval of a grading permit or any other preliminary permits the applicant shall provide proof of Washington County approval and recording of the pending Minor Land Partition separating the portion of Tax Lot 1200 that is outside the city; and the Special Use Permit and Flood Plain Alteration approval for Off-Site Sanitary Sewer and Storm lines located in county jurisdiction.

**Response:** The preliminary partition to divide the portion of Tax Lot 1200 within the City of North Plains from the portion within Washington County was approved by the County on January 21<sup>st</sup>, 2014 as Casefile No. 13-327-P. The partition plat was recorded on April 8, 2014 as Washington County Document No. 2014 019954. The Special Use Permit and Flood Plain Alteration for the off-site sanitary sewer and storm lines was approved on March 24, 2014 as Washington County Casefile 13-408-SU/FP. A copy of approval of Washington County Casefile No. 13-327-P and Casefile 13-408-SU/FP is provided with this submittal.

Prior to approval of a grading permit or any other preliminary permits the applicant shall provide evidence that the following conditions have been satisfied:

1. All sanitary sewer, storm sewer, and surface water management provisions shall be designed in accordance with Clean Water Services (CWS) "Design and Construction Standards for Sanitary Sewer and Surface Water Management," as contained in CWS Resolution and Order No. 07-20 (R&) 07-20). This shall include both the conveyance system and off-site improvements and modifications to existing systems necessary to provide adequate services to the site.

**Response:** Compliance with CWS Design and Construction Standards for Sanitary and Surface Water Management was addressed with construction documents. Construction documents for on-site and off-site work have been submitted to CWS and are currently in review (Project No. 9553). In addition, construction documents were submitted to the City of North Plains and were approved by the City Engineer on April 23, 2014 (File #04-0682.448).

2. Sanitary sewer service improvements shall be provided in compliance with R&O 07-20 and City of North Plains Public Works Design Standards, Planning, Zoning, and Development Codes and other applicable City and Washington County Policies.

Prior to any request for subdivision or other land use action following approval of the Master Plan a phased development shall be provided along with a letter or other documentation, as approved by the City and CWS, specifying the available and capacity of any sanitary service connection to the existing sanitary conveyance system located within NW

West Union Road and all off-site public sanitary system improvements necessary to provide full service to the Master Plan area. The development plan shall be of significant detail to identify and evaluate alignment, capacity, easements, and other factors for compliance with R&O 07-20. In addition, all system improvements located outside of the Urban Growth Boundary (UGB) shall require approvals from Washington County and the City.

Accordingly, the applicant has agreed to construct a 12-inch "dry" sanitary sewer line parallel to the 8-inch line, with Phase 1 construction. This line will be utilized when the existing 8-inch line reaches full capacity and there is adequate flow rate to avoid settling within the new line.

**Response:** Construction documents addressed R&O 07-20, City of North Plains Public Works Design Standards and other codes/standards, and Washington County policies. Construction documents for a facility permit for County roadway improvements were submitted to Washington County (CDA # 13-91). Construction documents have been submitted to CWS (Project No. 9553) and are pending 3<sup>rd</sup> submittal. Grading and erosion plans for off-site work have been submitted to Washington County (Grading Permit No. 1400289/Project No. P0194422) and are pending 2<sup>nd</sup> submittal. Construction documents were submitted to the City of North Plains and were approved by the City Engineer on April 23, 2014 (File #04-0682.448).

A sanitary sewer line will be extended from Phase 1 to connect with the North Plains East Trunk Line Extension in Tax Lot 1400. Therefore, the 12-inch dry sanitary sewer line with NW West Union Road will no longer be required. As stated above, a Special Use Permit and Flood Plain Alteration for the off-site sanitary sewer and storm lines was approved on March 24, 2014 as Washington County Casefile 13-408-SU/FP.

3. Surface water conveyance and surface water management facilities shall be provided in compliance with R&O 07-20 and other Washington County standards that apply, as well as the City of North Plains Public Works Design Standards, Planning, Zoning, and Development Codes and other applicable City and Washington County Policies. All system improvements located outside of the Urban Growth Boundary (UGB) shall require approvals from Washington County in addition to the City.

Prior to approval of a request for subdivision or other land use action following approval of the Master Plan a development plan shall be provided along with a letter or other documentation, as approved by the City, CWS, and Washington County, specifying the size, location, capacity, downstream impacts and other factors or system components necessary for compliance with R&O 07-20.

Accordingly, the applicant has agreed that storm water runoff from the site shall be conveyed in an open channel from the site boundary to McKay Creek with proper permits from CWS, DSL and the Army Corps of Engineers. Said channel shall be contained in an easement of sufficient width for the construction and maintenance of the channel, and shall be dedicated to Washington County and/or Clean Water Services. Said channel shall be

designed to convey 100-year flow rates, and constructed in compliance with all applicable standards in CWS R&O 07-20 and other Washington County, state and federal standards that apply.

**Response:** Construction documents addressed R&O 07-20, City of North Plains Public Works Design Standards and other codes/standards, and Washington County policies. Construction documents have been submitted to CWS (Project No. 9553) and are pending 3<sup>rd</sup> submittal. Grading and erosion plans for off-site work have been submitted to Washington County (Grading Permit No. 1400289/Project No. P0194422) and are pending 2<sup>nd</sup> submittal. Construction documents were submitted to the City of North Plains and were approved by the City Engineer on April 23, 2014 (File #04-0682.448). A Special Use Permit and Flood Plain Alteration for the off-site sanitary sewer and storm lines was approved on March 24, 2014 as Washington County Casefile 13-408-SU/FP.

Temporary construction easements to benefit the developer for construction of the off-site sanitary sewer and stormwater have been granted (see attached copy of Stormwater and Sewer Easement Agreement recorded as document #2013-094574). Off-site stormwater and sanitary easements to benefit CWS will be of a sufficient width and will be prepared and executed prior to issuance of a site permit.

Finally, a joint permit application to DSL and US Army Corps of Engineers was submitted on October 2, 2013. Copies of these permits once obtained will be provided to the City.

4. Public water system improvements are required and shall be planned, designed, and constructed in accordance with current City of North Plains Public Works Design Standards, the City Engineer's recommendations and the APWA Standard Specifications for Public Works Construction. The system improvements shall be looped with the existing water system as approved by the City and be constructed with minimum 8 inch diameter pipes. Following approval of the Master Plan and prior to any on-site development and shall be verified by the City Engineer, at the applicant's expense, to demonstrate that the proposed water system improvements meet all applicable City and State requirements and is consistent with the City Water Master Plan and water distribution model.

**Response:** Construction plans addressed compliance with City's Public Works Design Standards, the City Engineer's recommendations, and the APWA Standard Specifications for Public Works Construction. The construction plans submitted for a Public Works Permit were approved by the City Engineer on April 23, 2014 (File #04-0682.448). The public water system will be looped and consist of pipes that have a minimum diameter of 8 inches.

5. All off-site sanitary sewer and storm water easements of sufficient width, as determined by the approving authority, shall be dedicated to the appropriate jurisdictional authority prior to approval of any construction agreements, engineered plans, plat, grading or construction permits. Any easements proposed outside the Urban Growth Boundary shall be approved by Washington County.

**Response:** Construction documents have been submitted to CWS (Project No. 9553) and are pending 3<sup>rd</sup> submittal. Temporary construction easements to benefit the developer for construction of the off-site sanitary sewer and stormwater have been granted (see attached copy of Stormwater and Sewer Easement Agreement recorded as document #2013-094574). Off-site stormwater and sanitary easements to benefit CWS will be of a sufficient width and will be prepared and executed prior to issuance of a site permit.

6. Comply with the CWS Service Provider letter dated October 22, 2013. Comply with the pending DSL and the Army Corps of Engineers and DSL permits as required.

**Response:** Construction documents have been submitted to CWS (Project No. 9553) and are pending 3<sup>rd</sup> submittal. Construction documents and the final plat have been prepared in compliance with the conditions of the CWS Service Provider Letter. Finally, a joint permit application to DSL and US Army Corps of Engineers was submitted on October 2, 2013. Copies of these permits once obtained will be provided to the City.

7. Prior to Final Plat approval of Phase 1, complete plans for the following street and traffic improvements:
  - A. Construction of a 100-foot northbound left-turn lane at the local street connection on Jackson School Road. This left-turn lane should be constructed with 100-feet of storage, and appropriate transitions and tapers. A left-turn lane at this location requires widening of the pavement beyond the 25 feet from centerline typically required with site frontage improvements.
  - B. At the intersection of NW West Union and Jackson School Roads, install signal that provides a flashing yellow light on West Union and a flashing red light on Jackson School Road.

**Response:** Construction documents for County roadways addressed this condition. Construction documents for County roadway improvements (CDA #13-910) have been submitted to Washington County for a Facility Permit and are pending 3<sup>rd</sup> submittal.

8. Applicant shall prepare a detailed trail plan for connections to public streets and future connections as well as over the wetland area, with documentation regarding the viability of walking/biking trails from east to west.

**Response:** A detailed trail plan for connections to public streets, future connections, and the connection through the wetland was provided with the 1<sup>st</sup> submittal of the construction documents to the City, which were approved by the City Engineer on April 23, 2014 (File #04-0682.448). A copy of this detailed trail plan is attached with this submittal for reference.

9. Washington County Department of Land Use and Transportation Conditions:  
PRIOR TO FINAL APPROVAL OF THE SUBDIVISION PLAT BY THE CITY OF NORTH PLAINS:

- A. The following shall be represented on the plat and recorded with Washington County:

1. Dedication of additional right-of-way to provide a minimum of 45 feet from centerline of NW West Union Road and NW Jackson School Road.
2. Dedication of additional right-of-way to provide adequate corner radius at the intersection of NW West Union Road and NW Jackson School Road.
3. Provision of a non-access reservation along the frontage of NW West Union Road and NW Jackson School Road, except at the access point(s) approved in conjunction with the previous land use approval for City Casefile SD 07-0016/CPA 07-0017.

**Response:** The final plat includes the dedication of additional right-of-way to provide a minimum of 45 feet from centerline of NW West Union Road and NW Jackson School Road and to provide adequate corner radius at the intersection of NW West Union Road and NW Jackson School Road. A non-access reservation along Jackson School Road and West Union Road is provided with the final plat (see Plat Note #9).

**B. Submit to Washington County Public Assurance Staff, 503-846-3843:**

1. Completed "Design Option" form.
2. \$30,000.00 Administration Deposit.

*NOTE: The Administration Deposit is a cost-recovery account used to pay for County services provided to the developer, including plan review and approval, field inspections, as-built approval, and project administration. The Administration Deposit amount noted above is an estimate of what it will cost to provide these services. If, during the course of the project, the Administration Deposit account is running low, additional funds will be requested to cover the estimated time left on the project (at then-current rates per the adopted Washington County Fee Schedule). If there are any unspent funds at project close out, they will be refunded to the applicant. Any point of contact with County staff can be a chargeable cost. If project plans are not complete or do not comply with County standards and codes, costs will be higher. There is a charge to cover the cost of every field inspection. Costs for enforcement actions will also be charged to the applicant.*

3. A copy of the City's Land Use Approval with Conditions, signed and dated.
4. Preliminary certification of adequate sight distance for each access point to NW West Union Road and NW Jackson School Road, in accordance with County Code, prepared and stamped by a registered professional engineer, as well as:
  - a. A detailed list of improvements necessary to produce adequate intersection sight distance (refer to the following webpage for sight distance certification submittal requirements).

<http://www.co.washington.or.us/LUT/Divisions/CurrentPlanning/development-application-forms.cfm>

5. Three (3) sets of complete engineering plans for construction of the following public improvements:

*NOTE: All public improvements must meet Washington County Road Design and Construction Standards. Any public improvements proposed that do not meet current county standards will require approval of a "Design Exception" to the standards in effect at the time of Facility Permit issuance.*

- a. Half-street improvement to an A-3 County standard along the subject site's NW West Union Road and NW Jackson School Road frontage (portions that are within city limits only).
- b. Access to NW West Union Road and NW Jackson School Road to County standards.
- c. Improvements within the right-of-way as necessary to provide adequate intersection sight distance at the proposed street connections to NW West Union Road and NW Jackson School Road.
- d. Closure of all existing driveways to NW West Union Road and NW Jackson School Road, other than at the access points approved by Washington County as part of the previous land use application (refer to Washington County approval dated December 31, 2007).
- e. Adequate illumination at the proposed street connections to NW West Union Road and NW Jackson School Road, including continuous illumination as part of the half-street improvement.

*NOTE: Adequate illumination shall consist of at least one 200-watt high-pressure sodium cobra head luminaire mounted at a minimum mounting height of 20 feet, on existing utility poles if available. The fixture shall have a medium full-cutoff Type III distribution. The pole shall be within the area defined by the radius returns of the intersection. The fixture shall be oriented at 90 degrees to centerline of the arterial road. If no existing utility poles are available within the intersection area as defined by the radius returns, the developer shall meet the requirements of the Department of Land Use and Transportation Roadway Illumination Standards, latest revision. Illumination within the prescribed intersection area shall be a minimum of 1.5 times the required illumination level of the roadway classification at the access. The County Traffic Engineer may require illumination in addition to the above-stated minimums.*

- C. Obtain a Washington County Facility Permit upon completion of the following:
1. Obtain Engineering Division approval and provide a financial assurance for the construction of the public improvements listed in conditions I.B.5.

**NOTE:** The Public Assurance staff (503-846-3843) will send the required forms to the applicant's representative after submittal and approval of items listed under I.B.

*The Facility Permit allows construction work within County rights-of-way and permits site access only after the developer first submits plans and obtains Washington County Engineering approval, obtains required grading and erosion control permits, and satisfies various other requirements of Washington County's Assurances Section including but not limited to execution of financial and contractual agreements. This process ensures that the developer accepts responsibility for construction of public improvements, and that improvements are closely monitored, inspected, and built to standard in a timely manner. Access will only be permitted under the required Washington County Facility Permit, and only following submittal and County acceptance of all materials required under the facility permit process.*

- D. Prior to occupancy, obtain a Final Washington County Facility Permit, contingent upon the following:
1. The road improvements required in condition I.B.5. above shall be completed and accepted by Washington County.
  2. Upon completion of necessary improvements, submit final certification of adequate intersection sight distance in accordance with County Code, prepared and stamped by a registered professional engineer.

**Response:** The Design Option Form, Administrative Deposit, Land Use Decision & Conditions, site distance certification, and three (3) sets of engineering plans were submitted to the Washington County Assurances Department on January 4, 2014 as an application for Facility Permit for county road improvements. Construction documents were prepared to comply with Washington County Road Design and Construction Standards and this condition of approval. The engineering plans are currently being reviewed by the County (CDA #13-910) and are pending 3<sup>rd</sup> submittal. The Facility Permit will be obtained prior to occupancy and once obtained, a copy will be provided to the City.

#### SUNSET RIDGE PRELIMINARY SUBDIVISION PLAN

In addition to the applicable Master Plan conditions stated above, and prior to Final Plat recording or issuance of a grading permit, the applicant shall complete the following subdivision improvements, guarantees and assurances in the form of final platting, construction drawings or improvement agreements as follows:

1. Applicant shall include a public pathway easement between Lots 3 and 4 for bicyclists and pedestrians to connect with sidewalks on West Union Road. Applicant shall dedicate a water easement to the city for Tract A in accordance with city specifications.

**Response:** The attached final plat includes a 15' pedestrian and bicycle access easement and a water easement to benefit the City between Lot 3 and Lot 4 (see plat sheet 2).

2. Applicant shall provide the finalized set of Codes, Covenants and Restrictions (CC&R's) that define common area and alley maintenance provisions, homeowner's association organization and other development restrictions, in accordance with the current ORS standards.

**Response:** The Applicant will provide CC&Rs prior to final plat recordation.

3. Local streets with pedestrian and bicycle considerations shall be dedicated and designed in accordance with the City of North Plains Development Code and Public Works Design Standards. Dead-end streets that are planned to be extended shall be provided with street barricades per City standards. Street trees and street lights shall be provided per City standards. An 8' public utility easement should be located across all lot and tract frontages adjacent to public right-of-way.

**Response:** Local streets will be dedicated to the City. Construction documents were prepared in accordance with the City of North Plains Development Code and Public Work Design Standards and were approved by the City Engineer on April 23, 2014 (File #04-0682.448). The attached final plat shows an 8' PUE along lot and tract public street frontages.

4. Street names shall be provided in accordance with the north/south County numbered street sequence for the north/south streets if applicable. Otherwise streets shall be approved by City staff based upon names of local area pioneers or settlers, community leaders. Include pedestrian trail signage and in other appropriate street crossings to assure pedestrian safety. Preliminary street names are recommended on page 36 of this Order.

**Response:** Street names shown on the final plat are based on File 13-41 approval. Pedestrian trail signage will be included within the project site as needed.

5. Applicant shall comply with Washington County Fire District No. 2 regarding hydrant locations and other district requirements.

**Response:** The Applicant's engineer corresponded with Trevor Herb, Lieutenant, with Washington County Fire District No. 2 and submitted engineering plans to the Fire District on March 27, 2014. Construction plans were prepared in accordance with plan review comments. Construction plans were approved by the City Engineer on April 23, 2014 (File #04-0682.448).

6. Applicant shall comply with the development standards of the City Zoning and Development Code Chapter 16.17 Neighborhood Community NC. The Planning Commission selected craftsman style homes with street and alley front porches and varying elevations, roof designs and colors. Garage doors and driveways should face rear alleys where practicable.

**Response:** These design standards will be addressed through applications for building permits.

7. Applicant shall comply with City Zoning and Development Code Chapter 16.57 Subdivisions Final Plat.

**Response:** The attached final plat has been prepared in accordance with Chapter 16.57 Subdivisions Final Plat.

8. Applicant shall provide street intersection monumentation and elevation benchmarks per City and County Surveyor requirements. Applicant shall provide a metes and bounds description of the subdivision.

**Response:** A metes and bounds description is included with this submittal. Street intersection monumentation and elevation benchmarks will be provided as indicated on the attached final plat.

9. 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.

**Response:** This final plat and documentation of compliance with conditions of approval is submitted within one (1) year of the preliminary subdivision plat approval.

10. 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.

**Response:** A performance bond to the City will be provided prior commencement of construction in compliance with this condition.

11. All public facilities and improvements required for approval of the final plat of Phase 1 of Sunset Ridge Subdivision shall be completed before the approval of a plan for Phase 2.

**Response:** Public facilities and improvements for Phase 1 will be completed in accordance with this condition.

12. Street lights on city local streets shall be installed as per IES standards and Public Works Standards, as well as County street light standards for a street lights on NW West Union and Jackson School Roads. Due to the City engaged in Option A with PGE, developer is to contact PGE outdoor Lighting services 503-844-536

**Response:** Construction documents approved by the City on April 23, 2014 (File #04-0682.448) demonstrate compliance with this condition.

13. All utilities shall be constructed underground, including utilities on West Union and Jackson School roads.

**Response:** Construction documents approved by the City on April 23, 2014 (File #04-0682.448) demonstrate compliance with this condition.

14. The applicant/owners shall have a licensed land surveyor prepare a Final Plat of the proposed subdivision 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.

**Response:** The attached final plat has been prepared by a licensed surveyor, Travis Jansen, PLS.

15. 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.

**Response:** The Applicant will submit a non-remonstrance agreement in compliance with this condition.

16. Prior to City approval of the final subdivision 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.

**Response:** A Development Agreement will be signed prior to final subdivision plat approval.

17. 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, the Clean Water Services (CWS) and Washington County, must review and approve the proposed sanitary sewer / storm water sewer and street improvements respectively. Also, the Fire District must review and approve the site plan for emergency access vehicles. Approval must be obtained in written form and any coordination work with all agencies shall be the Developers sole responsibility. Documentation of all written approvals and permits from affected agencies should be provided to the City for their records.

**Response:** Construction documents addressed R&O 07-20, City of North Plains Public Works Design Standards and other codes/standards, and Washington County policies. Construction documents have been submitted to CWS (Project No. 9553). Grading and erosion plans for off-site work have been submitted to Washington County (Grading Permit No. 1400289/Project No. P0194422). Construction documents were submitted to

Washington County Assurances for a Facility Permit for County road improvements on January 14, 2014 (CDA #13-910).

The Applicant's engineer corresponded with Trevor Herb, Lieutenant, with Washington County Fire District No. 2 on March 27, 2014. Construction plans were prepared in accordance with Washington County Fire District No. 2 standards and comments received through plan review. Construction plans were approved by the City Engineer on April 23, 2014 (File #04-0682.448).

18. **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.**

**Response:** The developer and design engineer will coordinate with the contractor throughout site construction to address any potential design conflicts that may be identified.

19. **After Planning Commission review the Developer 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.**

**Response:** Construction documents addressed R&O 07-20, City of North Plains Public Works Design Standards and other codes/standards, and Washington County policies. Construction documents were submitted to the City of North Plains and were approved by the City Engineer on April 23, 2014 (File #04-0682.448). Additionally, construction documents have been submitted to CWS (Project No. 9553) and are pending 3<sup>rd</sup> submittal. Grading and erosion plans for off-site work have been submitted to Washington County (Grading Permit No. 1400289/Project No. P0194422) and are pending 2<sup>nd</sup> submittal. Construction documents were submitted to Washington County for a Facility Permit for County roadways (CDA #13-910) and are pending 3<sup>rd</sup> submittal. A Special Use Permit and Flood Plain Alteration for the off-site sanitary sewer and storm lines was approved on March 24, 2014 as Washington County Casefile 13-408-SU/FP. Finally, a joint permit application to DSL and US Army Corps of Engineers was submitted on October 2, 2013. Copies of these permits once obtained will be provided to the City.



April 22, 2014

**Metes and Bounds - Sunset Ridge**

Job No. 395-127

BEGINNING at the Northwest corner of Parcel 1, Partition Plat No. 2014-013, Washington County Survey Records;

thence along the southerly right-of-way line NW West Union Road (County Road A-10), South  $89^{\circ}58'53''$  East, a distance of 785.23 feet to an angle point;

thence continuing along said southerly right-of-way line, South  $56^{\circ}02'29''$  East, a distance of 746.21 feet to a point on the westerly right-of-way line of NW Jackson School Road (County Road 1012);

thence along said westerly right-of-way line, South  $00^{\circ}10'16''$  West, a distance of 410.28 feet to the southeast corner of the said Parcel 1;

thence leaving said right-of-way line, along the southerly line of said Parcel 1 the following three courses:

North  $89^{\circ}58'53''$  West, a distance of 1070.41 feet,

North  $00^{\circ}10'16''$  East, a distance of 100.00 feet,

North  $89^{\circ}58'53''$  West, a distance of 510.00 feet to the southwest corner of said Parcel 1;

thence along the westerly line of said Parcel 1 the following five courses:

North  $00^{\circ}10'16''$  East, a distance of 305.00 feet,

South  $89^{\circ}58'53''$  East, a distance of 145.00 feet,

North  $00^{\circ}10'16''$  East, a distance of 230.00 feet,

South  $89^{\circ}58'53''$  East, a distance of 30.00 feet,

North  $00^{\circ}10'16''$  East, a distance of 191.91 feet to the POINT OF BEGINNING.

Containing 24.33 acres, more or less.

Basis of bearing per Partition Plat No. 2014-013, Washington County Survey Records.

After Recording, Return To:  
Don Maltase  
525 N Tomahawk Island Drive  
Portland, OR 97217

Washington County, Oregon      **2013-094574**  
D-E      **10/30/2013 08:34:54 AM**  
Stn=12 S PFEIFER      \$55.00 \$11.00 \$5.00 \$15.00      **\$86.00**

I, Richard Hobernicht, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Richard Hobernicht, Director of  
Assessment and Taxation, Ex-Officio

Recorded By Ticolor Title  
Courtesy Only. Not Examined

## STORMWATER AND SEWER EASEMENT AGREEMENT

THIS STORMWATER AND SEWER EASEMENT AGREEMENT (this "Agreement") is made and entered into effective as of October 20<sup>th</sup>, 2013 (the "Effective Date") by and among Jackson Farm Land, LLC, an Oregon limited liability company ("Jackson Farm"), McKay Creek Land, LLC, an Oregon limited liability company ("McKay Creek"), John Charles Jackson and John C. Jackson, each an individual (collectively, "Jackson"), and Jackson Union, L.L.C., an Oregon limited liability company ("JU"). Jackson Farm and McKay Creek are hereinafter collectively referred to as "Grantee". Jackson and JU are hereinafter collectively referred to as "Grantor".

### RECITALS

A. Grantee owns the real property located in Washington County, Oregon and legally described on the attached Exhibit A ("Grantee's Property").

B. Jackson owns the real property located in Washington County, Oregon and legally described on the attached Exhibit B ("Grantor's Property"). Grantor's Property is subject to that certain Land Sale Contract dated January 20, 1995, a memorandum of which was recorded in the official records of Washington County, Oregon on February 2, 1995 as Document No. 95-007621 (as amended and assigned, the "Land Sale Contract"). Jackson is the contract vendor and JU is the contract vendee under the Land Sale Contract.

C. Grantor desires to grant to Grantee easements over, under, upon, and across a portion of Grantor's Property, on the terms and conditions set forth in this Agreement, for the construction, installation, maintenance, repair, replacement, operation and use of stormwater treatment and detention facilities and a sanitary sewer line and related sanitary sewer facilities.

### AGREEMENT

NOW, THEREFORE, for valuable consideration and the mutual covenants set forth herein, the receipt and adequacy of which are acknowledged, the parties agree as follows:

1. Easements.

1.1 Stormwater/Sewer Easement. Grantor hereby grants to Grantee a permanent, non-exclusive easement (the "Stormwater/Sewer Easement") over, under, upon, and across that portion of Grantor's Property legally described on the attached Exhibit C-1 and depicted on the attached Exhibit C-2 (the "Stormwater/Sewer Easement Area") for the construction, installation, maintenance, repair, replacement, operation and use of: (a) stormwater treatment and transfer facilities, including without limitation, pipelines and manholes (the "Stormwater Facilities") and (b) a sanitary sewer line and related surface and underground sewer facilities (the "Sewer Improvements"), and for access over, upon and across Grantor's Property for ingress to and egress from the Stormwater/Sewer Easement Area.

1.2 Temporary Construction Easement. Grantor hereby grants to Grantee a temporary, non-exclusive easement (the "Temporary Construction Easement") over, under, upon, and across that portion of Grantor's Property legally described on the attached Exhibit D-1 and depicted on the attached Exhibit D-2 (the "Temporary Construction Easement Area") for use in the initial construction and installation of the Stormwater Facilities and Sewer Improvements in the Stormwater/Sewer Easement Area.

2. Terms of Easements.

2.1 Stormwater/Sewer Easement. The Stormwater/Sewer Easement shall commence on the Effective Date and shall run with the land and continue in full force and effect unless and until the Stormwater/Sewer Easement Area, and the Stormwater Facilities and Sewer Improvements located therein, are dedicated to Clean Water Services or other governmental or quasi-governmental entity as may request or require such dedication in connection with the development of all or any portion of Grantee's Property or Grantor's Property in accordance with Section 4.1 below.

2.2 Temporary Easements. The Temporary Construction Easement shall commence on the Effective Date and shall automatically terminate and expire on the date on which the construction and installation of the Stormwater Facilities and Sewer Improvements within the Stormwater/Sewer Easement Area are completed.

3. Construction of Stormwater Facilities and Sewer Improvements. Nothing in this Agreement shall obligate Grantee to install and construct the Stormwater Facilities or Sewer Improvements in the Stormwater/Sewer Easement Area. If Grantee elects to install and construct the Stormwater Facilities or Sewer Improvements in the Stormwater/Sewer Easement Area, then Grantee shall construct the Stormwater Facilities and/or Sewer Improvements at its sole cost and expense, in a workmanlike manner, and in compliance with the applicable statutes, ordinances, rules and regulations of all governing public authorities.

4. Dedication; Termination.

4.1 Dedication. The parties anticipate that the Stormwater/Sewer Easement Area, including any Stormwater Facilities or Sewer Improvements installed therein, will be dedicated to Clean Water Services or other governmental or quasi-governmental entity having jurisdiction over such matters in connection with the development of all or a portion of Grantee's Property or Grantor's Property. Grantor agrees to cooperate with such dedication and agrees to execute such documents as Grantee, Clean Water Services or other governmental or quasi-governmental entity may deem necessary or desirable in connection with the installation of Stormwater Facilities and/or Sewer Improvements in the Stormwater/Sewer Easement Area or in connection with the dedication of the Stormwater/Sewer Easement Area and/or the Stormwater Facilities or Sewer Improvements located therein.

4.2 Termination Upon Dedication. On the date that the Stormwater Facilities, Sewer Improvements, and Stormwater/Sewer Easement Area are dedicated to Clean Water Services or other governmental or quasi-governmental entity in accordance with Section 4.1 above, this Agreement shall terminate.

5. Effect of Agreement. The rights and restrictions declared, granted and reserved in this Agreement shall be appurtenant to Grantee's Property and Grantor's Property, and shall continue in effect until this Agreement is terminated by its terms. The easements, benefits, burdens, obligations and restrictions created in this Agreement shall create covenants, benefits and servitudes upon Grantee's Property and Grantor's Property, including any future partitions or subdivisions thereof, and shall run with the land, and shall be binding upon and benefit each of the parties hereto and each of their successors and assigns.

6. Further Cooperation. Grantor and Grantee agree to execute such other documents and to perform such other acts as may be reasonably necessary or desirable to consummate the purposes and intent of this Agreement.

7. Amendments. This Agreement may not be revised, modified, amended or revoked except by a written instrument signed by the parties hereto, or their successors or assigns, as applicable, and recorded in the real property records of Washington County, Oregon.

8. Counterparts. This Agreement may be executed in multiple counterparts, all of which when taken together, shall constitute one and the same instrument.

*(Remainder of Page Intentionally Left Blank;  
Signature Page(s) Follow)*

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first set forth above.

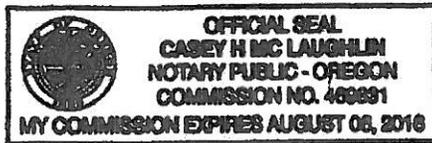
JACKSON FARM:

JACKSON FARM LAND LLC,  
an Oregon limited liability company

By: *Don Maltase*  
Name: Don Maltase  
Title: Member

STATE OF OREGON            )  
  ) ss  
County of Multnomah

This instrument was acknowledged before me on October 15<sup>th</sup>, 2013 by Donald A Maltase, who is the Member of Jackson Farm Land LLC, an Oregon limited liability company, on behalf of said limited liability company.



*Casey McLaughlin*  
Notary Public for the State of Oregon  
My Commission Expires: August 06, 2016

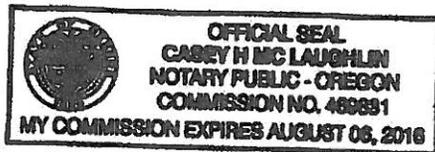
MCKAY CREEK:

MCKAY CREEK LAND LLC,  
an Oregon limited liability company

By: *Robert S Bobosky*  
Name: Robert S. Bobosky  
Title: Member

STATE OF OREGON            )  
  ) ss  
County of Multnomah

This instrument was acknowledged before me on October 1<sup>st</sup>, 2013 by Robert S Bobosky, who is the member of McKay Creek Land LLC, an Oregon limited liability company, on behalf of said limited liability company.



*Casey McLaughlin*  
Notary Public for the State of Oregon  
My Commission Expires: August 06, 2016



**EXHIBIT A**

**Description of Grantee's Property**

Parcel 1, Partition Plat No. 2007-020 as recorded in the official records of Washington County, Oregon as Document No. 2007030089.

**EXHIBIT B**

Description of Grantor's Property

Parcel 3, Partition Plat No. 2007-020 as recorded in the official records of Washington County, Oregon as Document No. 2007030089.

**EXHIBIT C-1**  
**Legal Description Stormwater/Sewer Easement Area**



September 18, 2013

**LEGAL DESCRIPTION**  
**Sanitary Sewer and Storm Drain Easement**

**Job No. 395-127**

A portion of Parcel 3 of Partition Plat No. 2007-020, Washington County Records, being in the Northeast and Northwest Quarters of Section 7, Township 1 North, Range 2 West, Willamette Meridian, Washington County, Oregon, more particularly described as follows:

**COMMENCING** at the Northwest corner of Parcel 3 of said Partition Plat No. 2007-020;

thence along the westerly line of said Parcel 3, South 10°53'53" East, a distance of 16.28 feet;

thence leaving said westerly line, North 89°46'32" East, a distance of 2192.05 feet;

thence North 71°28'19" East, a distance of 85.57 feet;

thence North 00°30'37" East, a distance of 122.89 feet to the southeast corner of Parcel 2 of said Partition Plat No. 2007-020;

thence along the northerly line of said Parcel 3, North 71°49'25" East, a distance of 29.03 feet;

thence leaving said northerly line for the following 7 courses:

South 00°30'37" West, a distance of 149.15 feet;  
South 71°28'19" West, a distance of 110.06 feet;  
South 89°46'32" West, a distance of 925.55 feet;  
South 41°39'36" West, a distance of 555.51 feet;  
North 48°20'24" West, a distance of 15.00 feet;  
North 41°39'36" East, a distance of 542.06 feet;  
South 89°46'32" West, a distance of 1245.66 feet to a point on the westerly line of said Parcel 3;

thence along said westerly line, North 10°53'53" West, a distance of 25.44 feet to the POINT OF BEGINNING.

Containing 1.58 acres, more or less.

Basis of bearings being Partition Plat No. 2007-020, Washington County Survey Records.

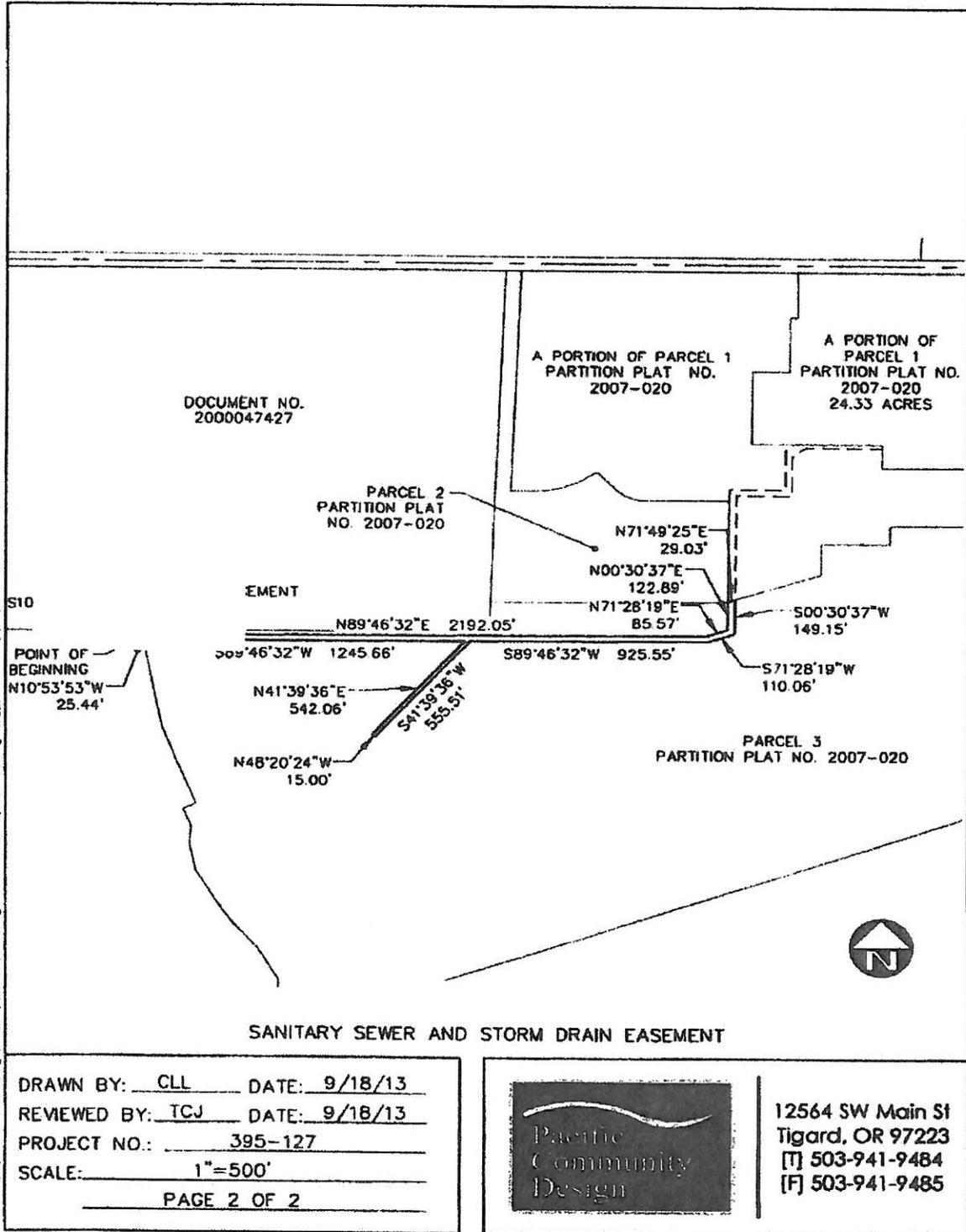
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

A handwritten signature in black ink, appearing to read 'T. Jansen'.

OREGON  
JULY 9, 2002  
TRAVIS C. JANSEN  
57751

RENEWS: 6/30/2015

**EXHIBIT C-2**  
Depiction of Stormwater/Sewer Easement Area



{00188187;}

**EXHIBIT D-1**  
**Legal Description of Temporary Construction Easement Area**



September 18, 2013

**LEGAL DESCRIPTION**  
Temporary Construction Easement

Job No. 395-127

A portion of Parcel 3 of Partition Plat No. 2007-020, Washington County Records, being in the Northeast and Northwest Quarters of Section 7, Township 1 North, Range 2 West, Willamette Meridian, Washington County, Oregon, more particularly described as follows:

**BEGINNING** at the Northwest corner of Parcel 3 of said Partition Plat No. 2007-020;

thence along the northerly line of said Parcel 3 and its easterly extension, North 89°46'32" East, a distance of 2192.49 feet;

thence leaving said easterly extension, North 71°28'19" East, a distance of 88.52 feet;

thence North 00°30'37" East, a distance of 105.97 feet to the southeast corner of Parcel 2 of said Partition Plat No. 2007-020;

thence along the northerly line of Parcel 3 of said Partition Plat No. 2007-020, North 71°49' East, a distance of 63.34 feet;

thence leaving said northerly line for the following 8 courses:

South 00°30'37" West, a distance of 179.61 feet,  
South 71°28'19" West, a distance of 139.11 feet,  
South 89°46'32" West, a distance of 929.58 feet,  
South 37°38'23" West, a distance of 522.92 feet,  
South 73°24'43" West, a distance of 148.58 feet,  
North 24°10'09" East, a distance of 132.46 feet,  
North 45°13'39" East, a distance of 476.19 feet,  
South 89°46'32" West, a distance of 1191.53 feet to a point on the westerly line of said Parcel 3;

thence along said westerly line, North 10°53'53" West, a distance of 71.23 feet to the POINT OF BEGINNING.

Containing 5.05 acres, more or less.

Basis of bearings being Partition Plat No. 2007-020, Washington County Survey Records.

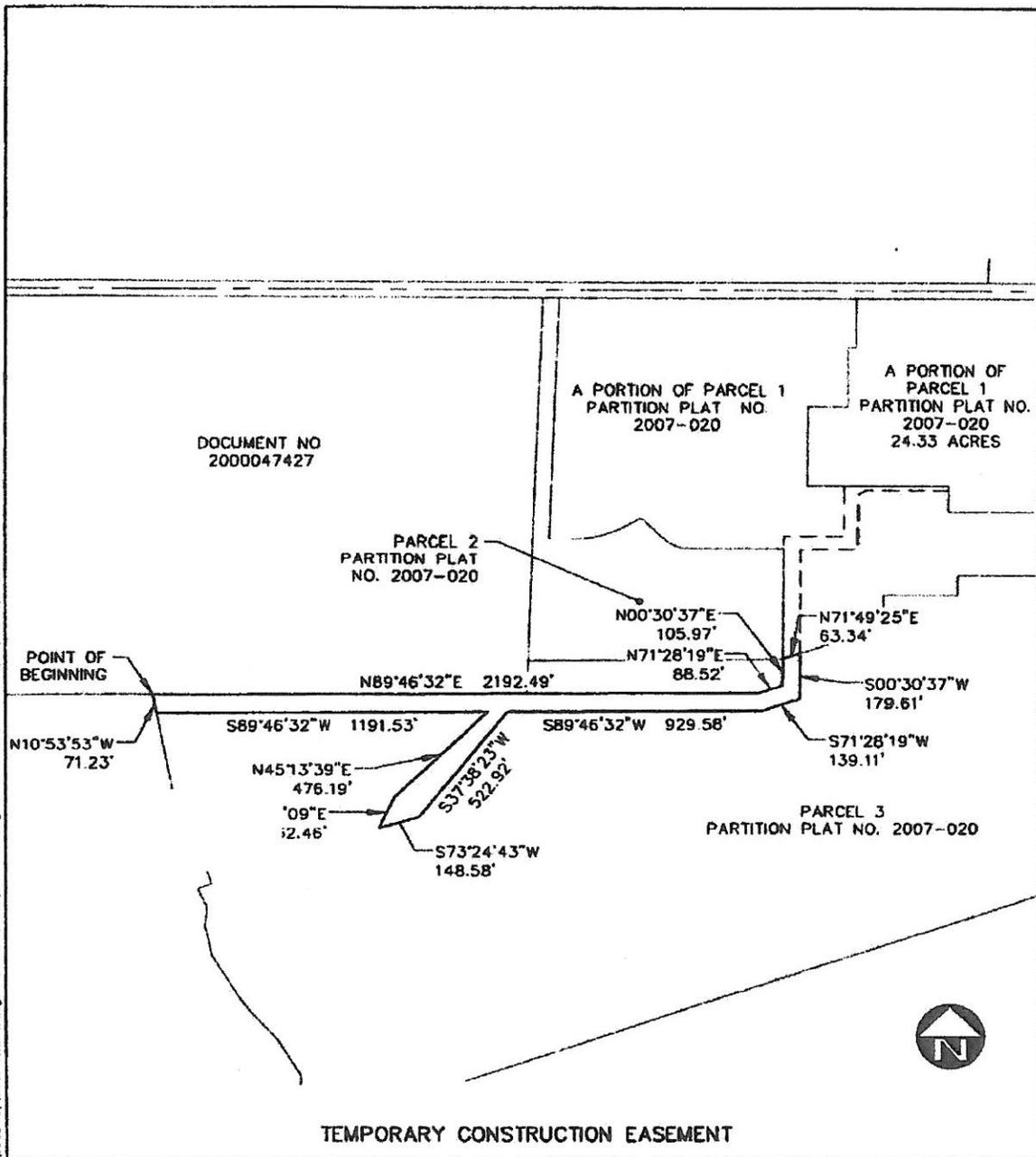
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

A handwritten signature in black ink, appearing to read 'T. Jansen'.

OREGON  
JULY 9, 2002  
TRAVIS C. JANSEN  
57751

RENEWS: 6/30/2015

**EXHIBIT D-2**  
**Depiction of Temporary Construction Easement Area**



DRAWN BY: CLL DATE: 9/18/13  
 REVIEWED BY: TCJ DATE: 9/18/13  
 PROJECT NO.: 395-127  
 SCALE: 1"=500'  
 PAGE 2 OF 2



12564 SW Main St  
 Tigard, OR 97223  
 (T) 503-941-9484  
 (F) 503-941-9485

{00188187;7}





Department of Land Use & Transportation  
 Current Planning Services  
 155 N. 1st Avenue, #350-13  
 Hillsboro, OR 97124  
 Ph. (503) 846-8761 Fax (503) 846-2908  
 http://www.co.washington.or.us

CASEFILE NO.: 13-327-P

**NOTICE OF DECISION**

**PROCEDURE TYPE !!**

CPO: 8  
**COMMUNITY PLAN**  
Rural/Natural Resource Plan Element

**LAND USE DISTRICTS:**  
FD-10 (Future Development 10-Acre District)

**PROPERTY DESCRIPTION:**  
**ASSESSOR MAP#:** 1N2 07  
**LOT#:** 1200  
**SITE SIZE:** 58.62 acres  
**ADDRESS:** No Address Assigned

**APPLICANT:**  
Polygon NW Company  
Attn: Fred Gast  
109 E 13<sup>th</sup> Street  
Vancouver, WA 98660

**APPLICANT'S REPRESENTATIVE:**  
Pacific Community Design, Inc.  
Attn: Stacy Connery  
12564 SW Main Street  
Tigard, OR 97223

**OWNER:**  
Jackson Farm Land LLC  
Mckay Creek Land LLC  
Attn: John Charles Jackson  
6770 SW Canyon Dr  
Portland, OR 97225

**LOCATION:** On the southwest corner of the  
intersection of NW West Union Road and NW  
Jackson School Road.

**PROPOSED DEVELOPMENT ACTION:** Preliminary Plat Review for a Two-Parcel Partition

January 21, 2014

**DECISION:**

Approval

Approval with Conditions

Denial

Signature  For Andy Back Date 1-21-14  
 Andy Back, Manager, Planning and Development Services

Staff Planner: Wayne Hayson, 503-846-3867

- Attachments**
- A. -- Vicinity Map
  - B. -- Conditions of Approval
  - C. -- Appeal Information



**Attachment B**  
**CONDITIONS OF APPROVAL**

**I. PRIOR TO FINAL APPROVAL AND PLAT RECORDING, THE APPLICANT SHALL:**

**A. Submit to the County Survey Division, (503) 846-8723:**

Ten (10) copies of the proposed final plat which shall comply with Oregon Revised Statutes, Chapter 92 and Section 605 of the Washington County Community Development Code.

The following shall be shown on the plat:

1. All easements and tracts.
2. Use, ownership and maintenance rights for all easements and tracts.
3. Signature blocks for both Washington County and City of North Plains approval.

**B. Submit to Current Planning Services, Project Planner [Wayne Hayson, (503 846-3867)]:**

1. Final Approval application (Type I procedure).
2. Final approval fee (See a copy of the Current Planning Services Fee Schedule).
3. A copy of the Final Plat incorporating each of the requirements listed under Conditions of Approval I.A.
4. Written narrative and evidence/documentation demonstrating compliance with the requirements listed under Conditions of Approval I. and II.

**II. ADDITIONAL CONDITIONS:**

- A. This development shall be constructed in accordance with the conditions of this decision, the approved final plans and the standards of the Community Development Code (Section 207-5).
- B. All conditions of approval shall be binding upon all heirs, successors and assigns (Section 207-5).
- C. Transferability of this Development Permit shall be in accordance with Section 201-8.
- D. This approval shall automatically expire four years from the date of this approval, unless development has commenced, an application for an extension is filed, or this approval is revoked or invalidated (Section 201-4).



**WASHINGTON COUNTY**  
Dept. of Land Use & Transportation  
155 N. 1<sup>st</sup> Avenue, #350-13  
Hillsboro, OR 97124  
Ph. (503) 846-8761 Fax (503) 846-2908  
www.co.washington.or.us

ATTACHMENT "C"  
TYPE II

CASEFILE #13-327-P

## **APPEAL INFORMATION**

Attached is a copy of the Land Use and Transportation Department's Review Authority decision on this request for a Development Action.

Any person who is adversely affected or aggrieved, or who is entitled to written notice pursuant to ORS 215.416(11) may appeal the decision by filing a written appeal.

**Failure to file a petition for review with the Department of Land Use and Transportation by 4:00 p.m. on the due date, with the fee specified in the Notice of Decision, shall be a jurisdictional defect.**

The decision, including conditions of approval, may be appealed and a public hearing held by filing a signed petition for review (appeal) within twelve (12) calendar days of date written notice is provided (date mailed).

**APPEAL PERIOD: 01-22-2014 (Date Mailed) to 4:00 p.m. on 02-03-2014 (Appeal Due Date)**

This decision will be final if an appeal is not filed by the due date.

The complete file is available at the County Department of Land Use and Transportation for review.

A petition for review (appeal) must contain the following:

1. The name of the applicant and the County case file number;
2. The name and signature of each petitioner filing the petition for review (appeal). If a group consisting of more than one person is filing a single petition for review, one individual shall be designated as the group's representative for all contact with the Department. All Department communications regarding the petition, including correspondence, shall be with this representative;
3. A statement of the interest of each petitioner;
4. The date the Notice of Decision was sent as specified in the notice (date mailed);
5. The nature of the decision and the specific ground for appeal. For applications with multiple requests, specify the particular request(s) and/or specific conditions of approval being appealed;
6. A statement listing the number of pages of the petition and that all pages are present;
7. A statement setting forth the appeal fee as specified in the Notice of Decision; and
8. The appropriate appeal fee of \$250.<sup>00</sup>

For further appeal information, contact the Appeal Secretary at the Washington County Department of Land Use and Transportation. Phone 503-846-8134.



**WASHINGTON COUNTY**  
 Department of Land Use & Transportation  
 Current Planning Services Division  
 155 North First Avenue, Suite #350-13  
 Hillsboro, Oregon 97124-3072  
 phone: (503) 846-8761 fax: (503) 846-2908  
 www.co.washington.or.us

**CASEFILE:** 13-408-SU/FP

**APPLICANT:**  
Polygon Northwest Co  
Fred Gast  
109 E 13<sup>th</sup> Street  
Vancouver WA 98660

**NOTICE OF DECISION  
& STAFF REPORT**

**APPLICANT'S REPRESENTATIVE:**  
Pacific Community Design Inc  
Stacey Connery  
12564 SW Main Street  
Tigard OR 97223

**PROCEDURE TYPE II**

**CPO:** 8  
**RURAL/NATURAL RESOURCE PLAN**  
**LAND USE DISTRICT:**  
EFU (Exclusive Farm Use  
AF-20 (Agriculture and Forest)  
FD-10 (Future Development)

**OWNERS:**  
Names are on File

**LOCATION:** On the north side of Sunset Highway 26  
and the southwest corner of the intersection of NW  
West Union Road and NW Jackson School Road.

**PROPERTY DESCRIPTION:**

**ASSESSOR MAP:** TAX LOT NUMBER(S):  
1N207 200, 1200, 1400  
**SITE SIZE:** 244.1 acres  
**SITE ADDRESS:** 9570 NW 307<sup>th</sup> Avenue

**PROPOSED DEVELOPMENT ACTION:** Special Use Review and Flood Plain Alteration for the Extension of Sanitary Sewer and Storm Drain Lines.

March 24, 2014

**DECISION:**

Approval

Approval with Conditions

Denial

Signature

*Wayne Hayson*

Date

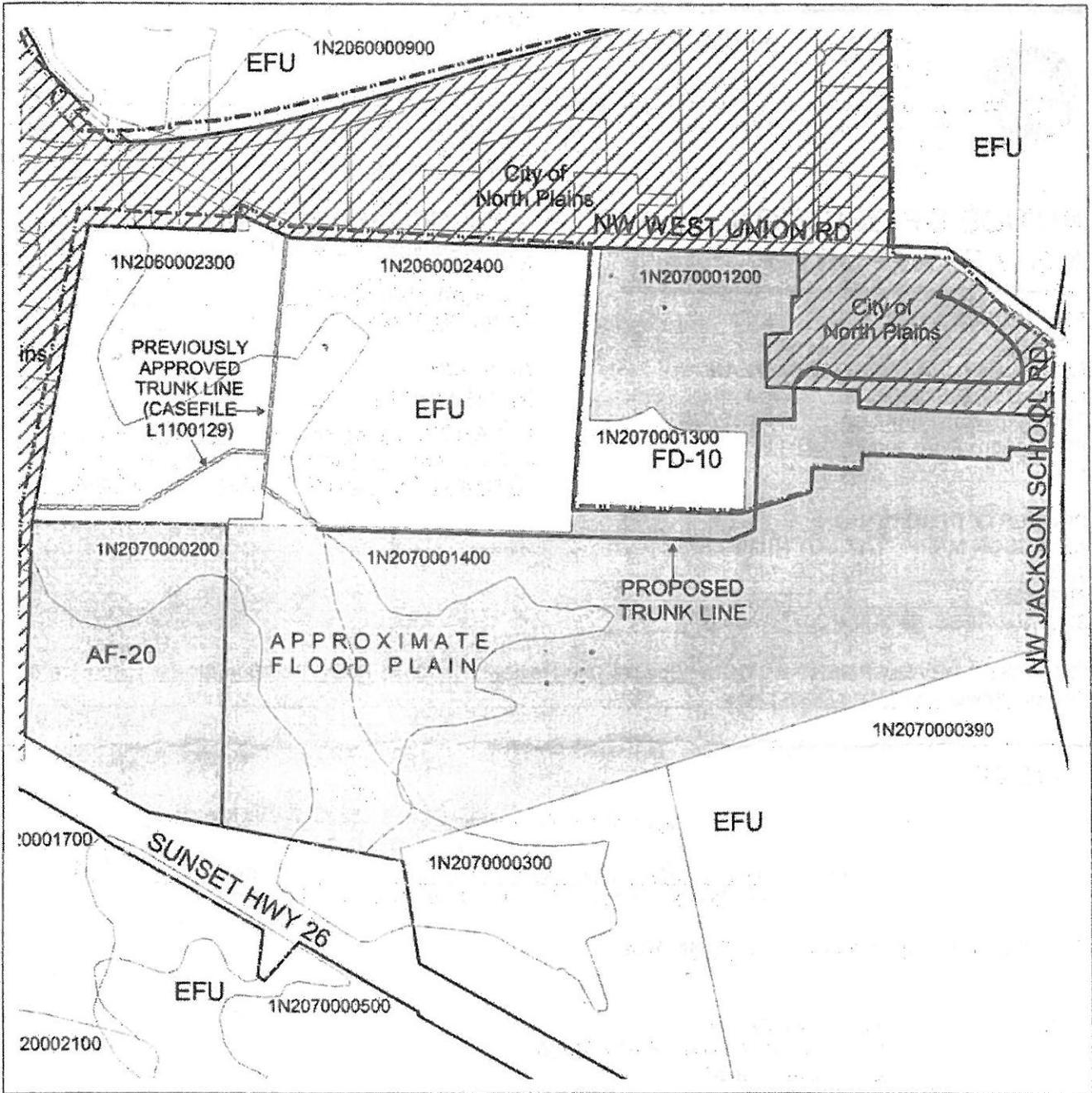
03/24/14

Wayne Hayson, Principal Planner, Current Planning Division

Staff Planner: Jennifer Brown, 503-846-6739

Attachments

- A. -- Vicinity Map
- B. -- **CONDITIONS OF APPROVAL**
- C. -- Staff Report
- D. -- Appeal Information



NORTH



AREA OF CONSIDERATION

SCALE: 1" TO 800'

**SITE & SURROUNDING LAND USE DISTRICTS:**

- EFU District (Exclusive Farm Use)
- AF-20 District (Agriculture and Forestry)
- Urban Growth Boundary
- FD-10 (Future Development 10 Acre District)
- City of North Plains

**REVIEW STANDARDS FROM CURRENT OR APPLICABLE ORDINANCE OR PLAN**

- A. Washington County Comprehensive Plan
- B. Applicable Community Plan (See Front of Notice)
- C. Transportation Plan
- D. Washington County Community Development Code:
  - ARTICLE I, Introduction & General Provisions
  - ARTICLE II, Procedures
  - ARTICLE III, Land Use Districts
  - ARTICLE IV, Development Standards
  - ARTICLE V, Public Facilities and Services
  - ARTICLE VI, Land Divisions & Lot Line Adjustments
  - ARTICLE VII, Public Transportation Facilities
- E. R & O 86-95 Traffic Safety Improvements
- F. ORD. NO. 738, Design and Construction Standards
- G. ORD.691-A, 729, 741, 746, 751 Transportation Development Tax

## Attachment B CONDITIONS OF APPROVAL

- I. In accordance with Section 201-4.2, a Building/Grading Permit shall be obtained within two (2) years of the date of this Approval, unless: the permit is revoked as provided by Section 201-7; an application for a permit extension is filed pursuant to Section 201-5; or, development has commenced as provided in Section 201-6.
  
- II. Prior to any Ground-Disturbing Activities and issuance of a Grading Permit, the Applicant Shall Submit to the Current Planning Services and Building Services Divisions:
  - A. **Submit to the Current Planning Services Division, Project Planner (Jennifer Brown – 503-846-6739):**
    1. Evidence that a construction right-of-way permit has been obtained from the Operations Division for all access points to NW Jackson School Road (or any other public right-of-way providing access to the construction site). (Section 207-5)
    2. Evidence that the applicant's engineer has inspected all public roads providing access to the construction site to document the pre-construction road conditions.
    3. Evidence of protection of all trees over 6" dbh within ten (10) feet of any proposed construction activity, except for those identified for removal.
    4. Evidence the affidavit required by CDC Section 430-105-7 (prohibiting hook-ups from the sewer line outside of the UGB) has been executed and recorded.
  
  - B. **Submit to the Building Service Division:**
    1. Grading, drainage, and erosion control plans for the proposed facility consistent with the preliminary approved plans in the Casefile. Grading permits for spoil site(s) must be obtained. Best management practices for erosion control shall be shown on the plans, and installed and maintained until revegetation is complete. The approved erosion control plan is subject to OAR 340-41-455(3)(b). (Section 410).
    2. Final construction plans, including all necessary engineering plans and calculations. (Section 410)
    3. Location and distribution of all cut and fill material shall be shown on the grading plan. Grading within the flood plain must be balanced or cause no net fill in the flood plain. (Section 421)
  
- III. Additional Conditions:
  - A. **Within 90 days of completing the construction of the sanitary sewer line, the applicant shall provide to Current Planning Services Division:**
    1. Certification from a registered professional engineer that all public roads used to access the construction sites have been returned to their pre-construction condition or better. (Section 207-5)

2. Evidence of the restoration, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the construction of the facility (Section 430-105).
3. Certification by a registered engineer that no net fill occurred, no flood storage was lost and no increase in the erosive velocity limits of the soil in the community as a result of the final construction. (Section 421-7)
4. Evidence that all disturbed areas have been re-vegetated pursuant to provisions of Section 410-3.4.
5. Evidence of final right-of-way permit(s) for any permanent access points for the purpose of maintenance, repair and reconstruction (if necessary). (Section 501-9)

#### IV. Miscellaneous Conditions

- A. The applicant is responsible for obtaining all necessary permits from the OR Department of State Lands and Army Corps of Engineers (ACoE), or that each agency has exempted the proposed development from permit requirements.
- B. This development shall be constructed in accordance with the conditions of this decision, the approved plans, and the standards of the Community Development Code. (Section 207-5)
- C. Adequate sight distance shall be continuously maintained by the property owner. This may require the property owner to periodically remove obstructing vegetation from the road right-of-way (and on site).
- D. The sanitary sewer facility shall be operated in accordance with all Federal and State requirements and maintained in good standing with all applicable Federal and State permits. (Section 430-105)
- E. The sanitary sewer facility and associated services are limited to the provisions of the Rural/Natural Resource Plan Policy #22 in serving lands outside the UGB. (Section 207-5)
- F. Storage of petroleum products, explosives, herbicides, pesticides, insecticides, poisons, defoliants, fungicides, desiccants, nematocides, and rodenticides is prohibited in the floodplain. (Section 421-14)
- G. Excess soils from construction of the project (if any) must be placed in an approved location consistent with grading reviews and required permits. (Section 410)

## Attachment C STAFF REPORT

### I. APPLICABLE STANDARDS:

- A. **Washington County Comprehensive Framework Plan (Rural/Natural Resource Plan Element)**
- B. **Washington County Community Development Code:**
  - 1. **Article II, Procedures:**
    - Section 202-2 (Type II, Procedure)
    - Section 207-5 (Conditions of Approval)
  - 2. **Article III, Land Use Districts:**
    - Section 340 (EFU District Standards)
  - 3. **Article IV, Development Standards:**
    - Section 403 (Applicability)
    - Section 410 (Grading and Drainage)
    - Section 421 (Flood Plain and Drainage Hazard Area Development)
    - Section 422 (Significant Natural Resource)
    - Section 423 (Environmental Performance Standards)
    - Section 426 (Erosion Control)
    - Section 430-105 (Public Utility)
  - 4. **Article V, Public Facilities and Services**
    - Section 501-9 (Limited Application of the Public Facility and Service Standards Outside the UGB)
- C. **Washington County Transportation Plan**

### II. AFFECTED JURISDICTIONS

Oregon Department of State Lands

Streets & Drainage	Washington County Department of Land Use and Transportation
Drainage:	Washington County Department of Land Use and Transportation
Water Quality and Quantity:	Washington County Building Division and DEQ
Erosion Control:	Washington County Building Division and DEQ
Fire Protection:	Washington County Fire District #2

### III. FINDINGS

#### A. Background

1. The applicant is requesting approval to construct an extension of storm water and sanitary sewer lines between a proposed subdivision in the City of North Plains and the North Plains East Trunk Line. The proposed trunk line will convey sewage and storm water runoff from future development in the City of North Plains inside the Urban Growth Boundary (UGB) to an existing trunk line that was constructed in part to serve the new development within the City of North Plains. Storm water will be carried in a pipe and open channel, and will be discharged to the drainage way associated with McKay Creek through a conveyance swale. The majority of the proposed utility facility is located outside the UGB on EFU designated land and is therefore required to comply with Goal 11 (discussed below). A portion of the utility facility is located within the UGB on land designated FD-10. The proposed sanitary sewer line is routed generally south and west

across Tax Lots 1200 and 1400 (Map 1N207) crossing under the riparian corridor of McKay Creek. The storm water is proposed to be a pipe and open channel which will discharge to the drainage way of McKay Creek through a swale. The route for the sewer and storm water lines were chosen to minimize the impact on the McKay Creek riparian zone, wetlands and other delineated sensitive habitat areas.

The applicant has indicated that upon completion of the project original grade will be restored along the majority of the project corridor. The applicant is required to obtain a grading and erosion control permit from the Building Services Division.

2. A portion of the trunk line will be within Tax Lot 1200, which is in the FD-10 District. However, Section 201-2.8 exempts the requirement of a land use permit for utility facilities except when the property is within the flood plain. The portion of the utility facility in the FD-10 District is not within the designated Flood Plain on the County flood plain maps. Therefore, only the portion of the utility facilities in the EFU district, on Tax lot 1400, will be discussed in this Casefile.
3. No letters of comment were received during the two week public comment period (November 25, 2013 to December 9, 2013).

**B. Comprehensive Framework Plan (Rural/Natural Resource Plan Element):**

**STAFF:**

The goals and policies, which relate to the development of land, are implemented by the Code. The applicant is not required to address, consider or implement any goal, policy or strategy of the Plan except where required by the Code.

The proposed trunk line alignment impacts the McKay Creek riparian corridor. The McKay Creek corridor is designated Flood Plain on the County flood plain maps. The McKay Creek corridor is also designated a Water Area and Wetland and Fish & Wildlife Habitat area, on the Rural Natural Resource Plan map. Development requests on land with such resources are subject to CDC Section 422, which requires the application of Plan Policy 10, Implementing Strategy E. The applicant has included a full delineation of existing conditions and proposed a restoration and mitigation plan. The applicable Plan Policy is discussed under Section 422 of this staff report.

**C. Washington County Community Development Code:**

**1. Article II, Procedure:**

**Section 202-2      Type II**

- 202-2.1      Type II land use actions are presumed to be appropriate in the District. Type II uses generally involve uses or development for which review criteria are reasonably objective, requiring only limited discretion. Impacts on nearby properties may be associated with these uses which may necessitate imposition of specific conditions of approval to minimize those impacts or ensure compliance with this Code.

**STAFF:**

This application is being processed through the Type II procedure of the Community Development Code. Where appropriate, Conditions of Approval are imposed to ensure compliance with the standards of the Code and other County regulations, and to minimize identified impacts upon surrounding properties. Public notice was mailed to nearby property owners and the applicant has submitted an affidavit stating that a

public notice sign was posted on the site. No letters of comment were received in response to this notice.

**Section 207-5 Conditions of Approval**

207-5.1 The Review Authority may impose conditions on any Type II or III development approval. Such conditions shall be designed to protect the public from potential adverse impacts of the proposed use or development or to fulfill an identified need for public services within the impact area of the proposed development. Conditions shall not restrict densities to less than that authorized by the development standards of this code.

**STAFF:** The applicant shall comply with all of the applicable Code regulations and Departmental conditions, if this request is approved.

2. **Article III, Land Use District:**

**Section 340 EFU District Standards**

340-4 Uses Permitted Through a Type II Procedure

The uses listed in Sections 340-4.1 and 340-4.2 are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 340-4.3.

340-4.1 Permitted Uses which are exempt from Section 340-4.3:

R. Utility facilities necessary for public service, including wetland waste treatment systems. Utility facilities necessary for public service do not include: 1) commercial facilities for the purpose of generating power for public use by sale, 2) transmissions towers over two-hundred (200) feet in height, 3) receiving and transmitting antennas, broadcast and communication towers listed under J. and K. above and under Section 340-5.2 M. below, 4) utility facilities exempt pursuant to Section 201-2, and 5) utility facilities listed under S. below. A facility is necessary if it must be situated in an agricultural district in order for the service to be provided. For required standards, see Sections 430-105.3 through 430-105.7. Application findings must demonstrate compliance with ORS 215.275 and OAR 660-33 (Utility facilities necessary for public service).

**STAFF:** Code Section 340-4.1 R. permits the use in the EFU District as a Type II procedure.

This proposal is subject to Goal 11 and ORS 215.275, which explains that the applicant must show that it is necessary to situate the facility in the EFU District in order for the service to be provided.

### Compliance with Goal 11

State Goal 11, as implemented in OAR 660-011-0060 (3) requires that "components of a sewer system that serve lands inside an urban growth boundary (UGB) may be placed on lands outside the boundary provided that the conditions in subsections (a) and (b) of this section are met, as follows:

(a) Such placement is necessary to:

(A) Serve lands inside the UGB more efficiently by traversing lands outside the boundary;

(b) The local government:

(A) Adopts land use regulations to ensure the sewer system shall not serve land outside urban growth boundaries or unincorporated community boundaries, except as authorized under section (4) of this rule; and

(B) Determines that the system satisfies ORS 215.296(1) or (2) to protect farm and forest practices, except for systems located in the subsurface of public roads and highways along the public right of way."

### STAFF:

The applicant shows that upon completion of the project the proposed gravity sewer line will extend from a proposed subdivision in the City of North Plains to the existing North Plains east trunk line. This trunk line is to extend a previously built sewer line that will serve an approved development project on Tax Lot 1N2070001200. The applicant is required by CDC Section 430-105.7 to sign an affidavit stating that no hookups will be allowed outside the UGB. The applicant will be required to sign the aforementioned affidavit.

OAR 660-011-0060 3(b)(B) requires the County to find that the proposed force main meets the impact test to protect farm and forest practices pursuant to ORS 215.296. This provision is inconsistent with a more recently adopted ORS 215.275(5), which directs the County to make clear and objective conditions to mitigate and minimize impacts to surrounding farm uses to prevent significant change in accepted farm practices or a significant increase in the cost of farm practices on surrounding farmland. The applicant addressed these standards by performing a topographic survey of the proposed trunk line corridor showing the existing and proposed grade and its proximity to agricultural uses. The applicant states and the plan set shows that the original grade will be restored along the entirety of the project corridor. Staff reviewed 2012 aerial photographs, which show a majority of the alignment located along the edge of actively farmed land. The applicant is required to replant and mitigate impact to disturbed agricultural and resource areas along the project alignment.

### The Necessary Criteria

This application is subject to the amended requirements of OAR 660-033-130 (16) and ORS 215.275. Staff's findings regarding the necessary criteria for this request are listed below.

(a) Technical and engineering feasibility;

**(b) The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;**

**STAFF:**

The utility facility may be sited in an exclusive farm use zone if one or more of the criteria found in ORS 215.275 are met. To summarize, the applicant conducted an analysis and found that the proposed alignment is necessary to maintain a gravity pipeline using a reasonably direct route (applicant's analysis is in the casefile). The applicant determined that a gravity sewer system is more technically and financially feasible and therefore locationally dependent. Staff concurs with the applicant that it is necessary to site the trunk line in an exclusive farm use zone in compliance with the requirements of ORS 215.275 and CDC Section 340-4.1 R.

**(4) The owner of a utility facility approved under ORS 215.213 (1)(d) or 215.283 (1)(d) shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this section shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.**

**STAFF:**

A condition of approval has been included in Attachment B requiring the applicant to restore, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility.

**(5) The governing body of the county or its designee shall impose clear and objective conditions on an application for utility facility siting under ORS 215.213 (1)(d) or 215.283 (1)(d) to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmlands.**

**STAFF:**

No letters of comment were received regarding the impact of the proposed use on farm activities in the area. Additionally, the land owner directly impacted by the installation of the sewer line is a signatory on the application. Accordingly, Staff concludes that the proposed facility will not cause a change in farm practices or increase the cost of farming significantly. Approval of this request is subject to the conditions of approval listed in Attachment B of this report, which are clear and objective.

**(6) The provisions of subsections (2) to (5) of this section do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission. [1999 c.816 §3]**

**STAFF:**

This is not a request for an interstate natural gas pipeline and/or associated facilities.

Staff has concluded that the applicant has adequately demonstrated that the facility is necessary and that the proposed design will best serve that need.

**3. Article IV, Development Standards:**

**Section 403 Applicability**

403-2 Master Plan - Minimum Requirements for all Development

**STAFF:** A master plan meeting the requirements of this section was submitted; a copy is in the Casefile.

403-4 Additional Standards Outside the UGB

**STAFF:** Section 403-4 specifies how the Development Review criteria of Article IV apply to development requests on land located outside of the UGB. Section 403-4 has been used in applying the development standards listed in this report.

**Section 410 Grading and Drainage**

**STAFF:** As discussed previously in this report, this proposal involves the construction and installation of a sewer trunk line between an approved proposed subdivision within the city of North Plains and an existing trunk line built earlier for this project. The applicant submitted a preliminary grading plan for this proposal, which meets the requirements of this Section. Excess soils from the project must be placed at an approved location subject to grading review and permits. The applicants stated that approximately 300 c.y. of material will be cut, and approximately 30 c.y. will be filled, all outside the flood plain. The applicant did not state how much of the material will be placed off-site, but did state that some material will be exported off-site. The total area disturbed for this project is estimated at 5.05 acres, of a 119 acre overall site.

Although certain grading activities may be exempt from permit requirements, any grading, exempt or not, must be for a use permitted in the EFU District and must be preceded by approved grading, drainage, and erosion control plans. Pursuant to Section 410-1.2, the applicant or owner shall submit the necessary plans for review (by the County Building Engineer and Current Planning Services Division) prior to any grading/construction activities. As conditioned in Attachment B, prior to commencing any ground disturbance activities the applicant shall obtain approval from the Building Division for a grading, drainage, and erosion control permit for the proposed pipeline. All off-site disposal sites for excess fill are subject to the grading criteria of Section 410 and the Grading Ordinance.

**Section 421 Flood Plain and Drainage Hazard Area Development**

421-5 Uses and Activities Allowed Through a Type II Procedure

421-5.11 Construction or major improvement or alteration of underground pipes and conduits, including sewer, water and gas lines, transmission and distribution lines for geothermal resources, gas and oil, underground electrical, telephone and television transmission and distribution lines, including necessary accessory structures and drainage systems.

**STAFF:** The proposed sewer line is allowed to be constructed in the flood plain subject to a Type II review process. As a condition of this Staff Report, submittal of final grading and erosion control plans to the Building Services Division will be required.

421-7 Development Standards for all Type II and Type III Flood Plain and Drainage Hazard Area Uses or Activities

The applicant for a proposed flood plain or drainage hazard area development shall demonstrate compliance with the

following applicable standards as required by Section 421-3 above:

421-7.2

Development proposed on a flood plain site where the development does not encroach into an adopted FEMA regulatory floodway shall demonstrate through hydrologic and hydraulic analysis, performed in accordance with standard engineering practice by a registered civil engineer, that the cumulative effect of the proposal, when combined with all other existing and anticipated development within the basin based upon full development of the basin as envisioned in the applicable Community Plan or the Rural/Natural Resource Plan, will not increase the flood plain elevation more than one (1) foot at any point in the community. Notwithstanding this provision, an increase in excess of one (1) foot may be approved if the County, at the sole expense of the applicant, first obtains FEMA approval in accordance with 44 CFR Ch. 1, Part 65 (October 1, 1990 edition, or its successor). No increase to the flood plain elevation shall be permitted unless the area in which the rise will occur contains no structures and the owner of such property signs a written acceptance of any increase in the flood plain elevation.

421-7.3

Development proposed on a drainage hazard area site shall demonstrate through hydrologic and hydraulic analysis, performed in accordance with standard engineering practice by a registered certified engineer, that the cumulative effect of the proposal, when combined with all other existing and anticipated development within the basin based upon full development of the basin as envisioned in the applicable Community Plan or the Rural/Natural Resource Plan, will not result in any increase to the drainage hazard area elevation at any point in the community. Notwithstanding this provision, an increase may be approved if the area in which the rise will occur contains no structures and the owner of such property signs a written acceptance of any increase in the drainage hazard area elevation.

**STAFF:**

The applicant states that no net increase in flow rates or volumes would occur as a result of the project and that this project does not encroach into a regulatory floodway.

421-7.6

All cut and fill shall be structurally sound and designed to minimize erosion. All fill below the flood surface elevation shall be accompanied by an equal amount of cut of storage within the boundary of the development site unless:

- A. The proposed cut and fill is found to be in compliance with an adopted drainage management plan; or
- B. Off-site excavation will be utilized to balance a fill, provided:

**STAFF:** The applicant has stated that the project will result in a net cut. The only grading with the proposed swale in the flood plain is cut, and that no fill is proposed for the flood plain.. The applicant will be required, as conditioned in Attachment B, to provide Engineer Certification that no net fill occurred and no flood storage was lost as a result of the final construction.

421-7.8 That the environmental impact of the disturbance or alteration of riparian wildlife and vegetation has been minimized to the extent practicable as required by Section 422. Enhancement of riparian habitats through planting or other such improvements may be required to mitigate adverse effects. Significant features such as natural ponds, large trees, and endangered vegetation within the flood area shall be protected when practicable.

**STAFF:** The alignment of the stormwater swale runs adjacent and crosses McKay Creek riparian corridor. The sewer line will remain outside of any flood plain area. The applicant has shown that the alignment avoids a majority of the surveyed wetlands. The applicant provided a technical memorandum prepared by SWCA Environmental Consultants assessing the impact and recommending measures to minimize and mitigate impact of the development on the riparian area. The applicant indicates that the off-site stormwater outfalls will daylight outside and upstream of the riparian corridor. The project will be coordinated with the Oregon Department of Fish and Wildlife, Oregon Department of State Lands and the Army Corps of Engineers for all work performed below the ordinary high-water mark.

421-11 Criteria for Utilities

421-11.2 New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into, or discharge from, the system. The applicant shall obtain all applicable local, state and federal permits.

421-11.6 Construction of utilities shall be done in a way which minimizes the impact on the flood area. The site shall be restored, as far as practicable, to its original state.

**STAFF:** The applicant states that this project is not for a new or replacement sewage system, as this is an extension of existing lines. The new sewer system will serve properties in an approved subdivision within the city limits of North Plains. The proposed sewer line will be located outside the 100 year flood plain. Regardless, the applicant states that it will be designed in a manner to minimize and eliminate infiltration of potential flood waters. The proposed swale only involves cut, and no fill is proposed. Grading will result in a net cut, which will not have a negative impact on the flood area. The applicant states that the site will be restored as far as practicable, to its original state. Staff concurs that the applicable standards of Section 421 can be met upon implementation of all the conditions of approval and in accordance with the standards of this Section.

**Section 422 Significant Natural Resources**

422-3.1 The required master plan and site analysis for a site which includes an identified natural resource shall:

- A. Identify the location of the natural resource(s), except in areas where a Goal 5 analysis has been completed and a program decision adopted pursuant to OAR 660, Division 23 (effective September 1, 1996):

**STAFF:** The applicant is requesting approval for the construction of a sanitary sewer and stormwater drainage system intended to serve an approved subdivision in the City of North Plains. The stormwater drainage system is proposed to be located underneath the McKay Creek riparian area corridor between the subdivision and an area upstream from the McKay Creek riparian corridor. McKay Creek and its associated flood plain are designated by the Rural/Natural Resource Plan as Water Area Wetlands / Fish and Wildlife Habitat (WAWFWH), and Water Area Wetlands. The applicant's biologist (SWCA Environmental Consultants) delineated the resource boundary.

- B. Describe the treatment or proposed alteration, if any. Any alteration proposed pursuant to Section 422-3.1.B shall be consistent with the program decision for the subject natural resource; and

**STAFF:** The applicant provided a technical memorandum prepared by SWCA assessing the impact and recommending measures to minimize and mitigate impact of the development on the riparian area. SWCA indicates that all impacts will be minor, will not seriously interfere with the preservation of WAWFWH, and that no mitigation is recommended.

- C. Apply the design elements of the applicable Community Plan; or the applicable implementing strategies of the Rural/Natural Resource Plan Element, Policy 10, Implementing Strategy E which state:

"Implement the recommendations of the Oregon Department of Fish and Wildlife Habitat Protection Plan for Washington County and to mitigate the effects of development in the Big Game Range within the EFU, EFC and AF-20 land use designations.

**STAFF:** The applicant states that the proposed underground utilities will be established in a way that minimizes impact to surrounding areas by restoring grades and vegetation following construction. The proposed activities will not impact the WAWFWH.

- 422-3.6 For any proposed use in a Significant Natural Resource Area, there shall be a finding that the proposed use will not seriously interfere with the preservation of fish and wildlife areas and habitat identified in the Washington County Comprehensive Plan, or how the interference can be mitigated. This section shall not apply in areas where a Goal 5 analysis has been completed and a program decision has been adopted that allows a "conflicting use" to occur pursuant to OAR 66023040(5)(c) (effective September 1, 1996):

**STAFF:** The applicant provided a technical memorandum prepared by SWCA assessing the impact and recommending measures to minimize impact of the development on the riparian area. The applicant concluded, and staff concurs, that the proposal will not seriously interfere with the preservation of fish and wildlife areas and habitat, once revegetated as proposed.

**Section 423 Environmental Performance Standards**

**STAFF:** The County requires the proposed use to comply with all applicable DEQ environmental standards including noise, odor, drainage and wastewater, and County storage requirements. There will be no open storage of material and equipment as part of the proposed use (other than during the construction period). Of the other criteria that might conceivably pertain to the proposed use (air quality, noise, vibration, heat and glare, adequate water supply, electromagnetic interference, radioactive material and toxic noxious matter), all are either: (1) not applicable because the subject matter will not be present on the site (e.g., radioactive material); (2) the effect will occur only during the period of construction (e.g., noise and dust); or (3) the subject is

addressed elsewhere in this report. Therefore, this request meets the requirements of this Section.

#### Section 426 Erosion Control

**STAFF:**

A grading permit is required; all grading/drainage requirements will be reviewed via the grading permit process and must conform to Chapter 14.12 of the Washington County Code.

#### Section 430-105 Public Utility

Any corporation, including municipal or semi-municipal corporation, service district, company, individual, or association that owns or operates any plant or equipment for the conveyance of telegraph or telephone messages, with or without wires; for the transportation of water, gas, or petroleum products by pipeline; for the production, transmission, delivery or furnishing of heat, light, water, or electricity; for the transmission and delivery of television pictures and sound by cables; for the transportation of persons or property by street, railroads or other street transportation or common carriers; for the disposal of sewage; or for the disposal of storm water runoff.

**STAFF:**

The proposed trunk line is part of a public utility (Clean Water Services) which provides sanitary sewer service. The proposed trunk line will be located within the EFU District, which requires the facility complying with the standards set forth below.

- 430-105.4 Approval of a public utility shall be based upon a study submitted by the applicant which includes:
- A. The need for the facility, present or future; and how the facility fits into the utility's Master Plan; and
  - B. The minimum area required for the facility for the present and anticipated expansion.

**STAFF:**

This proposal is subject to the *McCaw* and *Clackamas County* cases, OAR 660-33-130 (16), and ORS 215.275 (see Section 340-4.1 above), which explains that the applicant must show that it is necessary to situate the facility in the EFU District in order for the service to be provided. Staff has concluded that the applicant has adequately demonstrated that the facility is necessary and that the proposed facilities will best serve that need. The applicant is requesting approval for the construction of gravity sanitary sewer line and stormwater drainage system intended to serve a future 108 lot subdivision in the City of North Plains inside the Urban Growth Boundary (UGB). The sewer line is proposed to be located within the McKay Creek riparian area corridor, serving a future development inside the City of North Plains by connecting to an existing sanitary sewer trunk line. The proposal is consistent with Clean Water Services' 2009 Master Plan Update and Washington County's Public Facility Plan (adopted in 1991). The proposed facility configuration was selected because it utilized the least amount of land, energy and financial resources. The applicant proposes to maintain a 70-foot temporary easement during construction along the entirety of the sewer line. Staff concludes that as proposed the facility utilizes the minimum area required for the facility and that no expansion beyond those identified in this application are anticipated outside the UGB. Based on the above findings and the information in

the Casefile staff concludes that the request complies with Sections 430-105.4A. and B.

- C. What measures will be used to minimize damage to paved roads & natural resources/open space.

**STAFF:**

This Code Section does not set standards for compliance but instead requires the applicant to provide information regarding minimization of damage. As conditioned in Attachment B, revegetation of all disturbed areas must occur according to Section 410-3.4.

- 430-105.5 Site size and yard shall be based upon a site plan submitted by the applicant. The site plan shall consider especially, the compatibility of the facility with existing surrounding uses and uses allowed by the plan designation.

**STAFF:**

This Code Section is not a "use" standard but rather a site design standard. This Section does not require the applicant to demonstrate the compatibility of the proposed use with existing and potential surrounding uses.

Instead, Staff believes the language is intended to encourage site design that orients proposed structures and/or activities so that they maximize compatibility and thereby have the least impact on existing and potential surrounding uses.

The applicant will be required to return the finished grade to its original contours and replant all disturbed areas to the greatest extent practicable (see Section 410-3.4). Staff believes that the primary impact of the project on uses in the area will be temporary, limited to the construction process.

Based on the above analysis, Staff believes the proposed facility design will be compatible with surrounding existing and potential uses.

- 430-105.6 Exemptions from the Requirements of Section 430-105:

Exempted from these regulations are:

- A. Underground pipes and conduits except where such Pipes or conduits would introduce an urban service outside the Urban Growth Boundary.

**STAFF:**

The proposed sanitary sewer line and stormwater drainage system will supply service to the City of North Plains inside the UGB. Sanitary sewer is considered an urban service. The introduction of an urban service outside the Urban Growth Boundary is subject to the Comprehensive Plan policies concerning Public Facilities (Policy #22). This policy limits sanitary sewer serving rural resource properties to cases where on-site sources do not meet safe standards. Per a condition in Attachment B, sewer taps outside the UGB are prohibited unless otherwise specified.

4. **Article V, Public Facilities and Services**

**Section 501 Public Facility and Service Requirements**

**STAFF:** In the rural area (outside the UGB), the County applies the Public Facilities and Services Standards in a limited way. The impact on schools, fire and police protection, and public roads are considered.

It should also be noted that outside the Urban Growth Boundary (UGB), the Code does not require the applicant to assure that adequate levels of public services exist; the County is required only to consider the impact of the proposed development on public facility and service levels. While the land use review process does consider the impact of development on public services, it does not assure their adequacy. The proposed development action is not considered to have any impact on public services and therefore does need to assure that adequate levels of service exist from any service provider.

Section 501-9.3 requires applicants to meet the minimum sight distance standards adopted by the County at the intersection with a public road. Sight distance will be addressed through the right-of-way permit process. A condition in Attachment B requires the applicant to obtain a right-of-way permit for temporary construction access and permanent maintenance access (if necessary).

In summary, all public facilities and service standards, including public roads, have been found to be adequate. The proposed utility facility will not affect the adequacy of schools, fire, police protection and public roads, provided the conditions of approval are met.

#### **E. Washington County Transportation Plan:**

**STAFF:** With regard to this request, the policies of the Washington County Transportation Plan are limited to the classification NW West Union and NW Jackson School Roads as County Arterials.

### **III. SUMMARY**

The applicant has requested Special Use Approval for the construction of a gravity sanitary sewer line and stormwater conveyance system across EFU land and Significant Natural Resources intended to serve future development in the City of North Plains inside the Urban Growth Boundary (UGB). Based on the information in the Casefile and the findings of this report, Staff concludes that the proposal complies with the applicable review standards of the Code or can be conditioned to comply. Therefore, this request is approved subject to the conditions of approval listed in Attachment B.



**WASHINGTON COUNTY**  
Dept. of Land Use & Transportation  
Current Planning Services  
155 N. 1<sup>st</sup> Avenue, #350-13  
Hillsboro, OR 97124  
Ph. (503) 846-8761 Fax (503) 846-2908  
<http://www.co.washington.or.us>

ATTACHMENT "D"  
TYPE (II)

CASEFILE : 13-408-SU/FP

## Appeal Information

Attached is a copy of the Land Use and Transportation Department's Review Authority decision on this request for a Development Action.

Any person who is adversely affected or aggrieved, or who is entitled to written notice pursuant to ORS 215.416(11) may appeal the decision by filing a written appeal.

**Failure to file a petition for review with the Department of Land Use and Transportation by 5:00 p.m. on the due date, with the fee specified in the Notice of Decision, shall be a jurisdictional defect.**

The decision, including conditions of approval, may be appealed and a public hearing held by filing a signed petition for review (appeal) within twelve (12) calendar days of date written notice is provided (date mailed).

**APPEAL PERIOD: 03/25/14 (Date Mailed) to 4:00 p.m. on 04/07/14 (Appeal Due Date)**

This decision will be final if an appeal is not filed by the due date.

The complete file is available at the County Department of Land Use and Transportation for review.

A petition for review (appeal) must contain the following:

1. The name of the applicant and the County case file number;
2. The name and signature of each petitioner filing the petition for review (appeal). If a group consisting of more than one person is filing a single petition for review, one individual shall be designated as the group's representative for all contact with the Department. All Department communications regarding the petition, including correspondence, shall be with this representative;
3. A statement of the interest of each petitioner;
4. The date the Notice of Decision was sent as specified in the notice (date mailed);
5. The nature of the decision and the specific ground for appeal. For applications with multiple requests, specify the particular request(s) and/or specific conditions of approval being appealed;
6. A statement listing the number of pages of the petition and that all pages are present;
7. A statement setting forth the appeal fee as specified in the Notice of Decision; and
8. The appropriate appeal fee of \$250.<sup>00</sup>

For further appeal information, contact the Appeal Secretary at the Washington County Department of Land Use and Transportation. Phone 503-846-8134.



## Fidelity National Title Insurance Company

900 SW 5th Ave., Mezzanine Level, Portland, OR 97204

FAX

### SUPPLEMENTAL SUBDIVISION GUARANTEE FOR THE PROPOSED SUNSET RIDGE

ORDER NO.: 20120052261-FTPOR55

FEE: \$ 400.00

DATED: November 19, 2013

Fidelity National Title Insurance Company

#### GUARANTEES

Any County or City within which the subdivision or proposed subdivision is located.

That the estate or interest in the land which is covered by this Guarantee is:

#### A Fee

According to the public records which impart constructive notice of matters affecting title to the premises described on Exhibit "One", we find that as of November 14, 2013, at 08:00-AM the last deed of record runs to:

Jackson Farm Land, LLC, an Oregon limited liability company and McKay Creek Land, LLC, an Oregon limited liability company, each as to an undivided 50% interest

We also find the following apparent encumbrances, which include 'Blanket Encumbrances' as defined by ORS 92.305(1), and also easements, restrictive covenants and rights of way.

1. Unpaid Property Taxes are as follows:

Fiscal Year: 2013-2014

Amount: \$251.26, plus interest, if any

Levy Code: 001.24

Account No.: R215382

Map No.: 1N27-01200

Affects: Parcel 1

Amount: \$217.97, plus interest, if any

Levy Code: 001.54

Account No.: R2160460

Map No.: 1N27-01200

Affects: Parcel 1-split code

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

2. The Land has been classified as Farmland, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.
3. City Liens, if any, in favor of the City of North Plains.

4. Any adverse claim based upon the assertion that:
  - A) Some portion of said land has been brought within the boundaries thereof by an avulsive movement of the McKay Creek or has been formed by accretion or reliction to any such portion.
  - B) Some portion of said property has been created by deposit of artificial fill.  
And Excepting;
  - C) The rights of the public and governmental bodies for fishing, navigation and commerce in and to any portion of the premises herein described, lying below the high water line of the McKay Creek.
  - D) The right, title and interest of the State of Oregon in and to any portion lying below the high water line of McKay Creek.
5. Limited access to and from the Land as set forth in Deed shown below, which provides that there shall be no right of easement or right of access to, from or across the State Highway other than as expressly provided for in said Deed:

Grantee: State of Oregon Department of Transportation  
Recording Date: December 20, 1941  
Recording No.: Book 204, Page 549, as modified by instrument  
Recording Date: February 19, 1951  
Recording No.: Book 317, Page 314
6. [Intentionally deleted]
7. [Intentionally deleted]
8. Restrictions, but omitting restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said restriction is permitted by applicable law, as shown on that certain plat  

Name of Plat: Partition Plat No. 2007-020
9. Access Easement Agreement, including the terms and provisions thereof,  

Recording Date: April 2, 2007  
Recording No.: 2007-036052

Amendment to Access Easement Agreement:  

Recording Date: August 7, 2013  
Recording No. 2013-072123
10. Storm Water Facility Agreement, including the terms and provisions thereof, between Hillsboro School District 1J, and Jackson Union, L.L.C.  

Recording Date: April 2, 2007  
Recording No.: 2007-036053

Amendment to Storm Water Facility Agreement:  

Recording Date: August 7, 2013  
Recording No. 2013-072122
11. Development Agreement, including the terms and provisions thereof, between Don Maltase, Jackson Union, LLC and the City of North Plains  

Recording Date: March 25, 2008  
Recording No.: 2008-026420

12. Development Agreement, including the terms and provisions thereof, between Don Maltase, Jackson Union, LLC and the City of North Plains

Recording Date: August 25, 2008  
Recording No.: 2008-073068

13. Memorandum of Option, including the terms and provisions thereof,

Optionor: Jackson Farm Land, LLC, an Oregon limited liability company and McKay Creek Land, LLC, an Oregon limited liability company  
Optionee: Polygon Northwest Company, L.L.C., a Washington limited liability company

Recording Date: August 13, 2013  
Recording No.: 2013-074011  
Affects: Portion of Parcel 1 Partition Plat No. 2007-20

14. Stormwater and Sewer Easement Agreement, including the terms and provisions thereof,

Recording Date: October 30, 2013  
Recording No.: 2013-094574

15. A copy of the terms and provisions of the operating agreement for the limited liability company set forth below should be furnished for our examination prior to closing. Any conveyance or encumbrance of said company's property must be executed by all of the members unless otherwise provided for in the operating agreement. In addition, if there have been any changes in membership from the date of original creation of the limited liability company to the present date, copies of approval of withdrawal and/or acceptance of such member should be furnished for our examination.

Limited Liability Company: Jackson Farm Land, LLC, an Oregon limited liability company and McKay Creek Land, LLC, an Oregon limited liability company and Jackson Union, L.L.C., an Oregon limited liability company

We have also searched our General Index for judgments and state and federal liens against the grantees named above and find:

NONE

This is not a report issued preliminary to the issuance of a title insurance policy. Our search is limited and its use is intended as an informational report only, to be used in conjunction with the development of real property. Liability is limited to an aggregate sum not to exceed \$ 1,000.00

Fidelity National Title Insurance Company

By: \_\_\_\_\_  
Toni Stanhope, Project Coordinator

NOTE - ORS 92.305(1) reads as follows:

"Blanket encumbrance" means a trust deed or mortgage or any other lien or encumbrance, mechanics' lien or otherwise, securing or evidencing the payment of money and affecting more than one interest in subdivided or series partitioned land, or an agreement affecting more than one such lot, parcel or interest by which the subdivider, series partitioner or developer holds such subdivision or series partition under an option, contract to sell or trust agreement.

FDOR0430.rdw

**EXHIBIT "ONE"**

The premises are in Washington County and are described as follows:

Parcel 1 of PARTITION PLAT NO. 2007-20, in the County of Washington and State of Oregon.

TOGETHER WITH an easement for ingress and egress as set forth in Access Easement Agreement recorded April 2, 2007 as 2007-036052.

# PARTITION PLAT NO. 2014-013

RECORDED AS DOCUMENT NO. 2014 019 54

A REPEAT OF PARCEL 1 OF PARTITION PLAT NO. 2007-020,  
 LOCATED IN THE SOUTHWEST QUARTER OF SECTION 5,  
 AND THE SOUTHEAST QUARTER OF SECTION 7,  
 TOWNSHIP 1 NORTH, RANGE 2 WEST, WELLMETTE MERIDIAN  
 CITY OF NORTH PLAINS, WASHINGTON COUNTY, STATE OF OREGON

SURVEYED: MARCH 13, 2014

**NARRATIVE**

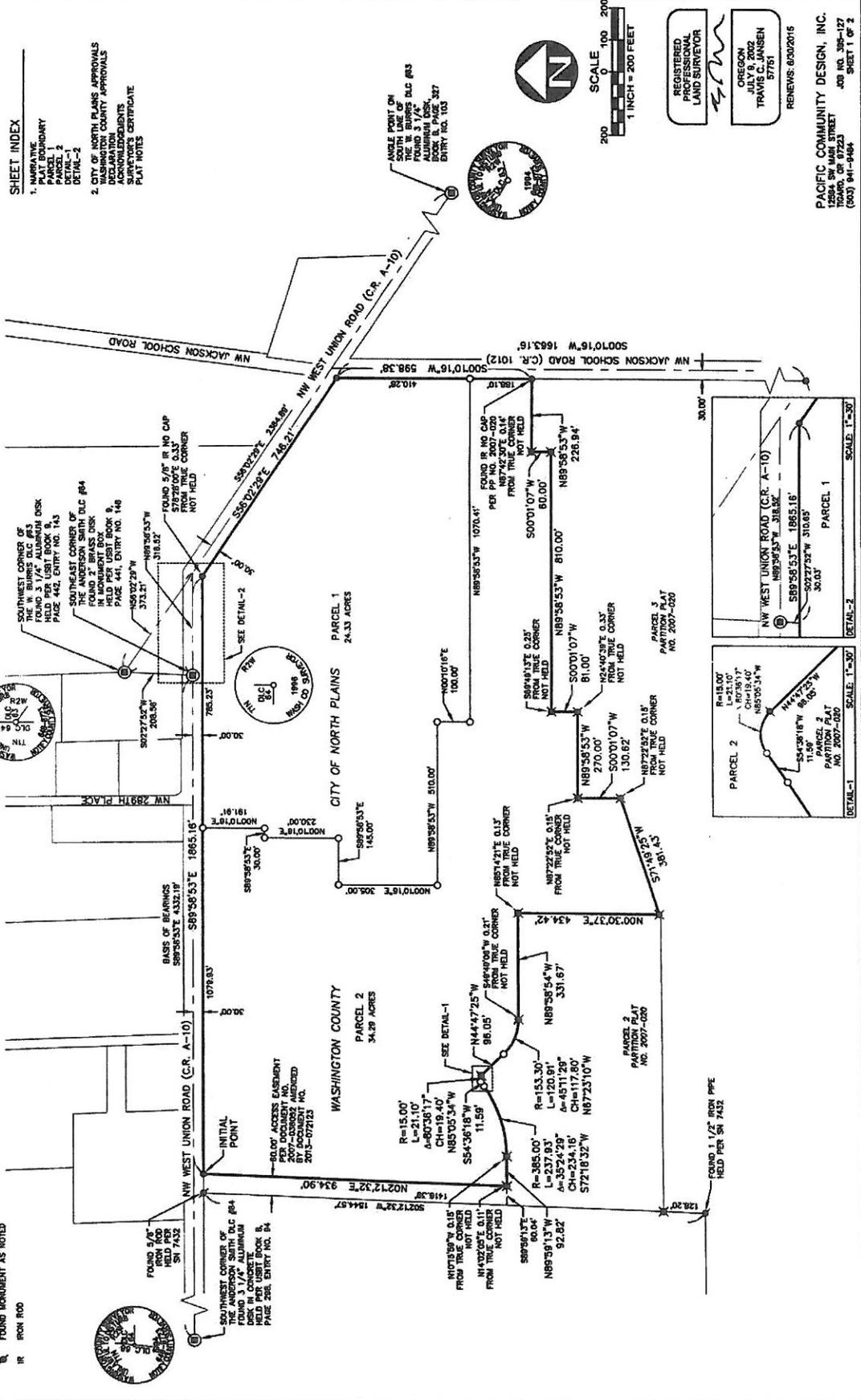
THE PURPOSE OF THIS SURVEY IS TO PARTITION INTO TWO PARCELS THAT LAND KNOWN AS PARCEL 1 OF PARTITION PLAT NO. 2007-020, WASHINGTON COUNTY PLAT RECORDS, ONE PARCEL BEING THE LAND ADJACENT TO THE CITY OF NORTH PLAINS WITH ORDINANCE NO. 38 ON MONDAY, MAY 7, 2007.

THE BOUNDARY DETERMINATION IS PER PARTITION PLAT NO. 2007-020 HOLDING FOUND MONUMENTS AS SHOWN. SEVERAL MONUMENTS WERE DISTURBED BY FARMING AND THE SURVEYOR HAS RELOCATED THEM TO ESTABLISH THE TRUE CORNERS AND MONUMENTS.

THE BASIS OF BEARINGS IS THE CENTERLINE OF NW WEST UNION ROAD (C.R. A-10) BEING SOUTH 89°56'53"E, HOLDING FOUND DLC MONUMENTS AS SHOWN.

**LEGEND**

- 1/2" x 3/4" IRON ROD WITH GRANGE PLASTIC CAP ASSIGNED "PACIFIC COMMUNITY DESIGN" SET ON: MARCH 13, 2014
- FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP ASSIGNED "TAMPA COUNTY DESIGN" SET ON: MARCH 13, 2014 UNLESS OTHERWISE NOTED
- ⊗ FOUND BENT 2 1/4" IRON ROD WITH NO CAP ASSIGNED "TAMPA COUNTY DESIGN" SET ON: MARCH 13, 2014 UNLESS OTHERWISE NOTED
- ⊙ FOUND DLC MONUMENT AS NOTED
- ⊕ FOUND MONUMENT AS NOTED
- ⊖ IRON ROD



- SHEET INDEX**
1. NARRATIVE
  2. BOUNDARY
  3. PARCEL 1
  4. PARCEL 2
  5. DETAIL-1
  6. DETAIL-2
  7. DETAIL-3
2. CITY OF NORTH PLAINS APPROVALS  
 APPROVED: \_\_\_\_\_  
 DECLARATION: \_\_\_\_\_  
 ACKNOWLEDGEMENTS: \_\_\_\_\_  
 CERTIFICATE: \_\_\_\_\_  
 PLAT NOTES

200 0 100 200  
 SCALE  
 1 INCH = 200 FEET

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

OREGON  
 JULY 9, 2002  
 TRAVIS C. JANSEN  
 57761

RENEWALS: 03/20/2015

PACIFIC COMMUNITY DESIGN, INC.  
 1504 N.W. MAIN STREET  
 TOWNSHIP, OR 97233  
 JOB NO. 389-127  
 SHEET 1 OF 2

# PARTITION PLAT NO. 2014-013

RECORDED AS DOCUMENT NO. 2014 019954  
A REPLAT OF PARCELS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

CITY OF NORTH PLAINS APPROVALS  
APPROVED THIS 14th DAY OF April, 2014  
BY: [Signature]  
CITY MANAGER, CITY OF NORTH PLAINS

WASHINGTON COUNTY APPROVALS  
APPROVED THIS 8th DAY OF April, 2014  
WASHINGTON COUNTY SURVEYOR  
BY: [Signature]

APPROVED THIS 9th DAY OF April, 2014  
DIRECTOR, DEPARTMENT OF LAND USE AND TRANSPORTATION  
BY: [Signature]

ALL TAXES, FEES, ASSESSMENTS OR OTHER CHARGES AS PROVIDED BY ORS  
62.005 HAVE BEEN PAID AS OF 8th April, 2014.  
DIRECTOR OF ASSESSMENT AND TAXATION WASHINGTON COUNTY, OREGON  
BY: [Signature]

STATE OF OREGON )  
COUNTY OF WASHINGTON ) SS  
I DO HEREBY CERTIFY THAT THIS PARTITION PLAT WAS RECEIVED FOR RECORD  
ON THIS 9th DAY OF April, 2014.  
AT 11:52 O'CLOCK A. M. AND RECORDED IN THE COUNTY CLERK  
RECORDS.  
[Signature]  
DEPUTY COUNTY CLERK

DECLARATION  
KNOW ALL PEOPLE BY THESE PRESENTS THAT JACKSON FARM LAND, LLC, AN OREGON LIMITED LIABILITY COMPANY, HAS CAUSED THIS DECLARATION TO BE EXECUTED THIS  
14th DAY OF April, 2014.  
DECLARANT: JACKSON FARM LAND, LLC, AN OREGON LIMITED LIABILITY COMPANY  
BY: [Signature]  
ITS: MEMBER  
DECLARANT: HOOKY CREEK LAND LLC, AN OREGON LIMITED LIABILITY COMPANY  
BY: [Signature]  
ITS: MEMBER

ACKNOWLEDGEMENTS  
STATE OF OREGON )  
COUNTY OF Washington ) SS  
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON March 13, 2014  
BY Don Malaise, MEMBER OF JACKSON FARM LAND LLC, AN OREGON LIMITED LIABILITY  
COMPANY, ON BEHALF OF SAID LIMITED LIABILITY COMPANY.  
BY: [Signature]  
ROBTARY SQUIRE

STATE OF OREGON )  
COUNTY OF Washington ) SS  
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON March 13, 2014  
BY Don Malaise, MEMBER OF JACKSON FARM LAND LLC, AN OREGON LIMITED LIABILITY  
COMPANY, ON BEHALF OF SAID LIMITED LIABILITY COMPANY.  
BY: [Signature]  
ROBTARY SQUIRE

SURVEYOR'S CERTIFICATE  
I, TRAVIS C. JANSEN, HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER  
MONUMENTS THE LANDS REPRESENTED ON THIS PARTITION PLAT, LOCATED IN THE SOUTHWEST QUARTER OF  
SECTION 36, TOWNSHIP 1 NORTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, CITY OF NORTH PLAINS, WASHINGTON COUNTY, OREGON,  
BEING A REPLAT OF PARCELS 1, PARTITION PLAT NO. 2007-020. THE INITIAL POINT OF WHICH IS A FOUND 5/8"  
IRON ROD WITH A YELLOW PLASTIC CAP INSCRIBED "1/4" PADLOCK" LOCATED AT THE NORTHWEST CORNER OF  
PARCEL 1, PARTITION PLAT NO. 2007-020.  
CONTAINING 58.62 ACRES, MORE OR LESS.

PLAT NOTES  
1. THIS PARTITION PLAT IS SUBJECT TO THE CONDITIONS OF APPROVAL PER WASHINGTON COUNTY CASE FILE  
NO. 13-327-4.  
2. THERE SHALL BE NO DIRECT MOTOR VEHICLE ACCESS TO OR FROM PARCELS 1 AND 2, SAID NW WEST UNDER  
ROAD UNLESS AUTHORIZED BY THE GOVERNING BODY HAVING JURISDICTION OF SAID ROAD.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
[Signature]

OREGON  
JULY 8, 2002  
TRAVIS C. JANSEN  
57751

RENEWALS: 9/30/2015  
PACIFIC COMMUNITY DESIGN, INC.  
12044 SW 44th STREET  
PORTLAND, OREGON 97224  
(503) 841-8484  
JOB NO. 264-127  
SHEET 2 OF 2

## NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN**, that on June 11, 2014, the Planning Commission of the City of North Plains will conduct a Public Hearing on the application received from McKay Creek Land LLC (Bobosky) and Jackson Farm Land LLC (Maltase) requesting the approval of the final subdivision plat for Sunset Ridge subdivision at the southwestern corner of NW West Union Road and NW Jackson School Road in the City of North Plains, Oregon.

This application is a request to for the approval of the final subdivision plat for the Sunset Ridge subdivision project.

Applicable sections of the municipal code include, but may not be limited to, the following: 16.00 General Provisions, 16.135 subdivisions, 16.30 R-2.5, and 16.170 Application Requirements.

Questions and written comments regarding the application can be directed to City Manager Martha DeBry [martha@northplains.org](mailto:martha@northplains.org) (503) 647-5555 or City Hall, 31360 NW Commercial Street, North Plains, OR 97133. Written comments will be received until 5:00 p.m. Monday, June 9, 2014 at City Hall, and at the public meeting.

All evidence relied upon by the City to make this decision is in the public record and available for public review at North Plains City Hall, North Plains, Oregon during regular business hours. A copy of the application is available for review at City Hall or online at [www.northplains.org](http://www.northplains.org). 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 available online at [www.northplains.org](http://www.northplains.org). The failure to address an issue with enough detail during the comment period or at the public meeting 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. The hearing will opened for presentation by the city and the applicant and then opened to the public. The hearing can be closed or continued at the discretion of the Planning Commission. If the hearing is closed, the Planning Commission has the right to extend the time for additional information to be submitted by the public or the applicant. 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.

**City of North Plains Planning Commission public hearing regarding Sunset Ridge, located at the southwestern corner of NW West Union Road and NW Jackson School Road, North Plains, OR will be held June 11, 2014 at 7:00 p.m. at the North Plains Senior Center, 31450 NW Commercial St, North Plains, Oregon.**

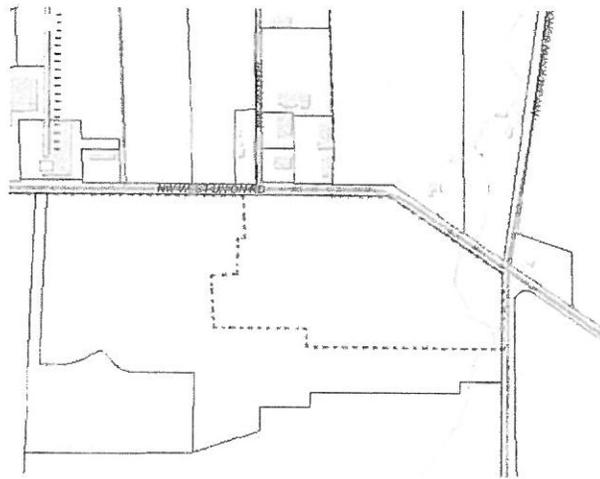
***CITY OF NORTH PLAINS***  
***NOTICE OF PUBLIC HEARING & REQUEST FOR COMMENTS***

The purpose of this notice is to invite comments on:

**An application requesting the approval of the final subdivision plat for Sunset Ridge subdivision at the southwestern corner of NW West Union Road and NW Jackson School Road in the City of North Plains, Oregon.**

**The City will accept all written comments received prior to the hearing scheduled for**  
***June 11, 2014 at 7 p.m.***

***At the North Plains Senior Center, 31450 NW Commercial Street, North Plains, Oregon 97133***



**LOT SIZE: 24.33 Acres North Plains East Expansion**

**ZONING: Neighborhood Community**

**OWNER AND APPLICANT: McKay Creek Land LLC (Bobosky) and Jackson Farm Land LLC (Maltase)**

**DATE OF THIS NOTICE: May 23, 2014**

**WHAT IS THE DECISION PROCESS?** The North Plains Planning Commission will make a decision on the application for a final subdivision plat for the Sunset Ridge subdivision after the public hearing. The Planning Commission's decision may be appealed to the City Council.

**HOW CAN I REVIEW THE DOCUMENTS AND STAFF REPORT?** You can review application and staff report materials at City Hall, online after June 4, 2014 at [www.northplains.org](http://www.northplains.org) or request a copy by emailing [martha@northplains.org](mailto:martha@northplains.org)

**INFORMATION TO INCLUDE IN COMMENTS:** Issues which may provide the basis for an appeal to the Land Use Board of Appeals shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue. Failure of an issue to be raised in a hearing, in person, or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue, precludes appeal.



**City of North Plains, OR**

**CERTIFICATE OF MAILING**

Notice of a Public Hearing & Request for Comments – request is for an approval of the final subdivision plat for Sunset Ridge subdivision, tax lot 1N2070001200, located at the southwest corner of Jackson School and West Union Roads.

**LOCATION:** Vacant lot at southwest corner of Jackson School and West Union Roads.

**TLID:** 1N2070001200

I, Margaret L. Reh, hereby certify that I mailed a copy of the public notice to the property owners within 250 feet of the above tax lot. They were mailed on May 23, 2014.

  
Margaret L. Reh  
City of North Plains

**CERTIFICATE OF MAILING**



# Oregon

John A. Kitzhaber, MD, Governor

REC'D FEB 14 2014

*File Johnson*

Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

FAX (503) 378-4844

[www.oregonstatelands.us](http://www.oregonstatelands.us)

February 11, 2014

State Land Board

Dear Landowner:

John A. Kitzhaber, MD

Governor

We have received an application that proposes a project to remove, fill, or impact wetlands and/or waterways. Your name has been provided by the applicant as a landowner or an adjacent landowner to this project. We invite you to comment.

Kate Brown

Secretary of State

The applicant, file number, and additional information are on the attached page. To reduce costs, we are not sending a copy of the application with this mailing. Please see our website at:

Ted Wheeler

State Treasurer

[www.statelandsonline.com](http://www.statelandsonline.com) to review the application. Then follow these steps:

1. Click on "Removal-Fill Permit and General Authorization Status".
2. Select the county of your property.
3. Scroll down to the application number (as listed on the attached page).
4. Click on the applicant name, which takes you to the Application Detail page.
5. Click on the link to open a scanned copy of the application.

You may need to download an Adobe Acrobat Reader. There is a link to the instructions for this on the Application Detail page.

If you do not have computer access or would like a paper copy of the application, we will be happy to make one available for your review. Call (503) 986-5200 or send a note to us at the above address.

You may comment on the lower half of the attached page (and any additional sheets necessary), or on our website. Just be sure to reference the application number if you use separate pages.

Sincerely,

Wetlands and Waterways Conservation Division  
Oregon Department of State Lands



775 Summer Street NE  
Suite 100  
Salem Oregon 97301-1279  
Ph 503-986-5200  
Fax 503-378-4844

ADJOINING PROPERTY OWNER

Tuesday, February 11, 2014

Page 1 of 2

**APPLICATION No.: APP0054853**

**Applicant Name: Polygon Northwest Co. LLC**

**County: Washington; Waterbody: Wetland; TRSQQ: 01N02W07**

The Oregon Department of State Lands (DSL) has received an application for a project at the above-described location. This application has been assigned to DSL Coordinator Charles Redon, who can be reached at 503 986-5305. You can read or download a copy of the application via our website:

[www.statelandsonline.com](http://www.statelandsonline.com)

Select the County for this project and then click on the application number.

**The comment period on this application ends at 5:00 pm on March 12, 2014.**

All comments will be evaluated and carefully considered before an authorization is issued. Copies of the applicable laws and rules are available on the DSL website. You may also submit comments or request a copy of the application via US mail, fax or by phoning the resource coordinator (Charles Redon) at 503 986-5305.

We are interested in your comments on this proposal and would be pleased to answer your questions or provide additional information. Future notifications similar to this letter can be sent to your email address. Please contact us if you are interested.

PLEASE MARK BOXES BELOW AND, IF NEEDED, SUBMIT WRITTEN COMMENTS IN THE SPACE PROVIDED OR ATTACH ADDITIONAL SHEETS. NO RESPONSE BY THE DUE DATE IS PRESUMED TO MEAN "NO COMMENT."

I have reviewed the information and offer the following comments:

- A permit is required from this agency. Permit type: \_\_\_\_\_
- The adverse impacts of the project to water resources, though measurable, would not unreasonably impact water resources or unreasonably interfere with navigation, fishing and/or public recreation.
- The reasonably expected adverse impacts of the project would be acceptable if the project design or construction methods were changed/alterd (Please explain below).
- An alternative site or design should be investigated (Please explain below).
- The project will adversely impact State and/or federally listed species (Please explain below).

- The project will adversely impact a known archeological and/or historical resource site (Please explain below).
- The project will adversely impact water resources. Please list/explain the expected adverse water resource impacts (e.g. loss of fish spawning area, conflicts with recreational boating, loss of high functioning wetland).
- The project will unreasonably interfere with navigation, fishing and or public recreation.
- The compensatory mitigation is insufficient to compensate for the reasonable expected adverse impacts of the project.
- We recommend that this permit be denied (Please explain below).

Comments:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



Murray, Smith & Associates, Inc.  
Engineers/Planners

121 S.W. Salmon, Suite 900 • Portland, Oregon 97204-2919 • PHONE 503.225.9010 • FAX 503.225.9022

04-0682.448  
January 16, 2014

Mr. Blake Boyles  
Public Works Director  
City of North Plains  
31360 N.W. Commercial Street  
North Plains, Oregon 97133

RE: Sunset Ridge Subdivision – Construction Cost Estimate

Dear Mr. Boyles:

The design engineer's construction cost estimates for improvements relating to Sunset Ridge Subdivision have been reviewed and determined to be reasonable by the City Engineer. The approved Engineer's Estimate is intended for use in estimating surety, insurance and fee amounts for the required City/Developer Improvement Agreement. The public improvements construction cost estimate for Sunset Ridge Subdivision, prepared by Pacific Community Design is attached.

The total construction cost estimate provided by Pacific Community Design for all improvements for this subdivision is \$1,947,194.00. This estimate does not include the amount for sanitary sewer (\$328,998) and storm drainage (\$568,864) improvements to be constructed under Clean Water Services (CWS) permits. This amount will be bonded separately as required by CWS.

The City/Developer Improvement Agreement establishes amounts for Performance Surety based on estimated total project costs, including design, construction and associated administrative and legal costs. The Developer's Engineer has provided an estimate for installation and construction of all development elements in the amount of \$1,947,194.00. An additional allowance of twenty five percent (25%) for associated design, inspection, administrative and legal costs was added to this amount to determine the full Performance Surety required. Consequently, as required by the Development Agreement, it is recommended that the Performance Surety be set at \$2,433,992.50 (125% of \$1,947,194).

Y900

Mr. Blake Boyles  
January 16, 2014  
Page 2

Please contact us should you have any questions. Thank you.

Sincerely,

MURRAY, SMITH & ASSOCIATES, INC.

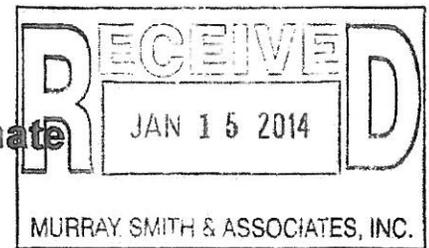


Fulgence Bugingo, P.E.

Enclosures: Construction Cost Estimate

cc: Martha DeBry, City Manager

**Engineers Construction Cost Estimate  
For Onsite Improvements**



**JOB NAME:** Sunset Ridge in North Plains  
**JOB NUMBER:** 395-127

<b>SCHEDULE A - EARTHWORK &amp; EROSION CONTROL</b>	<b>\$561,019</b>
<b>SCHEDULE B - STREET CONSTRUCTION</b>	<b>\$929,631</b>
<b>SCHEDULE C - SITE DRAINAGE</b>	<b>\$568,864</b>
<b>SCHEDULE D - SANITARY SEWER</b>	<b>\$328,998</b>
<b>SCHEDULE E - WATER SYSTEM</b>	<b>\$456,545</b>
<b>GRAND TOTAL:</b>	<b>\$2,845,056</b>

Rock excavation is a per unit price only. If bed rock is encountered during excavation, it will be quantified in the field and paid by neat line measure or by volume of individual boulders.

**Prepared By:** KC Schwartzkoph, PE

**Date:** January 13, 2014

Handwritten initials "AS" with a checkmark to the right, located in the bottom right corner of the page.

## SCHEDULE OF PRICES FOR SUNSET RIDGE

### SCHEDULE A - EARTHWORK AND EROSION CONTROL

JOB NO: 395-127

ITEM	QUANTITY	UNIT	DESCRIPTION	PRICE	DOLLARS
1	1	LS	Mobilization	\$40,000.00	\$40,000.00
2	1	LS	Traffic Control	\$30,000.00	\$30,000.00
3	3,420	LF	Silt Fence	\$2.00	\$6,840.00
4	44	EA	Inlet Protection	\$60.00	\$2,640.00
5	18	AC	Seed/Straw (one time cover)	\$1,561.00	\$28,098.00
6	1	EA	Construction Entrance	\$1,026.00	\$1,026.00
7	24	AC	Clearing & Grubbing	\$1,500.00	\$36,000.00
8	0	CY	Strip Site Distribute to Onsite Fill Area (Assumes 4" of strippings)	\$4.50	\$0.00
9	13,083	CY	Strip Site and Haul Offsite (Assumes 4" of strippings)	\$10.00	\$130,830.00
10	35,269	CY	Excavation to Embankment Areas	\$4.20	\$148,129.80
11	6,200	CY	Trench Spoils	\$4.20	\$26,040.00
12	3,651	CY	Cut and Haul net Export volume	\$9.70	\$35,414.70
13	3,800	SF	Retaining Wall (Assumed Average Wall Height 5')	\$20.00	\$76,000.00

**TOTAL** **\$561,018.50**

*FB*

# SCHEDULE OF PRICES FOR SUNSET RIDGE

## SCHEDULE B - STREET CONSTRUCTION

JOB NO: 395-127

ITEM	QUANTITY	UNIT	DESCRIPTION	PRICE	DOLLARS
1	17,593	SY	Class "C" AC 4" Compacted Thickness (Streets)	\$16.20	\$285,006.00
2	17,593	SY	3/4" - 0 Aggregate Base, 2" Compacted Thickness (Streets)	\$2.20	\$38,704.52
3	17,593	SY	1 1/2" -0 Aggregate Base, 8" Compacted Thickness (Streets)	\$6.80	\$119,632.15
4	10,030	LF	Standard Curb and Gutter (Streets)	\$9.00	\$90,270.00
5	18,030	SF	PCC Sidewalk on (3/4"-0) Aggregate Base	\$7.10	\$128,013.00
6	1,200	SF	AC Pathway on (3/4"-0) Aggregate Base	\$10.00	\$12,000.00
7	52	EA	PCC Sidewalk Ramp With Truncated Domes	\$850.00	\$44,200.00
8	1,720	SF	PCC Driveway Approach	\$6.50	\$11,180.00
9	36	EA	Monument Box per Detail	\$485.00	\$17,460.00
10	94	EA	Street Sign Assembly	\$285.00	\$26,790.00
11	7	EA	Street Barricade	\$625.00	\$4,375.00
12	180	EA	Street Tree	\$250.00	\$45,000.00
13	30	EA	Pole, Luminaire and Foundation	\$2,500.00	\$75,000.00
14	30	EA	Junction Box (Street Lights)	\$100.00	\$3,000.00
15	5,000	LF	Conduit and Trenching (Street Lights)	\$1.30	\$6,500.00
16	15	EA	Conduit Crossings (Street Lights)	\$1,500.00	\$22,500.00
				<b>TOTAL</b>	<b>\$929,630.67</b>

fb

## SCHEDULE OF PRICES FOR SUNSET RIDGE

### SCHEDULE C - ON-SITE SITE DRAINAGE

JOB NO: 395-127

ITEM	QUANTITY	UNIT	DESCRIPTION	PRICE	DOLLARS
1	3,423	LF	6" PVC (ASTM D 3034) Pipe w/ Granular Backfill - Laterals	\$26.70	\$91,394.10
2	975	LF	10" PVC (C-900) Pipe w/ Granular Backfill	\$35.00	\$34,125.00
3	5,470	LF	12" PVC (C-900) Pipe w/ Granular Backfill	\$37.00	\$202,390.00
4	89	EA	6"x12" Tee	\$105.00	\$9,345.00
5	50	EA	Standard Manholes	\$1,800.00	\$90,000.00
6	47	EA	Catch Basin CG-30 - Public	\$1,400.00	\$65,800.00
7	3	EA	Water Quality Swale (length between 100-125')	\$8,000.00	\$24,000.00
8	3	EA	Stilling Basin/Flow Control within swales	\$800.00	\$2,400.00
9	2	EA	Field Inlet	\$1,500.00	\$3,000.00
10	5,470	LF	TV & Deflection Testing	\$3.00	\$16,410.00
11	1	LS	Parks	\$30,000.00	\$30,000.00
				<b>TOTAL</b>	<b>\$568,864.10</b>

### SCHEDULE D - ON-SITE SANITARY SEWER

JOB NO: 395-127

ITEM	QUANTITY	UNIT	DESCRIPTION	PRICE	DOLLARS
1	4,200	LF	4" PVC (ASTM D-3034) w/ Granular Backfill	\$24.00	\$100,800.00
2	4,020	LF	8" PVC (ASTM D-3034) w/ Granular Backfill (<12' depth)	\$28.00	\$112,560.00
3	400	LF	8" PVC (ASTM D-3034) w/ Granular Backfill (>12' depth)	\$100.00	\$40,000.00
4	31	EA	48" Dia. Standard Manhole	\$1,800.00	\$55,800.00
5	104	EA	8" X 4" Tee	\$50.00	\$5,200.00
6	2	EA	Connect To Ex. Sanitary Line	\$689.00	\$1,378.00
7	4,420	LF	TV & Deflection Testing	\$3.00	\$13,260.00
				<b>TOTAL</b>	<b>\$328,998.00</b>

Under CWS

FD ✓

# SCHEDULE OF PRICES FOR SUNSET RIDGE

## SCHEDULE E - WATER SYSTEM

JOB NO: 395-127

ITEM	QUANTITY	UNIT	DESCRIPTION	PRICE	DOLLARS
1	4,470	LF	8" Ductile Iron Water Main w/Granular Backfill	\$46.80	\$209,196.00
1	1,411	LF	12" Ductile Iron Water Main w/Granular Backfill	\$55.00	\$77,605.00
2	2	EA	Connect to existing 14" main	\$4,500.00	\$9,000.00
3	7	EA	Fire Hydrant Assembly (w/8"x6" Flanged Tee & 6" Gate Valve)	\$3,923.00	\$27,461.00
4	29	EA	8" Ductile Iron Fittings	\$500.00	\$14,500.00
5	6	EA	12" Ductile Iron Fittings	\$700.00	\$4,200.00
6	30	EA	8" MJ x FLG Gate Valves	\$1,070.00	\$32,100.00
7	4	EA	12" MJ x FLG Gate Valves	\$1,200.00	\$4,800.00
8	4	EA	Blow-Off Assembly	\$1,500.00	\$6,000.00
9	20	EA	1" Single Water Service with 3/4" Meter	\$593.00	\$11,860.00
10	42	EA	1" Double Water Service with 3/4" Meter	\$980.00	\$41,160.00
11	2	EA	1" Irrigation Service & Meter	\$510.00	\$1,020.00
12	5,881	LF	Pressure Test, Disinfect, Purge	\$3.00	\$17,643.00
				<b>TOTAL</b>	<b>\$456,545.00</b>

*FK*





# LAND USE COMPATIBILITY STATEMENT

### What is a land use compatibility statement?

A LUCS is a form developed by DEQ to determine whether a DEQ permit or approval will be consistent with local government comprehensive plans and land use regulations.

### Why is a LUCS required?

DEQ and other state agencies with permitting or approval activities that affect land use are required by Oregon law to be consistent with local comprehensive plans and have a process for determining consistency. DEQ activities affecting land use and the requirement for a LUCS may be found in Oregon Administrative Rules (OAR) Chapter 340, Division 18.

### When is a LUCS required?

A LUCS is required for nearly all DEQ permits and certain approvals of plans or related activities that affect land use prior to issuance of a DEQ permit or approval. These permits and activities are listed in section 1.D on p. 2 of this form. A single LUCS can be used if more than one DEQ permit or approval is being applied for concurrently.

Permit modifications or renewals also require a LUCS when any of the following applies:

1. Physical expansion on the property or proposed use of additional land;
2. Alterations, expansions, improvements or changes in method or type of disposal at a solid waste disposal site as described in OAR 340-093-0070(4)(b);
3. A significant increase in discharges to water;
4. A relocation of an outfall outside of the source property; or
5. Any physical change or change of operation of an air pollutant source that results in a net significant emission rate increase as defined in OAR 340-200-0020.

### How to complete a LUCS:

Step	Who Does It?	What Happens?
1	Applicant	Applicant completes Section 1 of the LUCS and submits it to the appropriate city or county planning office.
2	City or County Planning Office	City or county planning office completes Section 2 of the LUCS to indicate whether the activity or use is compatible with the acknowledged comprehensive plan and land use regulations, attaches written findings supporting the decision of compatibility, and returns the signed and dated LUCS to the applicant.
3	Applicant	Applicant submits the completed LUCS and any supporting information provided by the city or county to DEQ along with the DEQ permit application or approval request.

**Where to get help:** For questions about the LUCS process, contact the DEQ staff responsible for processing the permit or approval. DEQ staff may be reached at 1-800-452-4011 (toll-free, inside Oregon) or 503-229-5630. For general questions, please contact DEQ land use staff listed at: [www.deq.state.or.us/pubs/permithandbook/lucs.htm](http://www.deq.state.or.us/pubs/permithandbook/lucs.htm).

**CULTURAL RESOURCES PROTECTION LAWS:** Applicants involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction, or alteration of an archeological site or object or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking, to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, ext. 232.

**Oregon Department of Environmental Quality  
LAND USE COMPATIBILITY STATEMENT (LUCS)**

p. 1 of 2

**SECTION 1 - TO BE COMPLETED BY APPLICANT**

<b>1A. Applicant Name:</b> Polygon Northwest Company	<b>1B. Project Name:</b> Sunset Ridge
<b>Contact Name:</b> Chris Walter/Fred Gast	<b>Physical Address:</b> No Address Available
<b>Mailing Address:</b> 109 E. 13th Street	<b>City, State, Zip:</b> North Plains, Oregon, 97133
<b>City, State, Zip:</b> Vancouver, WA 98660	<b>Tax Lot #:</b> 1200
<b>Telephone:</b> 503-213-6213	<b>Township:</b> 1N <b>Range:</b> 2W <b>Section:</b> 7
<b>Tax Account #:</b> 1N2070001200	<b>Latitude:</b> 45.5946439
	<b>Longitude:</b> 122.974196

**1C. Describe the project, include the type of development, business, or facility and services or products provided (attach additional information if necessary):**

Site grading for installation of roads, utilities, and future residential lots within subdivision

**1D. Check the type of DEQ permit(s) or approval(s) being applied for at this time.**

- |   |  |
|---|--|
| <input type="checkbox"/> Air Quality Notice of Construction   | <input type="checkbox"/> Pollution Control Bond Request  |
| <input type="checkbox"/> Air Contaminant Discharge Permit ( <i>excludes portable facility permits</i> ) | <input type="checkbox"/> Hazardous Waste Treatment, Storage, or Disposal Permit  |
| <input type="checkbox"/> Air Quality Title V Permit   | <input type="checkbox"/> Clean Water State Revolving Fund Loan Request   |
| <input type="checkbox"/> Air Quality Indirect Source Permit   | <input type="checkbox"/> Wastewater/Sewer Construction Plan/Specifications ( <i>includes review of plan changes that require use of new land</i> ) |
| <input type="checkbox"/> Parking/Traffic Circulation Plan   | <input type="checkbox"/> Water Quality NPDES Individual Permit   |
| <input type="checkbox"/> Solid Waste Land Disposal Site Permit  | <input type="checkbox"/> Water Quality WPCF Individual Permit ( <i>for onsite construction-installation permits use the DEQ Onsite LUCS form</i> ) |
| <input type="checkbox"/> Solid Waste Treatment Facility Permit  | <input checked="" type="checkbox"/> Water Quality NPDES Stormwater General Permit ( <i>1200-A, 1200-C, 1200-CA, 1200-COLS, and 1200-Z</i> )        |
| <input type="checkbox"/> Solid Waste Composting Facility Permit ( <i>includes Anaerobic Digester</i> )  | <input type="checkbox"/> Water Quality General Permit ( <i>all general permits, except 600, 700-PM, 1700-A, and 1700-B when they are mobile.</i> ) |
| <input type="checkbox"/> Conversion Technology Facility Permit  | <input type="checkbox"/> Water Quality 401 Certification for federal permit or license   |
| <input type="checkbox"/> Solid Waste Letter Authorization Permit  |  |
| <input type="checkbox"/> Solid Waste Material Recovery Facility Permit                                  |  |
| <input type="checkbox"/> Solid Waste Energy Recovery Facility Permit                                    |  |
| <input type="checkbox"/> Solid Waste Transfer Station Permit  |  |
| <input type="checkbox"/> Waste Tire Storage Site Permit   |  |

**1E. This application is for:**     Permit Renewal     New Permit     Permit Modification     Other:

**SECTION 2 - TO BE COMPLETED BY CITY OR COUNTY PLANNING OFFICIAL**

**Instructions:** Written findings of fact for all local decisions are required; written findings from previous actions are acceptable. For uses allowed outright by the acknowledged comprehensive plan, DEQ will accept written findings in the form of a reference to the specific plan policies, criteria, or standards that were relied upon in rendering the decision with an indication of why the decision is justified based on the plan policies, criteria, or standards.

**2A. The project proposal is located:**     Inside city limits     Inside UGB     Outside UGB

**2B. Name of the city or county that has land use jurisdiction (the legal entity responsible for land use decisions for the subject property or land use):**

CITY OF NORTH PLAINS, OREGON

**Oregon Department of Environmental Quality  
LAND USE COMPATIBILITY STATEMENT (LUCS)**

p. 2 of 2

**SECTION 2 - TO BE COMPLETED BY CITY OR COUNTY PLANNING OFFICIAL**

**Applicant Name:** Polygon Northwest Company | **Project Name:** Sunset Ridge

**2C. Is the activity allowed under Measure 49 (2007)?**  No, Measure 49 is not applicable  Yes; if yes, then check one:

Express; approved by DLCD order #:

Conditional; approved by DLCD order #:

Vested; approved by local government decision or court judgment docket or order #:

**2D. Is the activity a composting facility?**

No  Yes; Senate Bill 462 (2013) notification requirements have been met.

**2E. Is the activity or use compatible with your acknowledged comprehensive plan as required by OAR 660-031?**

*Please complete this form to address the activity or use for which the applicant is seeking approval (see 1.C on the previous page). If the activity or use is to occur in multiple phases, please ensure that your approval addresses the phases described in 1.C. For example, if the applicant's project is described in 1.C as a subdivision and the LUCS indicates that only clearing and grading are allowed outright but does not indicate whether the subdivision is approved, DEQ will delay permit issuance until approval for the subdivision is obtained from the local planning official.*

The activity or use is specifically exempt by the acknowledged comprehensive plan; explain:

YES, the activity or use is pre-existing nonconforming use allowed outright by (provide reference for local ordinance):

YES, the activity or use is allowed outright by (provide reference for local ordinance):

Chapter 15 North Plains Municipal Code

YES, the activity or use received preliminary approval that includes requirements to fully comply with local requirements; findings are attached.

YES, the activity or use is allowed; findings are attached.

NO, see 2.C above, activity or use allowed under Measure 49; findings are attached.

NO, (complete below or attach findings for noncompliance and identify requirements the applicant must comply with before compatibility can be determined):

Relevant specific plan policies, criteria, or standards:

Provide the reasons for the decision:

Additional comments (attach additional information as needed):

**Planning Official Signature:** Martha DeBry

**Title:** City Manager

**Print Name:** Martha DeBry

**Telephone #:** 503 647 5557

**Date:** 1/13/14

*If necessary, depending upon city/county agreement on jurisdiction outside city limits but within UGB:*

**Planning Official Signature:**

**Title:**

**Print Name:**

**Telephone #:**

**Date:**



Murray, Smith & Associates, Inc.  
Engineers/Planners

121 S.W. Salmon, Suite 900 ■ Portland, Oregon 97204-2919 ■ PHONE 503.225.9010 ■ FAX 503.225.9022

04-0682.448  
April 23, 2014

Mr. Blake Boyles  
Public Works Director  
City of North Plains  
31360 N.W. Commercial Street  
North Plains, Oregon 97133

RE: Sunset Ridge Subdivision – Construction Plan Approval

Dear Mr. Boyles:

The design engineer's construction plans for improvements relating to Sunset Ridge Subdivision have been reviewed and approved by the City Engineer. Applicant is to submit two additional copies of the plan sets for stamping and distribution. Approved plans can be provided to the applicant at the pre-construction meeting. Once the Development Agreement is approved and all fees paid to North Plains, applicant can be authorized to start construction activities.

Please contact us should you have any questions. Thank you.

Sincerely,

MURRAY, SMITH & ASSOCIATES, INC.

Fulgence Bugingo, P.E.

Enclosures: Construction Cost Estimate

cc: Martha DeBry, City Manager



Murray, Smith & Associates, Inc.  
Engineers/Planners

121 S.W. Salmon, Suite 900 ■ Portland, Oregon 97204-2919 ■ PHONE 503.225.9010 ■ FAX 503.225.9022

04-0682.448  
March 7, 2014

Mr. Blake Boyles  
Public Works Director  
City of North Plains  
31360 N.W. Commercial Street  
North Plains, Oregon 97133

RE: Sunset Ridge Subdivision – Construction Cost Estimate

Dear Mr. Boyles:

The design engineer's construction cost estimates for improvements relating to Sunset Ridge Subdivision have been reviewed and determined to be reasonable by the City Engineer after an adjustment to account for one additional fire hydrant. The approved Engineer's Estimate is intended for use in estimating surety, insurance and fee amounts for the required City/Developer Improvement Agreement. The public improvements construction cost estimate for Sunset Ridge Subdivision, prepared by Pacific Community Design is attached.

The total construction cost estimate provided by Pacific Community Design for all improvements for this subdivision is \$1,951,117.00. This estimate does not include the amount for sanitary sewer (\$328,998) and storm drainage (\$568,864) improvements to be constructed under Clean Water Services (CWS) permits. This amount will be bonded separately as required by CWS.

The City/Developer Improvement Agreement establishes amounts for Performance Surety based on estimated total project costs, including design, construction and associated administrative and legal costs. The Developer's Engineer has provided an estimate for installation and construction of all development elements in the amount of \$1,951,117.00. An additional allowance of twenty five percent (25%) for associated design, inspection, administrative and legal costs was added to this amount to determine the full Performance Surety required. Consequently, as required by the Development Agreement, it is recommended that the Performance Surety be set at \$2,438,896.25 (125% of \$1,951,117).

Mr. Blake Boyles  
March 7, 2014  
Page 2

Please contact us should you have any questions. Thank you.

Sincerely,

MURRAY, SMITH & ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read 'Fulgence Bugingo', written over a horizontal line.

Fulgence Bugingo, P.E.

Enclosures: Revised Construction Cost Estimate

cc: Martha DeBry, City Manager

3/7/2014

updated to add one fire hydrant.

FB (NS#)



### Transmittal

DATE: January 13, 2014

TO: City of North Plains, Public Works  
31360 NW Commercial Street  
North Plains, OR 97133

RE: Sunset Ridge - Public Works Permit (1<sup>st</sup> Submittal of Construction Documents)  
PROJECT NO: 395-127

Via:

Messenger:  Mail  Overnight  Pick-up  Electronic  
Rush / Route

Fax \_\_\_\_\_ pages (including this page) Fax No. 000-000-0000

Transmitted:

FOR APPROVAL  FOR REVIEW AND COMMENT  
 FOR YOUR USE  AS REQUESTED

Attached:

COPIES	DESCRIPTION
1	CD w/ Construction Plans at 24x36" and letter size
1	Plan review fee (\$727)
1	Engineer's Construction Cost Estimate

REMARKS: Storm/drainage report & necessary easement documents will be submitted as soon as possible.

The attached items are provided for your review and comment/approval. Please let us know if you have any questions or need additional information by email ([KC@pacific-community.com](mailto:KC@pacific-community.com) or [amber@pacific-community.com](mailto:amber@pacific-community.com)) or phone at 503-941-9484.

*Thanks, Amber Drasky-Bell*

Mail: 12564 SW Main Street, Tigard, OR 97223  
Website: [www.pacific-community.com](http://www.pacific-community.com)

Phone: (503) 941-9484  
Fax: (503) 941-9485

## Engineers Construction Cost Estimate For Onsite Improvements

JOB NAME:           Sunset Ridge in North Plains

JOB NUMBER:       395-127

SCHEDULE A - EARTHWORK & EROSION CONTROL	\$561,019
SCHEDULE B - STREET CONSTRUCTION	\$929,631
SCHEDULE C - SITE DRAINAGE	\$568,864
SCHEDULE D - SANITARY SEWER	\$328,998
SCHEDULE E - WATER SYSTEM	<del>\$456,545</del> \$460,468
<b>GRAND TOTAL:</b>	<del>\$2,845,056</del> \$2,848,979

Rock excavation is a per unit price only. If bed rock is encountered during excavation, it will be quantified in the field and paid by neat line measure or by volume of individual boulders.

Prepared By:       KC Schwartzkoph, PE

Date:                January 13, 2014

*Updated to add one fire hydrant -  
FB (MSA)*

## SCHEDULE OF PRICES FOR SUNSET RIDGE

### SCHEDULE A - EARTHWORK AND EROSION CONTROL

JOB NO: 395-127

ITEM	QUANTITY	UNIT	DESCRIPTION	PRICE	DOLLARS
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6	1	EA	Construction Entrance	\$1,026.00	\$1,026.00
7	24	AC	Clearing & Grubbing	\$1,500.00	\$36,000.00
8	0	CY	Strip Site Distribute to Onsite Fill Area (Assumes 4" of strippings)	\$4.50	\$0.00
9	13,083	CY	Strip Site and Haul Offsite (Assumes 4" of strippings)	\$10.00	\$130,830.00
10	35,269	CY	Excavation to Embankment Areas	\$4.20	\$148,129.80
11	6,200	CY	Trench Spoils	\$4.20	\$26,040.00
12	3,651	CY	Cut and Haul net Export volume	\$9.70	\$35,414.70
13	3,800	SF	Retaining Wall (Assumed Average Wall Height 5')	\$20.00	\$76,000.00
				<b>TOTAL</b>	<b>\$561,018.50</b>

*FD* ✓

## SCHEDULE OF PRICES FOR SUNSET RIDGE

### SCHEDULE B - STREET CONSTRUCTION

JOB NO: 395-127

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3	17,593	SY	1 1/2" -0 Aggregate Base, 8" Compacted Thickness (Streets)	\$6.80	\$119,632.15
4	10,030	LF	Standard Curb and Gutter (Streets)	\$9.00	\$90,270.00
5	18,030	SF	PCC Sidewalk on (3/4"-0) Aggregate Base	\$7.10	\$128,013.00
6	1,200	SF	AC Pathway on (3/4"-0) Aggregate Base	\$10.00	\$12,000.00
7	52	EA	PCC Sidewalk Ramp With Truncated Domes	\$850.00	\$44,200.00
8	1,720	SF	PCC Driveway Approach	\$6.50	\$11,180.00
9	36	EA	Monument Box per Detail	\$485.00	\$17,460.00
10	94	EA	Street Sign Assembly	\$285.00	\$26,790.00
11	7	EA	Street Barricade	\$625.00	\$4,375.00
12	180	EA	Street Tree	\$250.00	\$45,000.00
13	30	EA	Pole, Luminaire and Foundation	\$2,500.00	\$75,000.00
14	30	EA	Junction Box (Street Lights)	\$100.00	\$3,000.00
15	5,000	LF	Conduit and Trenching (Street Lights)	\$1.30	\$6,500.00
16	15	EA	Conduit Crossings (Street Lights)	\$1,500.00	\$22,500.00
				<b>TOTAL</b>	<b>\$929,630.67</b>

*PB*

## SCHEDULE OF PRICES FOR SUNSET RIDGE

### SCHEDULE C - ON-SITE SITE DRAINAGE

JOB NO: 395-127

ITEM	QUANTITY	UNIT	DESCRIPTION	PRICE	DOLLARS
1	3,423	LF	6" PVC (ASTM D 3034) Pipe w/ Granular Backfill - Laterals	\$26.70	\$91,394.10
2	975	LF	10" PVC (C-900) Pipe w/ Granular Backfill	\$35.00	\$34,125.00
3	5,470	LF	12" PVC (C-900) Pipe w/ Granular Backfill	\$37.00	\$202,390.00
4	89	EA	6"x12" Tee	\$105.00	\$9,345.00
5	50	EA	Standard Manholes	\$1,800.00	\$90,000.00
6	47	EA	Catch Basin CG-30 - Public	\$1,400.00	\$65,800.00
7	3	EA	Water Quality Swale (length between 100-125')	\$8,000.00	\$24,000.00
8	3	EA	Stilling Basin/Flow Control within swales	\$800.00	\$2,400.00
9	2	EA	Field Inlet	\$1,500.00	\$3,000.00
10	5,470	LF	TV & Deflection Testing	\$3.00	\$16,410.00
11	1	LS	Parks	\$30,000.00	\$30,000.00
<b>TOTAL</b>					<b>\$568,864.10</b>

### SCHEDULE D - ON-SITE SANITARY SEWER

JOB NO: 395-127

ITEM	QUANTITY	UNIT	DESCRIPTION	PRICE	DOLLARS
1	4,200	LF	4" PVC (ASTM D-3034) w/ Granular Backfill	\$24.00	\$100,800.00
2	4,020	LF	8" PVC (ASTM D-3034) w/ Granular Backfill (<12' depth)	\$28.00	\$112,560.00
3	400	LF	8" PVC (ASTM D-3034) w/ Granular Backfill (>12' depth)	\$100.00	\$40,000.00
4	31	EA	48" Dia. Standard Manhole	\$1,800.00	\$55,800.00
5	104	EA	8" X 4" Tee	\$50.00	\$5,200.00
6	2	EA	Connect To Ex. Sanitary Line	\$689.00	\$1,378.00
7	4,420	LF	TV & Deflection Testing	\$3.00	\$13,260.00
<b>TOTAL</b>					<b>\$328,998.00</b>

Under CWS

# SCHEDULE OF PRICES FOR SUNSET RIDGE

## SCHEDULE E - WATER SYSTEM

JOB NO: 395-127

ITEM	QUANTITY	UNIT	DESCRIPTION	PRICE	DOLLARS
1	4,470	LF	8" Ductile Iron Water Main w/Granular Backfill	\$46.80	\$209,196.00
1	1,411	LF	12" Ductile Iron Water Main w/Granular Backfill	\$55.00	\$77,605.00
2	2	EA	Connect to existing 14" main	\$4,500.00	\$9,000.00
3	87	EA	Fire Hydrant Assembly (w/8"x6" Flanged Tee & 6" Gate Valve)	\$3,923.00	<del>\$27,461.00</del> \$31,384
4	29	EA	8" Ductile Iron Fittings	\$500.00	\$14,500.00
5	6	EA	12" Ductile Iron Fittings	\$700.00	\$4,200.00
6	30	EA	8" MJ x FLG Gate Valves	\$1,070.00	\$32,100.00
7	4	EA	12" MJ x FLG Gate Valves	\$1,200.00	\$4,800.00
8	4	EA	Blow-Off Assembly	\$1,500.00	\$6,000.00
9	20	EA	1" Single Water Service with 3/4" Meter	\$593.00	\$11,860.00
10	42	EA	1" Double Water Service with 3/4" Meter	\$980.00	\$41,160.00
11	2	EA	1" Irrigation Service & Meter	\$510.00	\$1,020.00
12	5,881	LF	Pressure Test, Disinfect, Purge	\$3.00	\$17,643.00

TOTAL ~~-\$456,545.00~~

\$460,468

**BEFORE THE PLANNING COMMISSION  
OF THE CITY OF NORTH PLAINS**

**IN THE MATTER OF APPROVAL OF THE EAST )  
AREA MASTER PLAN MODIFICATION AND )  
PHASE 1 SUNSET RIDGE TENTATIVE )  
SUBDIVISION PLAN PERMIT - FILE #13-41 )**      **FINAL FINDINGS  
AND ORDER**

**APPROVAL** of an application for Phase 1 Sunset Ridge, a 104 lot tentative subdivision plan and a minor refinement of the East Area Master Plan

**LOCATION:** Southwestern Corner of NW West Union Road & NW Jackson School Road  
Tax Lot 1200, Map 1N2W 07

**I. APPLICABLE CRITERIA**

1. North Plains Comprehensive Plan Sections 15.02.146 – 15.02.149
2. North Plains Municipal Code Sections:
  - a. 16.45 Neighborhood Community NC Zone
  - b. 16.125 Lot Development Standards
  - c. 16.135 Subdivisions
  - d. 16.145 Public Facility and Service Requirements
  - e. 16.150 Street Standards
  - f. 16.160 Clear Vision
  - g. 16.170 Application Requirements and Review Procedures

**II. EXHIBITS:**

1. Applicant's application forms & narrative, dated 10-02-13; 17 plan sheets dated 9-30-13
2. CWS Service Provider Letter, 10-22-13
3. WCDLUT letter, November 1, 2013
4. North Plains Public Works comments, 10 -7-13
5. City Engineer's comments
6. City File # SD 07-0016 Preliminary Subdivision Plan Approval and Conditions
7. City File # CPA 07-0017 East Area Master Plan Final Findings and Conditions

**Request**

The applicant requests approval of the following:

- Major Modifications to Preliminary Subdivision Plan (SD-07-0016 original file)
- Master Plan Refinement (CPA-07-0017 original file)

This request is subject to a Type III process for quasi-judicial review by the Planning Commission. The proposed major modifications to the preliminary subdivision plan and proposed Master Plan refinement maintain the 8.4 dwelling units per net acre residential density resulting in 104 single family residential lots and tracts while retaining the majority of an on-site wetland within a large open space tract. The plans illustrate proposed modifications to the approved preliminary plan. The proposed plan name is "Sunset Ridge." This is a renumbered city File # 13-41 combining the two requests.

The Master Plan and preliminary subdivision plan approved in 2008 for the subject site assumed the on-site wetland would be filled and mitigated off-site. Regulatory changes now require preservation of the on-site wetland to the maximum extent feasible, creating the need for refinement to the approved Master Plan and modifications to the preliminary plan for phase 1. The modifications and refinements proposed with this application consist of changes to internal streets, park areas, and lot mix and location.

**Summary Conclusions**

The City accepts many of the applicant’s findings. The recommended conditions of approval generally replicate the original decision in 2008. However, there are potential issues to address and are summarized as follows:

1. The 8.4 units per acre density standard has been maintained.
2. The subject proposal continues to modify the housing mix standard of the NC zone Section 16.45 for Phase I. In 2007, a mix approved did not meet the 16.45 standard, and that balance has been further modified in order to preserve large lots. (It should be noted that the calculation of the percentages was based on land area and not the number of units.)

	Large Lots	Medium Lots	Small Lots
<b>NC Master Plan Standard</b>	40%	40%	20%
<b>Approved 2008 mix</b>	31%	31%	37%
<b>Proposed 2013 mix</b>	32%	26%	41%

The plan meets the density standard *minimum* of 8.4 dwellings per acre.

All homes remain single family dwellings. The NC zone allows for multifamily housing which is proposed with Phase 2 of the Master Plan only as townhomes. No apartments or other multifamily dwellings are proposed.

3. To accommodate the preservation of the wetland, Phase 1 plan reduces circulation and connectivity for vehicles, bicycles and pedestrians on west-east internal streets because of the wetland protection.

4. In Phase 1 the central oval park space is reduced from 49,399 SF to 3,427 SF. A large central park for active park use that was designated as focal point of the East Area Master Plan will not be present until after Phase 2's completion.

Overall, the park and open space areas within Phase 1 increase from 160,190 square feet to 225,310 square feet (a difference of about 1.5 acres). Within the Master Plan, the central oval park is modified from 87,982 square feet to 40,828 square feet. The portion of the central oval park within phase 1 is reduced substantially from 49,399 SF to 3,427 SF to balance density requirements with wetland impacts. While the central oval park is reduced, it still remains. A small neighborhood park within Phase 1 continues to be provided.

5. Subsequent to the 2008 approval the code was updated and the block length standard was reduced from 1,000 feet to 600 feet in residential areas. The small lot blocks in Phase 2 range from 625' to about 900' long. The additional small lots in Phase 1 add length to one of those blocks. Technically the block in Phase 1 is in conformance, but when coupled with the approved Phase 2 design would be out of conformance. The Planning Commission can address this issue with the Phase 1 refinement or address it when/if Phase 2 of the Master Plan is refined.

### **Site Description & History of Prior Approvals**

The property is located at the southwest corner of NW West Union Road and NW Jackson School Road. The project site is 24.33 acres and is located within Tax Lot 1200 on Map IN2-7. TL 1200 is wholly within the City of North Plains Urban Growth Boundary (UGB). The project site is located within the northeastern portion of the site that has been annexed into the City of North Plains Neighborhood Community (NC) Zone. The remainder of TL 1200 (not included in this request) is within the Washington County Future Development (FD)-10 Zone for urban unincorporated areas. The applicant has applied for a partition of 1N2070001200 to separate the in-city project area from the County property.

A Master Plan for the City's 69.87 acre East Expansion Area and preliminary plat for subdivision Phase 1 within the subject site were approved in February and March of 2008, respectively. Multiple extensions for the subdivision and the Master Plan have been approved, extending the approvals to February 14, 2014. The applicant is requesting to refine the Master Plan only as it relates to the 24.33 acres in the City.

<b>Project Comparison Table</b>			
	<b>Approved Subdivision</b>	<b>Sunset Ridge Proposal</b>	<b>Housing Mix (%) in acres 2008/2013 For Master Plan</b>
<b>Acres</b>	24.33	24.33	24.33
<b>Number of Lots</b>			
•Large	34	34	31%/32%
•Medium	44	32	31%/26%
•Small	30	38	37%/41%
<b>Open Space/Park Land</b>	3.61	5.17	
<b>Dwellings Per Net Acre</b>	8.4	8.4	(Phase 1 Mix: 48%/29%/23%)
<b>HOA</b>	Yes	Yes	

## **I. Compliance with City of North Plains Comprehensive Plan**

### **15.02.145 North & East Expansion Areas**

Objective: The purpose of the following policies and objectives are to direct the development of the North Plains Expansion Areas for creating a complete, livable and pedestrian scale community environment.

### **15.02.146 Urbanization**

1. Objective: To provide for an orderly and efficient transition of land from rural to urban use through the identification and establishment of areas designed to accommodate the full range of urban uses within the North Plains expansion areas.

#### **A. Policies**

- (1) New growth areas should be master planned to ensure development of complete neighborhoods and adequate public facilities. Neighborhoods should

provide a variety of housing, usable parks and open space, school facilities, and connected streets, generally consistent with the town plan.

(2) Development standards in the expansion areas shall be used as a tool to achieve densities of 8.4 per acre. Key components of expansion area design shall include:

- Pedestrian orientation
- Public amenities including pedestrian spaces and community facilities
- Linkages within and between neighborhoods
- Convenient access to needed services

(3) The land use map shall designate the expansion areas to promote varying density residential development and pedestrian-sensitive mixed-use development so as to provide for an overall density of 8.4 units per net acre and an approximate 40% low density, 40% medium density, and 20% high density in the expansion areas.

***Finding:*** *The East Area Master Plan is designed to have many components of a complete community in a location that is separated from existing city facilities and services. The project is being built in phases that ideally can stand alone as a complete neighborhood as much as possible. The school site and mixed use element is located in a future phase. The phase I neighborhood provides single family housing, open space, pedestrian linkages and connected streets. The usability of the open spaces has not been defined as no plans were presented that included walking/biking trails. As a condition of approval the applicant should be required to present a trail plan, with documentation of viability of adding trails.*

*Overall Phase 1 provides more open space and park land. The changes have substantially reduced usable park space during Phase I in the oval central park adjoining the small lot housing. The 8.4 units per acre density standard has been maintained, however the plan does not meet the 40% low density, 40% medium density and 20% high density goal set forth in 15.02.146.A3, just as the approved Master plan did not. As a condition of approval the park area adjacent to the wetland should be approximately the same size as the park approved previously 2008 (33,406 square feet).*

*While the East expansion area has been planned in accordance with 15.02.146, the proposed housing mix does not technically comply with the Comprehensive Plan and NC Zone housing mix standards that must generally approximate 40% large lots 40% medium lots and 20% small lots. The housing mix approved for the entire Master Plan area was 31% large/31% medium/37% small lots measured in land area, known as Option B in*

2008. This proposal modifies the overall mix. The mix is further modified for Phase I as large lots comprise the bulk of the area.

	Large Lots	Medium Lots	Small Lots
<b>NC Master Plan Standard</b>	40%	40%	20%
<b>Approved 2008 mix</b>	31%	31%	37%
<b>Proposed 2013 mix</b>	32%	26%	41%
<b>Proposed 2013 Phase 1 Only</b>	48%	29%	23%

#### 15.02.147 Housing

1. Objective: To provide for the housing needs of the citizens of North Plains by encouraging the construction, maintenance, development and availability of a variety of housing types, in sufficient number and at price ranges and rent levels which are commensurate with the financial capabilities of the community's residents.

##### A. Policies

(1) A mix of housing units shall be encouraged throughout the expansion areas for households of varying incomes, ages and living patterns. Such housing should include but not be limited to: single family residences, duplexes, apartments, attached single family residences, condominiums, town houses,

mixed uses, and ancillary dwellings. Each type of housing should be available at various prices and rents in order to maximize housing choices of the public.

***Finding:*** *A mix of housing units in this phase has not been provided. All parcels are for single family dwellings.*

#### **15.02.148 Open Spaces**

2. Objective: Promote and encourage development in character with the natural features of the land

A. Policies

- (1) All land within the 100-year flood plain should be preserved as much as possible for open space, fish and wildlife habitat, urban buffers, neighborhood boundaries, future recreational development, drainage and runoff retention.

***Finding:*** *The 100-year floodplain has been preserved to a large extent, although 1.5 acres of corridor encroachment has been accepted by CWS in exchange for in-lieu corridor mitigation fees for .97 acres of the encroachment.*

#### **15.02.149 Recreation**

1. Objective: To design parks and recreation facilities within the expansion areas that:

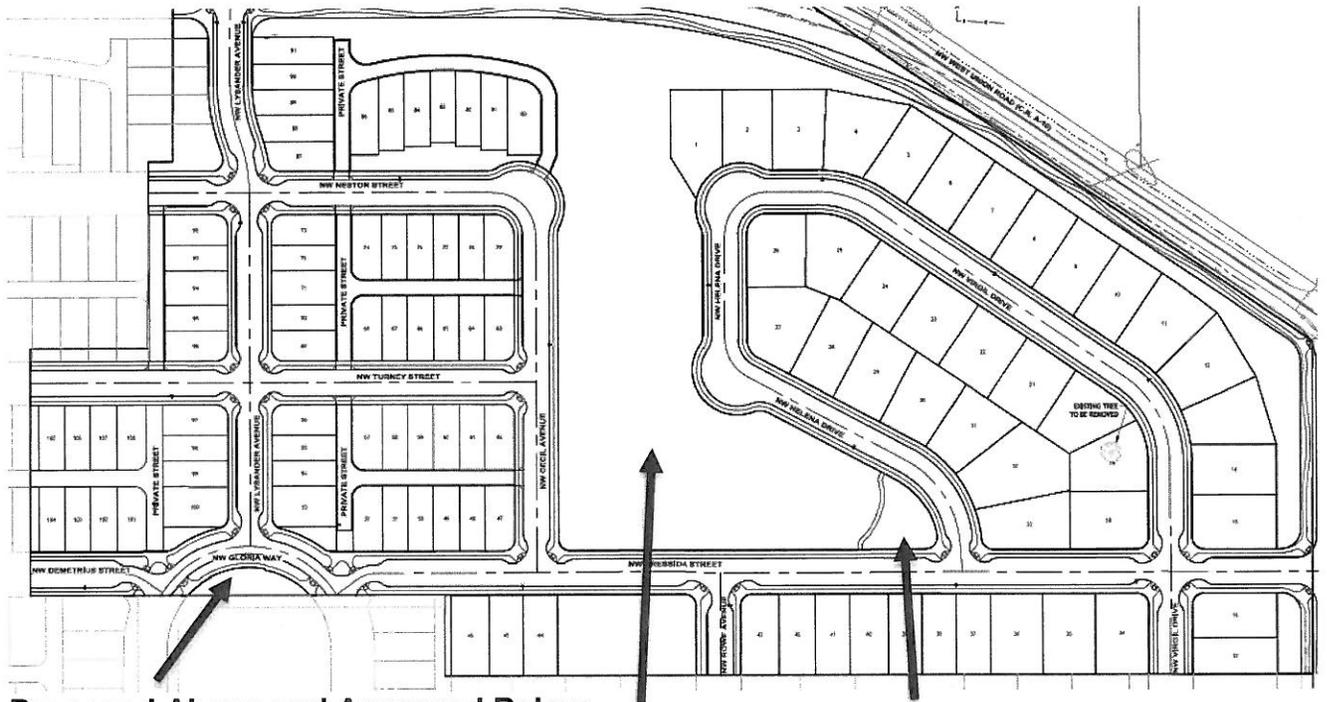
- Provide a variety of spaces, parks and recreation facilities;
- Links open spaces, parks, recreation facilities and school via a pedestrian and bicycle trail system.

A. Policies

- (1) In the expansion areas, useable open space shall be provided to mitigate higher overall densities and to provide public and private local parks and recreation opportunities.
- (2) The preservation of some natural areas will be considered when designing and developing parks within the expansion areas.
- (3) Floodplains will be considered for appropriate park and recreation facilities.

***Finding:*** *The proposed plan provides a park on the edge of the wetland mitigation space. It is unclear if wetland can be used for other recreational purposes. As a condition of approval the applicant should be required to present a trail plan, with documentation of viability of adding trails.*

*Because of the enlarged wetland mitigation area, the applicant has proposed to reduce the size of the central oval park by 93% for Phase 1. Phase 2 will include approximately a 1 acre a park immediately to the south.*

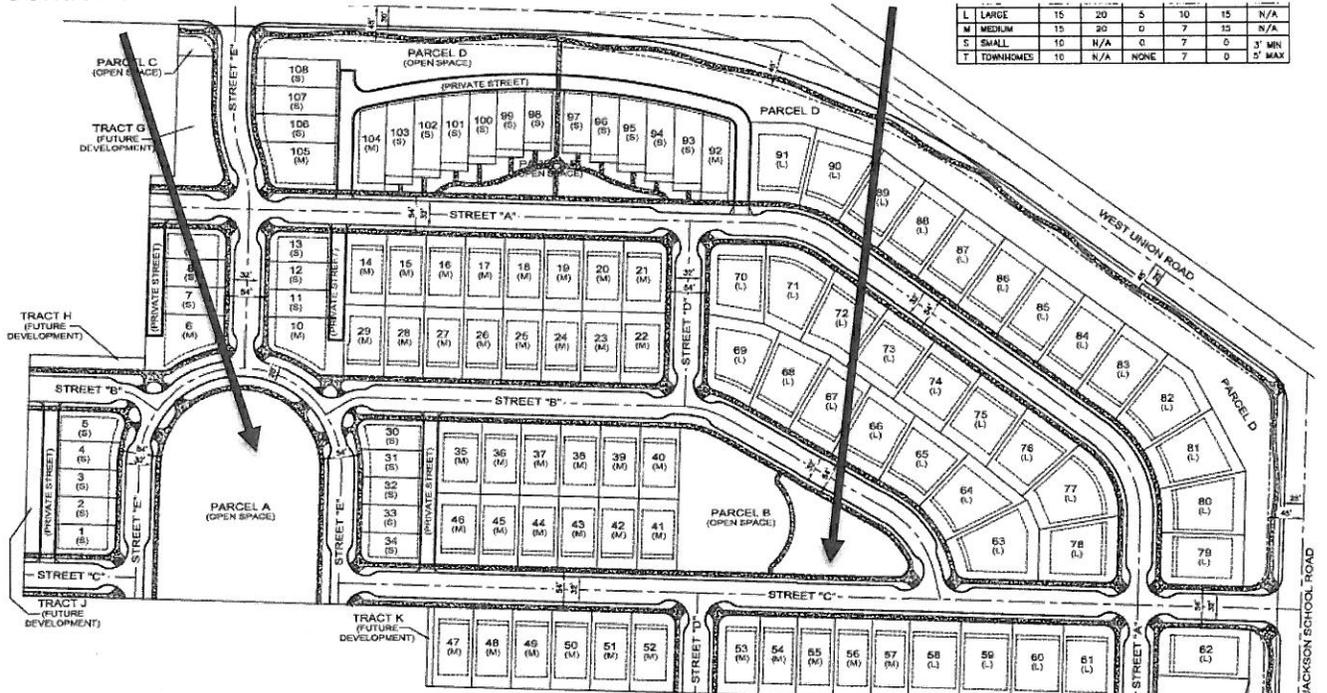


Proposed Above and Approved Below  
Central Oval Park

Wetland

Park

	L	M	S	T
L LARGE	15	20	5	10
M MEDIUM	15	30	0	7
S SMALL	10	N/A	0	7
T TOWNHOMES	10	N/A	NONE	7



## II. Compliance with City of North Plains Municipal Code

### 16.45 NEIGHBORHOOD COMMUNITY (NC) ZONE

#### 16.45.010 Permitted Uses

The following uses are permitted outright within the NC zone when associated with an approved master plan:

- A. Single family detached housing.

***Finding:*** *The original Master Plan (approved in 2008) for the subject site included residential uses and parks, which are permitted outright. The proposed Master Plan refinement continues residential and parks and open space land uses. Therefore, the proposed Master Plan refinement continues the outright permitted land uses.*

#### 16.45.020 Standards and Off Street Parking Requirements

Development within the NC District shall comply with the standards for lot size and dimensional requirements, lot coverage, building height and setbacks as contained within the Table NC-1: Development Standards, or as modified and approved during the Master Plan process.

***Finding:*** *Sheet 4 – Preliminary Subdivision Plat illustrates proposed lot size, width, and depth. The size, width, and depth of each lot, and average for each of these measurements, were compared with the minimum requirement for the corresponding lot size. An analysis of lots with the development standards of the NC zone was provided by the applicant, and shows that all lots within Phase 1 have a lot size, width, and depth that is at least 90% of the requirement. In addition, the averages of lot size, lot width, and lot depth for each lot type exceed 100% of the NC-1 Development Standards. Therefore, proposed modifications to the approved preliminary plat meet the standards of 16.45.020.*

**TABLE NC-1: DEVELOPMENT STANDARDS**

Building Type	Minimum Lot Size (sq. ft.)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)
Single Family - small lot	2,500	30	70
Single Family - med. Lot	4,200	45	85
Single Family - large lot	6,500	55	90

*\*Lot sizes, widths and/or depths may be reduced to 90% of the standard provided the overall lot average meets the corresponding lot size requirement.*

**Analysis of Lot Compliance with NC Development Standards**

PROPOSED LOTS						
Type	Size (sq. ft.)	% of Lot Size Standard	Width (feet)	% of Width Standard	Depth (feet)	% of Depth Standard
<b>Larges</b>						
<b>Proposed Minimum</b>	5,863	5,863 sf/6,500 sf = 90%	60	60'/55' = 109%	90	90'/90' = 100%
<b>Average</b>	6,691	6,619 sf/6,500 sf = 102%	65.6	65.6'/55' = 119%	100.3	100.3'/90' = 111%
<b>Mediums</b>						
<b>Proposed Minimum</b>	3,802	3,802 sf/4,200 sf = 91%	42	42'/45' = 93%	86.5	86.5'/85' = 102%
<b>Average</b>	4,275	4,275 sf/4,200 sf = 102%	45.4	45.4'/45' = 101%	94.5	95.4'/85' = 111%
<b>Smalls</b>						
<b>Proposed Minimum</b>	2,336	2,336 sf/2,500 sf = 93%	32	32'/30' = 107%	72	72'/70' = 103%
<b>Average</b>	2,818	2,818 sf/2,500 sf = 113%	35.0	35'/30' = 117%	81.2	81.2'/70' = 116%

**16.45.030 Standards and Requirements for Master Plans**

The following standards and requirements shall govern the application for master plan approval within the NC zone:

- A. The land uses in a master plan shall be those identified on the corresponding Density/Land Use Plan for each of the expansion areas. Flexibility in arrangement of uses and densities is permitted provided that the overall master plan is in substantial compliance with the area totals and density ranges as identified in Chapter 15 of the Comprehensive Plan.

***Finding:*** *The East Area Master Plan Density/Land Use Plan requires a minimum 8.4 dwellings per acre and an approximate housing mix of 40% large lots /40% medium lots /20% small lots. Flexibility in the arrangement of uses and densities is permitted provided that the overall master plan is in substantial compliance with the area totals and density ranges.*

*As approved the 2008 plan settled on a Master Plan housing mix that was based on land area, not housing units. The approved mix for the entire Master Plan area is currently approved at 31% large/31% medium/37% small lots measured in land area, known as Option B in 2008. Using the same land area measurement, the proposed Master Plan mix within the proposed Phase 1 plan is 32% large/26% medium/41% small lots. It is*

*within the discretion of the Planning Commission to determine if the non-compliance should be preserved and modified.*

*Phase 1 only includes single family dwellings. Phase 2 will likely offer townhomes. No apartments or other attached housing is presented for consideration. The only means by which the applicant could increase the ratio of medium and large homes to small homes would be to encourage multifamily housing within Phase 1. (Phase 2, which is not within the control of the applicant, could in theory be modified in the future.)*

- B. A master plan application must address the entirety of each expansion area individually or may combine the two.

**Finding:** *The 2008 Master Plan addressed the entirety of the expansion area.*

- C. Neighborhoods shall have defined centers which include public spaces such as a plaza, park, school, or community square.

**Finding:** *The phase 1 proposal includes the addition of about 1.5 acres or 40% more passive open space area to restore the wetland in conformance with state and federal standards. The ability of the public to use the space for trails must be determined in cooperation with Clean Water Services which is requiring replanting of substantial portions of the wetland area. The original large central oval park was designed to provide green space and active park use for surrounding small lots that have no yards. The amended plan reduces the size of the oval park by 93% from 49,399 SF to 3,427 SF in Phase 1. The Phase 1 plan is relying on the Phase 2 development to provide a defined center or public park feature. It is unknown at this time when Phase 2 will be developed.*

- D. Residential uses are encouraged to be designed so that garage doors and driveways face rear alleys where practicable to diminish conflicts with sidewalks along the public streets.

**Finding:** *According to the applicant, two car garages are planned for all homes and will be located on the alley side of each small lot home site. This is currently a condition of approval that will be retained.*

- E. Commercial buildings shall be designed to front on pedestrian-friendly streets rather than parking lots or arterial roadways.

**Finding:** *There are no commercial buildings in this phase.*

#### **16.45.040 Procedure**

The following standards and requirements shall be observed when a Master Plan proposal is submitted for refinement:

F. In the process of reviewing applications for individual phases within an approved Master Plan, the Commission may approve the refinements to the Master Plan. Refinements to the Master Plan are defined as:

1. Changes to the street network or functional classification of streets that do not significantly reduce the function or connectivity for vehicles, bicycles or pedestrians.

***Finding:*** *Exterior street connections to Phase 1 remain the same in the proposed Phase 1 plan. No changes to the functional classification of internal streets are proposed. The approved Master Plan shows three interior local streets with a west-east orientation and two streets with a north-south orientation within Phase 1. The changes to the west-east internal street network are made to retain the on-site wetland. The table below lists the changes proposed to the internal street network of the Master Plan.*

*Proposed changes to the street network will minimally reduce circulation, street system function and connectivity for vehicles, pedestrians, and bicycles traveling in the west-east direction. As a partial remedy, the Preliminary Plat Sheet 4 illustrates a water line easement that the applicant has indicated could also serve as a pedestrian/bicycle easement connection from NW Virgil Drive to the West Union sidewalk and street improvements. A trail from the east to west through the wetland would greatly enhance the transit of pedestrians and bicyclists. As a condition of approval the applicant must evaluate and document the viability of this option.*

*On the west side of the project the doubling of small lots adds seven homes where the oval park was reduced in size, which in turn lengthens the ultimate block in Phase 2 so that 40 homes are utilizing a single 20-foot alley for garage access. When Phase 1 and 2 are completed the block may exceed the maximum block length of 600 feet because the block is an estimated 875 feet (which is below the 2008 standard of 1,000 feet).*

**Master Plan Refinement - Changes to Street Network**

<b>COMPARISON OF STREETS</b>		
<b>Phase 1 Affected Area</b>	<b>Approved Master Plan</b>	<b>Proposed Master Plan Refinement</b>
<b>Access points to County roads</b>	<ul style="list-style-type: none"> <li>•One point of access to NW West Union Road</li> <li>•One point of access to NW Jackson School Road</li> </ul>	<ul style="list-style-type: none"> <li>•Both points of access are maintained</li> </ul>
<b>Access points to future development phase(s)</b>	<ul style="list-style-type: none"> <li>•Four (4) points of access to south</li> <li>•Three (3) points of access to west</li> <li>•Terminated at Phase 1 boundary, to be extended with future phases</li> </ul>	<ul style="list-style-type: none"> <li>•Points of access are maintained and will be extended with future phases of development</li> </ul>
<b>Northern road with west-east orientation</b>	<ul style="list-style-type: none"> <li>•Road extends across site, through area containing wetland</li> </ul>	<ul style="list-style-type: none"> <li>•Street no longer continues through wetland</li> <li>•Road ends at western and eastern boundaries of wetland and makes "T" intersection with respective adjacent road</li> </ul>
<b>Central road with west-east orientation</b>	<ul style="list-style-type: none"> <li>•Road extends across site, through area containing wetland</li> </ul>	<ul style="list-style-type: none"> <li>•Street no longer continues through wetland</li> <li>•Road ends at western boundary of wetland and makes "T" intersection with respective adjacent road</li> <li>•At eastern boundary of wetland, road is generally consistent with road alignment on Master Plan</li> </ul>
<b>Southern road with west-east orientation</b>	<ul style="list-style-type: none"> <li>•Street with west-east alignment, generally extending between access point at NW Jackson School Road, oval park segment, and the western site boundary</li> </ul>	<ul style="list-style-type: none"> <li>•Alignment consistent with Master Plan (except for changes to park)</li> </ul>
<b>Western street with north-south orientation</b>	<ul style="list-style-type: none"> <li>•Street with north-south alignment, generally extending between access point at NW West Union Road to oval park segment</li> </ul>	<ul style="list-style-type: none"> <li>•Alignment consistent with Master Plan (except for changes to park)</li> </ul>
<b>Central street with north-south orientation</b>	<ul style="list-style-type: none"> <li>•Street with north-south alignment, connection the northern and central roads with west-east orientation</li> </ul>	<ul style="list-style-type: none"> <li>•Retained along eastern boundary of open space area</li> <li>•Intersections with roads with west-east orientation eliminated to accommodate preservation of wetland</li> </ul>
<b>Eastern street with north-south orientation</b>	<ul style="list-style-type: none"> <li>•Aligns with lots in northeast corner of site and extends to southern boundary of Phase 1</li> </ul>	<ul style="list-style-type: none"> <li>•Alignment consistent with Master Plan</li> </ul>
<b>Circular street around oval-shaped park</b>	<ul style="list-style-type: none"> <li>•Southern street with west-east orientation intersects with western street with north-south direction</li> <li>•Circular alignment around oval-shaped park</li> </ul>	<ul style="list-style-type: none"> <li>•Size of park reduced</li> <li>•Northern park boundary shifts south</li> <li>•Street alignment adjusted in association with park changes</li> </ul>
<b>Surrounding wetland</b>	n/a	<ul style="list-style-type: none"> <li>•Street added along the western boundary of the wetland to serve adjacent blocks</li> </ul>

2. Changes to the nature or location of park type, trails, or open space that do not significantly reduce function, livability, usability, connectivity, or overall distribution or availability of these uses in the Master Plan area.

**Finding:** Within Phase 1 the approved Master Plan shows a landscaped buffer along NW Jackson School Road and NW West Union Road, a park adjacent to residential lots in the northern portion of Phase 1, a portion of oval-shaped park, and pocket park north of the southern road with an west-east orientation. Changes to the nature or location of park type, trails, or open space proposed with the Master Plan refinement are described in the following table. These changes result from the requirement to restore as much of the existing wetland as possible.

**Master Plan Refinement - Changes to Parks, Trails & Open Space**

COMPARISON OF PARKS	
Approved Master Plan	Proposed Master Plan Refinement
n/a	•Open space area added to preserve on-site wetland
•Landscaped buffer area along NW West Union Road & NW Jackson School Road	•Provided and generally consistent with Master Plan
•Park immediately south of residential lots (northern portion of site)	•Minor location adjustment to accommodate open space area for the preservation of the on-site wetland •Remains immediately south of residential lots
•Oval shaped park (southwestern corner of site)	•Size of this park is reduced within Phase 1
•Pocket park north of east-west street taking access from NW Jackson School Road	•Pocket park will be provided as part of an open space tract (see Landscape Plan in Exhibit C)
<b>TOTAL PARKS AREA = 3.7 ACRES</b>	<b>TOTAL PARKS AREA = 5.17 ACRES</b>

The central oval park is reduced from 49,355 to 3,427 SF and now includes a storm water swale. Therefore this central feature is not prominent in Phase 1 with the proposed refinement. The overall area of parks and open space increases by approximately 40% because of the additional protected wetland area. The area will be fenced (split rail) to delineate it as a sensitive area, which may limit its use for recreational activity. This passive open space area adjoins the large lots.

A notable change in the design is that there is no longer active park land immediately adjoining small lots. The only park space will be located 2-4 blocks away on the eastern edge of the wetland. This makes the park space less convenient for the residents of small lots during Phase 1. When Phase 2 is completed the other half of the central oval will likely be constructed within 1-2 blocks of most small lots. At present there is no way of knowing when Phase 2 will enter into construction.

- Changes to the location or mix of land uses that do not significantly alter the overall distribution or availability of uses in the Master Plan area.

**Finding:** According to the applicant the approved Master Plan provides residential and parks land uses with future development areas for mixed-use and a school. The proposed Master Plan refinement for Phase 1 maintains these land uses. Phase 1 of the approved Master Plan shows 30 Small lots, 44 Medium Lots and 34 Large Lots for a total of 108 single-family detached lots. The proposed Master Plan refinement includes a total of 104 single-family detached residential lots and proposes 38 small lots, 32 medium lots, and 34 large lots within Phase 1. The proposed refinement includes changes to the number and configuration of small lots on the west side of Phase 1. Changes to parks and lot classifications are listed in the table below.

**Master Plan Refinement - Changes to Mix & Location of Land Uses**

COMPARISON OF LAND USES		
Phase 1 Affected Area	Approved Master Plan	Proposed Master Plan Refinement
<b>Open Space Area (Added)</b>	<ul style="list-style-type: none"> <li>•3 small residential lots and part of one small lot</li> <li>•12 medium lots and portions of two (2) medium lots</li> <li>•Pocket park</li> <li>•Portion of landscape buffer area along NW West Union Road</li> <li>•Portion of park area to south of residential lots in northern portion of Phase 1</li> <li>•Wetland originally intended to be filled</li> </ul>	<ul style="list-style-type: none"> <li>•Open space area added to preserve wetland, which includes landscaped buffer area along NW West Union Road and NW Jackson School Road and pocket park</li> </ul>
<b>South of Wetland</b>	<ul style="list-style-type: none"> <li>•11 medium lots</li> <li>•5 large lots</li> </ul>	<ul style="list-style-type: none"> <li>•16 medium lots</li> <li>•3 large lots</li> </ul>
<b>West of Wetland</b>	<ul style="list-style-type: none"> <li>•25 small lots and part of one small lot</li> <li>•18 medium lots and portions of two medium lots</li> <li>•Oval-shaped park</li> </ul>	<ul style="list-style-type: none"> <li>•16 medium lots</li> <li>•38 small lots</li> <li>•Future development tracts (parts of future lots)</li> </ul>
<b>East of Wetland</b>	<ul style="list-style-type: none"> <li>•29 large lots</li> <li>•1 medium lot</li> <li>•1 small lot and part of one small lot</li> </ul>	<ul style="list-style-type: none"> <li>•31 large lots</li> </ul>
<b>OVERALL MIX</b>	<b>30 Smalls, 44 Mediums, 34 Larges</b>	<b>38 Smalls, 32 Mediums, 34 Larges</b>
<b>TOTAL UNIT COUNT</b>	<b>108</b>	<b>104</b>

In order to maintain the minimum 8.4 dwelling units per net acre in Phase 1 and retain as much of the existing wetland area as possible, additional small units were provided and usable park areas were reduced. With these changes the plan maintains the pattern of larger lots in the northeastern portion of Phase 1 that transitions to some but less medium lots along the southern boundary of Phase 1 and to more small lots in the western portion of Phase 1. Changes to the mix and location of land uses in Phase 1 will alter the overall distribution or availability of uses in the Master Plan. The approved Option B mix has been significantly altered for medium and small lots. The approved 31%/31%/37% Master Plan mix is proposed to be changed to 32%/26%/41%. If the Commission believes the original mix should be retained, future phases will be required to be modified in order to achieve that mix.

- G. Refinements meeting the above definition may be approved by the Commission upon finding that:
- a. The refinement(s) will better meet the conditions of the approved Master Plan.
  - b. The refinement will not preclude an adjoining phase from development consistent with the approved Master Plan.

***Finding:*** *The 2008 Master Plan was approved without DSL/Corps and CWS permits. The plans approved in 2007 and 2008 were based on obtaining those permits. Since the plan as approved cannot be built, the applicant proposes a modified plan to “better meet” the conditions of the approved plan because now they have permits to build on the site as long as the wetlands are protected, which will expand the open space area.*

*The approved East Area Master Plan allowed a compromised housing mix that does not approximate the NC policies of the Comprehensive Plan or the NC standards in the Zoning and Development Code. The refinement does not bring the plan into conformance, and results in a significant reduction in the original number of medium lots and a significant increase in the number of small lots.*

*In addition the large central park serving the small and medium lots has been significantly reduced in size for the Master Plan. The original master plan application described the oval park as “central to” and a “feature of” the Master Plan. The Public Facilities Stormwater Plan Sheet 11 illustrates a water quality swale on the north tip of the park and there will be landscaping as illustrated on Sheet L1.0. Functionally the remaining portion of the oval will not serve as an active park during Phase 1. There is a concern that there will be little greenery or open space and an insignificant park area near the small lots until phase 2 is Developed. The building envelope on the small lots leaves a 3’ side and rear yard and a 6’ front yard, illustrated on Sheet 6. Because the small units are rear loaded, the yards will appear more contiguous in a manner that is different from other residential neighborhoods that have front-loading garages and driveways.*

*Further, the residential block lengths now exceed the 600 –foot maximum. In 2008 the maximum was 1,000 feet. In the proposed modification the block bounded by Turney and Demetrius on the west side of the entry road is lengthened by about a 100’ to accommodate additional lots.*

## **16.125 LOT DEVELOPMENT STANDARDS**

### **16.125.005 Scope**

The provisions of this subsection shall apply to all partitions and subdivisions within the City of North Plains.

***Finding:*** The northeastern portion of the subject site is located within the City of North Plains with a land use designation of Neighborhood Community (NC). Therefore Section 16.125 applies.

**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:*** The preliminary subdivision plat includes small, medium, and large residential lots. The applicable standards of Table NC-1 show the requirement for minimum lot area within the NC Zone.

**TABLE NC-1: DEVELOPMENT STANDARDS**

<b>Building Type</b>	<b>Minimum Lot Size (sq. ft.)</b>
Single Family - small lot	2,500
Single Family - med. Lot	4,200
Single Family - large lot	6,500

*\*Lot sizes, widths and/or depths may be reduced to 90% of the standard provided the overall lot average meets the corresponding lot size requirement.*

**Analysis of Lot Compliance with NC  
Development Standards**

PROPOSED LOTS		
Type	Size (sq. ft.)	% of Lot Size Standard
<b>Larges</b>		
<b>Proposed Minimum</b>	5,863	5,863 sf/ 6,500 sf = 90%
<b>Average</b>	6,619	6,619 sf/ 6,500 sf = 102%
<b>Mediums</b>		
<b>Proposed Minimum</b>	3,802	3,802 sf/ 4,200 sf = 91%
<b>Average</b>	4,275	4,275 sf/ 4,200 sf = 102%
<b>Smalls</b>		
<b>Proposed Minimum</b>	2,336	2,336 sf/ 2,500 sf = 93%
<b>Average</b>	2,818	2,818 sf/ 2,500 sf = 113%

*As demonstrated in the above analysis and in Section 16.45.020 of this report, all lots comply with the lot standard minimums of the NC Zone. No lots have an area that is less than 90% of the standard for the corresponding lot size. In addition, the average size of proposed lots meets the corresponding lot size requirement for small, medium, and large lots.*

- 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.

***Finding:*** *All lots within Phase 1 of the proposed subdivision exceed the required minimum of 20 feet of street frontage. The smallest residential lot, Smalls, have a minimum lot width of 32 feet at street frontage, meeting the criterion of this Section.*

- 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.

***Finding:*** *No flag lots are proposed with this application.*

- 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 with this application.*

- 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:** *Preliminary Plans illustrate that side lot lines run at right angles to the street as far as practicable.*

- 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:
- a. Cut slopes shall not exceed one and one-half feet horizontally to one foot vertically.
  - b. Fill slopes shall not exceed two feet horizontally to one foot vertically.
  - c. 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:** *According to the Applicant, Sheet 5 – Preliminary Grading Plan illustrates compliance with the requirements of Chapter 70 of the Uniform Building Code as required in this subsection.*

- 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 small size.

**Finding:** *The proposed subdivision for Phase 1 does not include the creation of any large lots to be re-divided at some time within the future. However, there are numerous "tracts" that are set aside for future lot development, future park, storm water runoff and landscaping.*

According to the applicant, the following are descriptions of the purpose of each tract (grouped by common purpose).

- The following tracts are for purposes of Private Alleys – B, H, J, L & M
- The following tracts are for purposes of Future Development – E, F, G, I, & N. These tracts will be combined with the adjacent phase when developed.
- The following tracts are for purposes of Parks & Open Space and will be landscaped areas – C, D, P, R, T, S & K

- Tract A is for Parks & Open Space purposes and is part of the future oval-shaped park. Tract A includes a water quality swale.
  - Tract Q is for Parks & Open Space purposes and includes areas to be retained as wetland and vegetated corridors, mitigation areas for wetlands and vegetated corridors, the proposed play area and water quality swales.
- 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:*** Phase I does not specifically include any spaces indicated in the Comprehensive plan as land for public use. This project includes open spaces and parks which will be owned and maintained by the homeowners association. There will be a 45' right-of-way dedication to West Union and Jackson School roads as required by Washington County.

#### **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 adjacent lot depth, and a 1,600 foot perimeter. A block shall have sufficient width to provide for two tiers of building sites unless topography of the location of adjoining streets justifies an exception.

***Finding:*** Modifications to the approved subdivision plat and Master Plan refinement include the reconfiguration of internal streets and residential lots to preserve an on-site wetland. Retention of the on-site wetland reduces the area available for streets and residential blocks, and justifies the following exceptions to block standards of Section 16.125.015 as follows:

- Block bounded by NW West Union Avenue, NW Lysander Avenue, and NW Nestor Street does meet the minimum of 160 feet adjacent lot depth.
- Block bounded by NW West Union Avenue / NW Jackson School Road, NW Cressida Street, and NW Virgil Drive including Lot 1 through 15 does not meet minimum depth of 160 feet because it abuts Jackson School Road on one side

and Virgil Drive on the other. The block containing Lots 15 - 33 also exceeds the maximum block length of 600'.

- Block bounded by NW Cressida Street, NW Virgil Drive, and NW Jackson School Road Lots 16 and 17 does not meet 160 feet depth requirement because it abuts Jackson School Road on one side and Virgil Street on the other.

*In addition, "NW Demetrius Street," "NW Turney Street," "NW Nestor Street," "NW Rowe Avenue," and "NW Virgil Avenue" will terminate at the end of the boundary of Phase 1 and will be extended with future development phase(s) of the Master Plan. Blocks affected by the termination of these streets include:*

- Block bounded by NW Demetrius Street, NW Lysander Avenue, and NW Turney Street
- Block bounded by NW Turney Street, NW Lysander Avenue, and NW Nestor Street
- Block bounded by NW Cressida and NW Rowe Avenue including Lots 44-50
- Block bounded by NW Rowe Avenue, NW Cressida Street, and NW Virgil Avenue

*Compliance with the block standards for streets terminated at the boundary of Phase 1 could be addressed with development applications for future phases of the Master Plan. However, it appears that all of the blocks planned to the west will exceed the 600-foot maximum. The maximum length allowed in 2008 was 1,000 feet. Now the maximum length is 600 feet. The Planning Commission can make the finding regarding the appropriate length of the block with Phase 1 or 2.*

#### **16.125.020 Easements**

- 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.
- 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.
- 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:*** Sheet 4 – Preliminary Subdivision Plat illustrates preliminary easements. Easements addressing the standards of this subsection will be conveyed through the final plat. A pedestrian and bicycle easement will be dedicated between lots 3 and 4. As a

*condition of approval the applicant must provide for utility easements per 16.125.020A. On lots identified as "small" easements will not be required side boundaries, as the setback requirements do not require 5 feet, and the foot print of the single family homes are likely to be located in such as space. Such easements must be provided in commonly shared drives, private streets and frontages.*

*The City further requests an easement over Tract A to provide a future opportunity site for city water storage if necessary.*

### **16.125.025 Improvement Requirements**

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

1. Frontage improvements: Street improvements to full City standards shall be required for all public streets on which a proposed subdivision fronts. Such improvements shall be blended to match with existing improved surfaces across the centerline and for a reasonable distance beyond the frontage of the property. Additional frontage improvements shall include: sidewalks, curbing, storm sewer, sanitary sewer, waterlines, other public utilities as necessary, and such other improvements as the City shall determine to be reasonably necessary to serve the development or the immediate neighborhood.

***Finding:*** *NW West Union Road and NW Jackson School Road are Washington County roads. As a condition of approval the applicant must obtain a Washington County Facility Permit prior to site construction. The Preliminary Plans reflect overhead utility lines being maintained on West Union and Jackson School Road. As a condition of approval these utilities must be undergrounded.*

2. Proposed streets: All public streets within the subdivision shall be constructed as required by the provisions of the Street Standards section of this chapter.

***Finding:*** *Preliminary Plans illustrate public streets are planned in compliance with city local street standards and are required as a condition of approval.*

3. Monuments: Upon completion of street improvements, monuments shall be reestablished and protected in monument boxes at every street intersection and all points of curvature and points at tangency of street center lines. Elevation bench marks shall be established at each street intersection monument with elevations to U.S. Geological Survey datum.

***Finding:*** *As a condition of approval upon completion of street improvements, a registered professional land surveyor will establish monumentation and elevation benchmarks in compliance with 16.125.025.3*

4. Sanitary Sewers: Sanitary sewers shall be installed to serve the subdivision and to connect the subdivision to existing mains both on and off the property being subdivided.

If the required sewer facilities will, without further sewer construction, directly serve property outside the subdivision, the Planning Commission may recommend to the City Council construction as an assessment project with such arrangement with the sub-divider as is desirable to assure financing his share of the construction.

The City may require that the sub-divider construct sewage lines of a size in excess of that necessary to adequately serve the development in question, where such facilities are or will be necessary to serve the entire area within which the development is located when the area is ultimately developed. The City may also require that the construction take place as an assessment project with such arrangement with the sub-divider as is desirable to assure his share of the construction.

***Finding:*** *Sheet 7 – Preliminary Utility Plan illustrates the sanitary sewer system to serve the proposed subdivision. Sanitary sewer lines will be extended to the west and connect to the North Plains East Trunk Line extension near McKay Creek. The sanitary sewer extension is proposed off-site within rural areas of Washington County. Therefore, an application will be submitted to Washington County for extraterritorial extension of the sanitary sewer line.*

*As a condition of approval the applicant must address all requirements of Clean Water Services, to ensure connection to the sanitary sewer system.*

5. Water System: Water lines with valves and fire hydrants serving the subdivision and connecting the subdivision to the city mains shall be installed. The design shall take into account provisions for extension beyond the subdivision to adequately grid the City system and to serve the area within which the development is located when the area is ultimately developed.

***Finding:*** *Sheet 7 – Preliminary Utility Plan illustrates the water system to be provided including valves and fire hydrants to serve the subdivision and connecting the subdivision to city mains.*

*The City Public Works Director has indicated that water lines on Nestor and Turney streets must connect to a main on Cecil Ave. which will connect to water lines on Cressida Street. Looping is required of the water lines. The installation of permanent dead-end mains greater than 250 feet upon which fire protection depends and the dependence of relatively large areas on single mains will not be permitted. The Director's comments reference Public Works Design Standards Section 3.30.500 Water Mains to address these issues in the detailed construction plans.*

*As a condition of approval the applicant must address all requirements of North Plains Public Works Department, to ensure connection to the City's potable water system. Additionally the City requires the dedication of a water easement over Tract A for use as a possible water tank site, to create a redundant water storage facility serving this subdivision and the general area in the east.*

6. Street Lights and Street Trees: The installation of street lights and street trees is required at locations and of a type established by City standards.

***Finding:*** *Sheet 10 – Street Tree Plan/Street Lighting Plan illustrates street lights and trees to be provided. As a condition of approval, street trees must be planted in accordance with the recently adopted Public Works Standards (October 2013). A diverse set of tree species with varied life cycles should be planted on each street to prevent a catastrophic loss of trees to disease or life cycle term. Street lights and locations must meet Public Works Standards and use energy-conserving technology such as LED's.*

7. Street Signs: The installation of street name signs and traffic control signs is required at locations determined appropriate by the City and shall be of a type established by City standards.

***Finding:*** *Street name signs and traffic control signs will be provided at sites determined to be appropriate by the City and will be of a type established by City Standards.*

### **16.125.030 Improvement Procedures**

Improvements installed by a developer for any land division, either as a requirement of these regulations or at his own opinion, 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 engineer or the superintendent of public works. 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, storm drains installed in streets by the sub-divider 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:*** Sheet 7 – *Preliminary Utility Plan* illustrates utilities to be provided with Phase 1. City staff approval in accordance with conditions outlined in the prior development agreements will be obtained prior to approval of the Final Plat or grading permit. Improvements installed by the developer will comply with the criteria of 16.125.030. As a condition of approval overhead utility lines on the frontages of West Union Road and Jackson School Road must be undergrounded as part of the project.

## **16.135 SUBDIVISIONS**

### **16.135.005 General Provisions**

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

***Finding:*** The proposed subdivision is located within the City of North Plains NC Zone. Section II of this report demonstrates compliance with applicable criteria of the NC Zone.

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

***Finding:*** A 104 lot subdivision plan is proposed with this application, which is Phase 1 of a larger Master Planned area. No large lots capable of redevelopment remain within the subject area. Therefore, this standard is not applicable to this request.

- C. Pre-application conferences shall be required prior to the submittal of all subdivision applications.

***Finding:*** A pre-application conference was held with the City Manager of the City of North Plains on May 30, 2013 regarding proposed Master Plan refinement and modifications to the approved preliminary plat.

### **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) copies 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 sub-divider, 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.

***Finding:*** *The preliminary plans have been prepared in compliance with 16.135.010 and include the application requirements for a preliminary subdivision plat.*

#### **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;

***Finding:*** *With the exception of demonstrating compliance with the housing mix criteria in Section 16.45 NC Zone Master Plan Modification procedures, and the block dimensional requirements of the Section 16.135, the applicant has or can demonstrate compliance with applicable criteria of the City of North Plains Zoning and Development Code, including Section 16.125 Lot Development Standards, Section 16.135 Subdivisions, Section 16.145 Public Facility and Service Requirements, Section 16.150 Street Standards, Section 16.160 Clear Vision Areas, and Section 16.170 Application Requirements and Review Procedures.*

- B. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;

***Finding:*** Exhibit D includes the plat name, "Sunset Ridge," tentatively approved by the County Surveyor for the proposed subdivision.

- 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;

***Finding:*** Preliminary Plans illustrate proposed streets, sidewalks, alleys, pathways, utilities, and surface water management facilities. The proposed infrastructure and utilities are laid out to conform to maps of the approved Master Plan.

- D. All proposed private common areas and improvements (e.g. homeowners association property) are identified on the preliminary plat;

***Finding:*** According to the applicant, private common areas within the subject area will consist of parks and open space areas. Tracts for parks and open space areas are identified on the Sheet 4 – Preliminary Subdivision Plat and will be retained by the Homeowner's Association. The City finds the only park-like space is at the intersection of Helena and Cressida streets on the edge of the wetland. This small area contains a play structure, a path, 3 benches and a picnic table. All other open spaces are restricted and fenced wetland and vegetated corridor areas or pockets of landscaping improvements.

- E. Evidence that any required State and federal permits have been obtained, or shall be obtained before approval of the final plat;

***Finding:*** Applications for a wetland fill permit will be submitted for approval to the Department of State Lands and Army Corps of Engineers. Required permits will be obtained prior to 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;

***Finding:*** A CWS Service Provider Letter was received on October 22, 2013. Sheet 7 – Preliminary Utility Plan shows proposed utilities designed to comply with CWS, City, and County requirements. Compliance with Washington County requirements for road improvements will be addressed with engineering plans, to be submitted to Washington County Development Services (Public Assurances).

- G. A Traffic Impact Study (TIS) has been provided, if applicable, in accordance with the provisions of Chapter 16.170; and

***Finding:*** Kittelson and Associates, Inc. completed a Traffic Impact Study in 2007 for the approved Master Plan. The same number of units previously reviewed is proposed with this modification. No changes to access points are proposed. Therefore, the prior Traffic Impact Study has been accepted by the City and the County for the purpose of compliance with 16.135.011.G.

- 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.

***Finding:*** The subject site is within the previously approved North Plains East Master Plan area. This application proposes Master Plan Refinement and modifications to the approved preliminary plat. This report describes how the plan does not comply with certain 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.

***Finding:*** Sheet 4 – Preliminary Subdivision Plat shows that all future buildings on proposed lots will be located within 150 feet from a public right-of-way. Streets and lot placement and alignment have been designed in conformance with the Master Plan to allow for the future development of subsequent phases of the Master Plan. Easements and access strips will be provided with the final plat as required by the standards of 16.135.012 and the conditions of the approved Master Plan.

### **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.

Public Facilities Improvement Requirements Table						
	Fire Hydrants	Street Improvements	Water Line	Sewer Liner	Storm Drainage & Trees	Street Lights
Single Family Homes	N	C <sup>2</sup>	Y	C <sup>4</sup>	Y	N
Two Family & Multifamily Dwellings	Y	Y	Y	Y	Y	Y
Partitions, Subdivisions and Manufactured Home Parks	Y	Y	Y	Y	Y	Y
New Commercial Buildings	Y	Y	Y	Y	Y	Y
Commercial Expansions	C <sup>1</sup>	C <sup>3</sup>	Y	Y	Y	Y
New Industrial Buildings	Y	Y	Y	Y	Y	Y
Industrial Expansions	C <sup>1</sup>	C <sup>3</sup>	Y	Y	Y	Y
N = Not required Y = Yes, required C=Conditional, required in some case						
Note: Street lights shall be installed using PGE Option B.						

***Finding:*** Preliminary Plans illustrate public facility improvements to be provided within Phase 1 will comply with Section 16.145.005

**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.

- 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:*** Applicant's proposal meets the street standard in 16.145.005.

- 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:*** *Sheet 7 – Preliminary Utility Plan illustrates existing and proposed storm drainage and is submitted for review by the City Engineer. Storm drainage will be provided in compliance with Section 16.145.010(B). Storm drainage lines will be extended to the west and will outlet to natural drainage ways associated with McKay Creek. Given that storm line connections are proposed within rural areas of Washington County, a subsequent application will be submitted to Washington County for the extraterritorial extension of storm drainage lines.*

- 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:*** *Sheet 7 – Preliminary Utility Plan illustrates existing and proposed sanitary sewer lines. Connection will be made from Phase 1 of the subdivision to the North Plains East Trunk Line Extension. The North Plains East Trunk Line Extension is located in a rural area of Washington County. Therefore, a separate application will be submitted to Washington County for the extension of sanitary sewer line. Their approval should be a condition of approval.*

- 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:*** *Sheet 7 – Preliminary Utility Plan shows the existing and proposed water lines. The proposed water system has been designed to supply sufficient flows for potable water and fire uses within the subject site. The City’s Water Master Plan has identified the need for an additional water tank in the eastern portion of the City to ensure water service if the sole main between the east and center parts of time is damaged. A potential site of such a reservoir is Tract A which will be part of larger park. As a condition of approval a water easement should be dedicated to the City for Tract A.*

*Comments from the Public Works Director indicate the need to revise the plans so that there are no dead end mains over 250 feet. Therefore, water lines on Nestor and Turney must connect to a main on Cecil which will connect to a line on Cressida. He indicates*

*that looping is required of the waterlines, and the water line sizing, valve locations and hydrant locations will need to indicate compliance with city standards when utility engineering plans are developed. The original condition of approval regarding final construction drawings on compliance with city utility standards remains.*

#### **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:*** *As a condition of approval the applicant must enter into a development agreement with the City of North Plains, which will supersede prior development agreements.*

#### **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 or Washington County for 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.

***Finding:*** *Preliminary Plans illustrate the location, width, and grade of streets. Streets have been designed to city standards with consideration of existing and planned streets, topographical conditions, public convenience and safety, and 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

***Finding:*** *The subject site is currently vacant and is bounded by NW West Union Road to the north and NW Jackson School Road to the east. Preliminary Plans illustrate the street network within the Phase 1, including connection to NW West Union Road and connection to NW Jackson School Road. The street network has been designed to promote appropriate traffic circulation within the vicinity of the subdivision.*

- 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:*** *Streets identified as "NW Demetrius Street," "NW Turney Street," "NW Nestor Street," "NW Virgil Drive," and "NW Rowe Avenue" on the preliminary subdivision plat terminate at the western or southern boundaries of subdivision Phase 1 and will be extended with future phases of development of the Master Plan. No reserve strips or street plugs are proposed. In these cases tracts are utilized until Phase 2 is initiated.*

- 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.

**Finding:** *The proposed alignment of streets within Phase 1 complies with the standards of 16.150.010.D.*

- 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.

**Finding:** *Preliminary Plans (see Exhibit C) illustrate that “NW Nestor Street,” “NW Turney Street,” “NW Demetrius Street,” “NW Rowe Avenue,” and “NW Virgil Drive” will terminate at the boundary of Phase 1 and will be extended with future phases of development of the Master Plan, in compliance with this standard. No turnarounds are proposed. Tracts E, F, G & H may provide for vehicle turnaround area on the west side of the project.*

- 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:** *All streets within the preliminary subdivision plat are laid out to intersect as near to right angles as practical. The intersection at “NW Helena Drive” and “NW Cressida Drive” is not laid out to an exact right angle in order to retain the on-site wetland contained in Tract “Q” open space. No arterial or collector streets are proposed within the preliminary subdivision plat.*

- 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:** *As a condition of approval the applicant must dedicate to the City rights-of-way on public streets adjacent to the subdivision. Right-of-way will be dedicated 45 feet from centerline of NW West Union Road and NW Jackson School Road, including adequate corner radius at the intersection of NW Jackson School Road and NW West Union Road.*

- 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.

***Finding:*** *No cul-de-sacs are proposed with the preliminary subdivision plat or with Master Plan refinement.*

- 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.

***Finding:*** *Proposed street names are shown on Preliminary Plans. The City Council is in the process of revising the street naming process, and the final names of the streets shall be approved by the city prior to recording of the final plat. Staff recommends early settlers as a street name theme in this development. It is recommended that the proposed NW Lysander be changed to "King Avenue"; that NW Nestor be changed to "Keenon Street"; that NW Turney be changed to "Carver Street"; that NW Cecil Terrace be changed to "Shaddon Terrace"; that NW Demetrius be changed to "Fair Street"; that NW Virgil be changed to "Davis Drive" and "Kelly Drive"; that NW Cressida be changed to "Mays Street"; and NW Gloria Way be changed to "Kaye Way". Rowe Avenue name is also to be chosen.*

- 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:*** *Sheet 5 – Preliminary Grading Plan illustrates compliance with grade and curve standards.*

- 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:*** NW West Union Road and NW Jackson School Road have a functional classification of arterial and are within County jurisdiction. Measures to provide adequate protection of residential properties and afford separation of through and local traffic are provided with the provision of specified access points and separation from local streets with a landscaped tract and a row of lots fronting internal local streets. Access to NW West Union Road and NW Jackson School Road will comply with County standards and the conditions of the approved Master Plan.

- 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:*** The subject site is not located within a commercial or industrial district. Private alleys will be provided for at the rear of residential lots in Phase 1 as shown on Preliminary Plans. Sheet 4 – Preliminary Subdivision Plat shows that the intersection of alleys will generally have a minimum radius of 90 degrees.

- 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:*** Curbs and sidewalks are illustrated by Sheet 8.1 Preliminary Circulation Plan. Sidewalks will be provided on both sides of public streets and will have a width of 5 feet.

- 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:*** Sheet 10 – Preliminary Street Tree & Street Lighting Plan illustrates proposed street trees for Phase 1. As a condition of approval replace *Acer Saccharum* “Wright Borthers” with a tree species less prone to breakage in storm conditions, *Ostrya Virginiana* and *Tilia Americana* DTR 123 can only be placed in planting strip 8 feet or more wide, and tree species should be varied at least every 4<sup>th</sup> planting on a street to prevent catastrophic loss due to disease and end of life cycles. Try to find street trees with long leaf out periods.

- 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:*** Preliminary Plans illustrate compliance with access spacing standards by street functional classification of 16.150.110.O

### **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.

***Finding:*** Preliminary Plans illustrate the proposed street and right-of-way improvements, which will meet the criteria of the most recently adopted public works/street standards of the City of North Plains, the North Plains TSP, and as applicable, Washington County Standards. Compliance with Section 16.150 Street Standards is addressed in Section III of this report.

### **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:*** Construction of all public improvements will comply with the most recently adopted public works/street standards of the City of North Plains.

### **16.31.070 Bikeways and Sidewalks Required on Arterials and Collectors**

- A. Glencoe Road: Include bicycle lanes and sidewalks on both sides of the road. This would provide connectivity to the existing sidewalks and future growth to the east of Glencoe Road.
- B. Commercial Street: Include bicycle lanes and sidewalks on both sides of the road. A detailed plan should be developed to make sure these facilities coexist with parking demand in the downtown area.
- C. North Avenue: On the near term a sidewalk should be constructed on the south side of North Avenue to connect the existing sidewalk to Gordon Road. Sidewalks should also be added on the south side of North Avenue between NW 309th Avenue and Glencoe Road. These improvements would complete a system of

sidewalks on North Avenue in addition to providing connectivity to the adjacent street system. In the Long term sidewalks should to added to the north side of North Avenue also.

- D. Gordon Road: Provide sidewalk on the east side. This improvement will facilitate a connection to the future extension of sidewalk on the south side of North Avenue and to sidewalks along Commercial Street.

***Finding:*** *The absence of arterial streets West Union Road and Jackson School Road from the above list above is a result of the ordinance being adopted prior to annexations of the eastern areas of the City. Applicant has proposed bike lanes on West Union Road and Jackson School Road, and completion of the road profiles proposed on Sheet 8.1 are a condition of approval.*

## **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.*

## 16.170 APPLICATION REQUIREMENTS AND REVIEW PROCEDURES

### Administrative, Limited Land Use, Quasi-Judicial & Legislative Decisions

#### 16.170.000 General Provisions

##### C. Type III Quasi-Judicial Permits by Planning Commission

###### 14. Subdivision Permit

***Finding:*** This application includes modifications to the approved preliminary subdivision plat, Master Plan refinement, and Public Facilities Development Plan. This application is classified as Type III because it includes Master Plan refinement and modifications to a preliminary subdivision plat.

###### 16.170.001 Pre-application Conference

A pre-application conference is recommended for a Type II, III and IV permit. 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.

***Finding:*** A pre-application conference was held with the City Manager and staff of North Plains on May 30, 2013.

###### 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.

***Finding:*** An application for preliminary partition to create separate parcels within the Washington County Future Development (FD)-10 and the City of North Plains

*Neighborhood Community (NC) plan designations was submitted separately to Washington County. A Neighborhood Review Meeting was held on July 17, 2013 to discuss the preliminary partition in compliance with Washington County requirements as well as the proposed development. Notice of the neighborhood meeting was mailed to affected residents within a 1,000-foot radius, the City of North Plains, the Washington County Director of Land Use and Transportation, and the Citizen Participation Organization 8 representative.*

### **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 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.

***Finding:*** A Traffic Impact Study was completed by Kittelson and Associates, Inc. in 2007 for the North Plains East Expansion Area Master Plan. Refinement to the Master Plan and modifications to the preliminary subdivision plat will not increase the traffic impact beyond the findings of the initial study as the same number of units and the same access points are proposed.

- 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.

***Finding:*** Section II of this report addresses compliance with the City of North Plains Zoning & Development Code, including Section 16.145 and Section 16.150.

### **16.170.012 Type III Quasi-Judicial Decisions by the Planning Decision**

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

***Finding:*** As previously described, a pre-application conference was held with the City of North Plains City Manager on May 30<sup>th</sup>, 2013 in compliance with Section 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.

**Finding:** *The applicant has met the requirements of 16.170.020.*

### III. CONCLUSION AND STAFF COMMENTS

The City finds that the request to modify the East Area Master Plan and approve the Tentative Subdivision Plan for Sunset Ridge can comply with City standards subject to imposition of conditions. Given the above discussion, all applicable requirements of the City Ordinances can be satisfied by the applicant with appropriate conditions of approval.

### IV. DECISION

Based upon the findings contained herein, the application packet submitted by the applicant, and testimony received, on November 13, 2013 the Planning Commission granted approval of the request subject to the following conditions of approval:

#### **Master Plan Conditions of Approval – including Sunset Ridge Preliminary Subdivision Plan Conditions of Approval**

Prior to approval of a grading permit or any other preliminary permits the applicant shall provide proof of Washington County approval and recording of the pending Minor Land Partition separating the portion of Tax Lot 1200 that is outside the city; and the Special Use Permit and Flood Plain Alteration approval for Off-Site Sanitary Sewer and Storm lines located in county jurisdiction.

Prior to approval of a grading permit or any other preliminary permits the applicant shall provide evidence that the following conditions have been satisfied:

1. All sanitary sewer, storm sewer, and surface water management provisions shall be designed in accordance with Clean Water Services (CWS) "Design and Construction Standards for Sanitary Sewer and Surface Water Management," as contained in CWS Resolution and Order No. 07-20 (R&) 07-20). This shall include both the conveyance system and off-site improvements and modifications to existing systems necessary to provide adequate services to the site.
2. Sanitary sewer service improvements shall be provided in compliance with R&O 07-20 and City of North Plains Public Works Design Standards, Planning, Zoning, and Development Codes and other applicable City and Washington County Policies.

Prior to any request for subdivision or other land use action following approval of the Master Plan a phased development shall be provided along with a letter or other documentation, as approved by the City and CWS, specifying the available and capacity of any sanitary service connection to the existing sanitary conveyance

system located within NW West Union Road and all off-site public sanitary system improvements necessary to provide full service to the Master Plan area. The development plan shall be of significant detail to identify and evaluate alignment, capacity, easements, and other factors for compliance with R&O 07-20. In addition, all system improvements located outside of the Urban Growth Boundary (UGB) shall require approvals from Washington County and the City.

Accordingly, the applicant has agreed to construct a 12-inch “dry” sanitary sewer line parallel to the 8-inch line, with Phase 1 construction. This line will be utilized when the existing 8-inch line reaches full capacity and there is adequate flow rate to avoid settling within the new line, if necessary.

3. Surface water conveyance and surface water management facilities shall be provided in compliance with R&O 07-20 and other Washington County standards that apply, as well as the City of North Plains Public Works Design Standards, Planning, Zoning, and Development Codes and other applicable City and Washington County Policies. All system improvements located outside of the Urban Growth Boundary (UGB) shall require approvals from Washington County in addition to the City.

Prior to approval of a request for subdivision or other land use action following approval of the Master Plan a development plan shall be provided along with a letter or other documentation, as approved by the City, CWS, and Washington County, specifying the size, location, capacity, downstream impacts and other factors or system components necessary for compliance with R&O 07-20.

Accordingly, the applicant has agreed that storm water runoff from the site shall be conveyed in an open channel from the site boundary to McKay Creek with proper permits from CWS, DSL and the Army Corps of Engineers. Said channel shall be contained in an easement of sufficient width for the construction and maintenance of the channel, and shall be dedicated to Washington County and/or Clean Water Services. Said channel shall be designed to convey 100-year flow rates, and constructed in compliance with all applicable standards in CWS R&O 07-20 and other Washington County, state and federal standards that apply.

4. Public water system improvements are required and shall be planned, designed, and constructed in accordance with current City of North Plains Public Works Design Standards, the City Engineer’s recommendations and the APWA Standard Specifications for Public Works Construction. The system improvements shall be looped with the existing water system as approved by the City and be constructed with minimum 8 inch diameter pipes. Following approval of the Master Plan and prior to any on-site development and shall be verified by the City Engineer, at the applicant’s expense, to demonstrate that the proposed water system improvements meet all applicable City and State requirements and is consistent with the City Water Master Plan and water distribution model.

5. All off-site sanitary sewer and storm water easements of sufficient width, as determined by the approving authority, shall be dedicated to the appropriate jurisdictional authority prior to approval of any construction agreements, engineered plans, plat, grading or construction permits. Any easements proposed outside the Urban Growth Boundary shall be approved by Washington County.
6. Comply with the CWS Service Provider letter dated October 22, 2013. Comply with the pending DSL and the Army Corps of Engineers and DSL permits as required.
7. Prior to Final Plat approval of Phase 1, complete plans for the following street and traffic improvements:
  - A. Construction of a 100-foot northbound left-turn lane at the local street connection on Jackson School Road. This left-turn lane should be constructed with 100-feet of storage, and appropriate transitions and tapers. A left-turn lane at this location requires widening of the pavement beyond the 25 feet from centerline typically required with site frontage improvements.
  - B. At the intersection of NW West Union and Jackson School Roads, install signal that provides a flashing yellow light on West Union and a flashing red light on Jackson School Road.
8. Applicant shall prepare a detailed trail plan for connections to public streets and future connections as well as over the wetland area, with documentation regarding the viability of walking/biking trails from east to west.

**9. Washington County Department of Land Use and Transportation Conditions:**

PRIOR TO FINAL APPROVAL OF THE SUBDIVISION PLAT BY THE CITY OF NORTH PLAINS:

- A. The following shall be represented on the plat and recorded with Washington County:
  1. Dedication of additional right-of-way to provide a minimum of 45 feet from centerline of NW West Union Road and NW Jackson School Road.
  2. Dedication of additional right-of-way to provide adequate corner radius at the intersection of NW West Union Road and NW Jackson School Road.
  3. Provision of a non-access reservation along the frontage of NW West Union Road and NW Jackson School Road, except at the access point(s) approved in conjunction with the previous land use approval for City Casefile SD 07-0016/CPA 07-0017.
- B. Submit to **Washington County** Public Assurance Staff, 503-846-3843:
  1. Completed "Design Option" form.
  2. **\$30,000.00** Administration Deposit.

**NOTE:** *The Administration Deposit is a cost-recovery account used to pay for County services provided to the developer, including plan review and approval, field inspections, as-built approval, and project administration. The Administration Deposit amount noted above is an estimate of what it will cost to provide these services. If, during the course of the project, the Administration Deposit account is running low, additional funds will be requested to cover the estimated time left on the project (at then-current rates per the adopted Washington County Fee Schedule). If there are any unspent funds at project close out, they will be refunded to the applicant. Any point of contact with County staff can be a chargeable cost. If project plans are not complete or do not comply with County standards and codes, costs will be higher. There is a charge to cover the cost of every field inspection. Costs for enforcement actions will also be charged to the applicant.*

3. A copy of the City's Land Use Approval with Conditions, signed and dated.
4. Preliminary certification of adequate sight distance for each access point to NW West Union Road and NW Jackson School Road, in accordance with County Code, prepared and stamped by a registered professional engineer, as well as:
  - a. A detailed list of improvements necessary to produce adequate intersection sight distance (refer to the following webpage for sight distance certification submittal requirements).

<http://www.co.washington.or.us/LUT/Divisions/CurrentPlanning/development-application-forms.cfm>

5. Three (3) sets of complete engineering plans for construction of the following public improvements:

**NOTE:** *All public improvements must meet Washington County Road Design and Construction Standards. Any public improvements proposed that do not meet current county standards will require approval of a "Design Exception" to the standards in effect at the time of Facility Permit issuance.*

  - a. Half-street improvement to an **A-3** County standard along the subject site's NW West Union Road and NW Jackson School Road frontage (portions that are within city limits only).
  - b. Access to NW West Union Road and NW Jackson School Road to County standards.
  - c. Improvements within the right-of-way as necessary to provide adequate intersection sight distance at the proposed street connections to NW West Union Road and NW Jackson School Road.
  - d. Closure of all existing driveways to NW West Union Road and NW Jackson School Road, other than at the access points

approved by Washington County as part of the previous land use application (refer to Washington County approval dated December 31, 2007).

- e. Adequate illumination at the proposed street connections to NW West Union Road and NW Jackson School Road, including continuous illumination as part of the half-street improvement.

**NOTE:** Adequate illumination shall consist of at least one 200-watt high-pressure sodium cobra head luminaire mounted at a minimum mounting height of 20 feet, on existing utility poles if available. The fixture shall have a medium full-cutoff Type III distribution. The pole shall be within the area defined by the radius returns of the intersection. The fixture shall be oriented at 90 degrees to centerline of the arterial road. If no existing utility poles are available within the intersection area as defined by the radius returns, the developer shall meet the requirements of the Department of Land Use and Transportation Roadway Illumination Standards, latest revision. Illumination within the prescribed intersection area shall be a minimum of 1.5 times the required illumination level of the roadway classification at the access. The County Traffic Engineer may require illumination in addition to the above-stated minimums.

- C. Obtain a Washington County **Facility Permit** upon completion of the following/:

- 1. Obtain Engineering Division approval and provide a financial assurance for the construction of the public improvements listed in conditions **I.B.5.**

**NOTE:** The Public Assurance staff (503-846-3843) will send the required forms to the applicant's representative **after** submittal and approval of items listed under **I.B.**

**The Facility Permit allows construction work within County rights-of-way and permits site access only after the developer first submits plans and obtains Washington County Engineering approval, obtains required grading and erosion control permits, and satisfies various other requirements of Washington County's Assurances Section including but not limited to execution of financial and contractual agreements. This process ensures that the developer accepts responsibility for construction of public improvements, and that improvements are closely monitored, inspected, and built to standard in a timely manner. Access will only be permitted under the required Washington County Facility Permit, and only following submittal and County acceptance of all materials required under the facility permit process.**

- D. Prior to occupancy, obtain a Finaled Washington County **Facility Permit**, contingent upon the following:
1. The road improvements required in condition **I.B.5.** above shall be completed and accepted by Washington County.
  2. Upon completion of necessary improvements, submit **final** certification of adequate intersection sight distance in accordance with County Code, prepared and stamped by a registered professional engineer.

### **Sunset Ridge Preliminary Subdivision Plan**

In addition to the applicable Master Plan conditions stated above, and prior to Final Plat recording or issuance of a grading permit, the applicant shall complete the following subdivision improvements, guarantees and assurances in the form of final platting, construction drawings or improvement agreements as follows:

1. Applicant shall include a public pathway easement between Lots 3 and 4 for bicyclists and pedestrians to connect with sidewalks on West Union Road. Applicant shall dedicate a water easement to the city for Tract A in accordance with city specifications.
2. Applicant shall provide the finalized set of Codes, Covenants and Restrictions (CC&R's) that define common area and alley maintenance provisions, homeowner's association organization and other development restrictions, in accordance with the current ORS standards.
3. Local streets with pedestrian and bicycle considerations shall be dedicated and designed in accordance with the City of North Plains Development Code and Public Works Design Standards. Dead-end streets that are planned to be extended shall be provided with street barricades per City standards. Street trees and street lights shall be provided per City standards. An 8' public utility easement should be located across all lot and tract frontages adjacent to public right-of-way.
4. Street names shall be provided in accordance with the north/south County numbered street sequence for the north/south streets if applicable. Otherwise streets shall be approved by City staff based upon names of local area pioneers or settlers, community leaders. Include pedestrian trail signage and in other appropriate street crossings to assure pedestrian safety. Preliminary street names are recommended on page 36 of this Order.
5. Applicant shall comply with Washington County Fire District No. 2 regarding hydrant locations and other district requirements.

6. Applicant shall comply with the development standards of the City Zoning and Development Code Chapter 16.17 Neighborhood Community NC. The Planning Commission selected craftsman style homes with street and alley front porches and varying elevations, roof designs and colors. Garage doors and driveways should face rear alleys where practicable.
7. Applicant shall comply with City Zoning and Development Code Chapter 16.57 Subdivision Final Plat.
8. Applicant shall provide street intersection monumentation and elevation benchmarks per City and County Surveyor requirements. Applicant shall provide a metes and bounds description of the subdivision.
9. 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.
10. 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.
11. All public facilities and improvements required for approval of the final plat of Phase 1 of Sunset Ridge Subdivision shall be completed before the approval of a plan for Phase 2.
12. Street lights on city local streets shall be installed as per IES standards and Public Works Standards, as well as County street light standards for a street lights on NW West Union and Jackson School Roads. Due to the City engaged in Option A with PGE, developer is to contact PGE outdoor Lighting services 503-844-5361
13. All utilities shall be constructed underground, including utilities on West Union and Jackson School roads.
14. The applicant/owners shall have a licensed land surveyor prepare a Final Plat of the proposed subdivision 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.

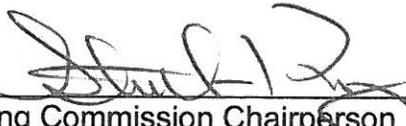
15. The applicant/owners agree to waive their right to remonstrate against the formation of a local improvement district or other mechanism to construct future improvements to the streets, storm water, water and sewer systems that may be assessed against the subject property.
16. Prior to City approval of the final subdivision 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.
17. 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, the Clean Water Services (CWS) and Washington County, must review and approve the proposed sanitary sewer / storm water sewer and street improvements respectively. Also, the Fire District must review and approve the site plan for emergency access vehicles. Approval must be obtained in written form and any coordination work with all agencies shall be the Developers sole responsibility. Documentation of all written approvals and permits from affected agencies should be provided to the City for their records.
18. 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.
19. After Planning Commission review the Developer 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.

## **V. APPEAL**

In accordance with the North Plains Zoning Code Chapter 16.170.012 G. 6, the decision of the Planning Commission shall be final unless an appeal is received by the City

Recorder within fourteen (14) days of the date this written notice was mailed, or unless the City Council, on its own motion, orders review within fourteen (14) days of the date the written notice was mailed.

Signed,

  
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Planning Commission Chairperson

Date 11/22/13

DATE MAILED: 11/22/13