CITY OF NORTH PLAINS PLANNING COMMISSION
REGULAR SESSION AGENDA
WEDNESDAY, OCTOBER 9, 2013, 7:00 P.M.
NORTH PLAINS SENIOR CENTER, 31450 NW COMMERCIAL STREET

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 Commission business, except those items which appear on this agenda. Comments shall be limited as determined by the Chairperson.)

5. CONSENT AGENDA
September 11, 2013, Regular Session Minute Approval

6. PUBLIC HEARING
A. Approval of Significant Natural Resource and Flood Plain Permits for 9975 NW Glencoe Road (Mc Donald's), File #13-035. – *See attached Staff Report.*
B. Approval for Conditional Use of C-2 Parcel for RV Storage at 10080 NW Glencoe Road, File #13-039. – *See attached Staff Report.*

7. UNFINISHED BUSINESS
Comprehensive Plan Discussion and Comments – *Revisions under consideration can be viewed at the bottom of the page on the North Plains website at http://www.northplains.org/index.php/city-government/planning/comprehansive-plan*

8. STAFF REPORT
City Manager

9. ADJOURNMENT

City Planning Commission Meetings are scheduled to be held at the North Plains Senior Center, 31450 NW Commercial Street, North Plains, Oregon, on the following dates at 7:00 p.m.:

Wednesday, November 13, 2013 *Wednesday, December 11, 2013* *Wednesday, January 8, 2014*

CITY OF NORTH PLAINS PLANNING COMMISSION
REGULAR SESSION MINUTES
SEPTEMBER 11, 2013, 7:00 P.M.
NORTH PLAINS SENIOR CENTER
31450 NW COMMERCIAL STREET

1. Chairman King called the meeting to order at 7:02 pm.

2. Chairman King led the pledge of allegiance.

3. **ROLL CALL**

Commission: Chairman Stewart King, Vice-Chairperson Heather LaBonte, Commissioners Jeff Low, Doug Nunnenkamp and Daryl Olson present. Commissioners Ethan Hagar and Aeron Braukman, and Ex-Officio Michael Demagalski excused absence.

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

4. **PUBLIC COMMENTS**

None.

5. **CONSENT AGENDA**

August 14, 2013 Regular Session Minute Approval. The August 14, 2013 Regular Session minutes were approved as written.

6. **PUBLIC HEARING**

A. Approval of a Variance for Property located at 10142 NW Curtis Street. Once the Quasi-Judicial Script was read, King opened the Public Hearing at 7:08. Asking for and hearing no conflicts of interest, ex-parte contact or personal bias on behalf of the staff or audience, he requested the Staff Report.

DeBry related DR Horton was requesting a variance to reduce the rear yard of Lot 27 in the Highland Court Subdivision (1N31DD01900) from ten feet to six feet. She said the north side of the property would be considered the back and the east side of the property would be considered the side, as opposed to the street side being the front and the east side being the back. She recommended approval of the variance.

King verified Lots 24 and 27 would be face to face. Olson did not find a reason for the variance and Nunnenkamp inquired why that data wasn't on the original plat. DeBry noted if no variance were to be granted, there would need to be a variance for the front of the property with a 24 foot wide house.

Ryan O'Brien, 4380 SW Macadam Avenue, Suite 100, Portland, OR 97239, representing DR Horton, noted the variance was required due to the street curve needed to line up Curtis Street making the property an odd shape. He also stated the North Plains Code is not clear on how to determine the front or back of a property and

that the alternative would be to do a narrower house which would not be easy, but would be possible. He said it is hard to make a nice house that narrow considering you would need to get a staircase in and that would make for a difficult floor plan.

Nunnenkamp did not like the idea of crowding and Olson stated he didn't like the idea of crowding nor did he think we should change the setbacks. Low was okay with the change as he thought a 24' wide house would be better than a narrower one. King verified the code required side a yard setback of 10 feet adjacent to a street in R-2.5.

Hearing no proponents, opponents, or neutral individuals, nor any discussion, King closed the Public Hearing at 7:21. He moved to entertain a motion and LaBonte moved to approve the reduction of the rear yard of Lot 27 from ten feet to six feet. Low seconded the motion and it was approved by a vote of four to one, with Olson opposing the approval.

B. Approval of a Subdivision and a Flood Plain Permit on Property Located at 31827 NW Pacific Street. This application came before the Planning Commission as a Quasi-Judicial Public Hearing which was opened at 7:23 p.m. King noted he was handling the property and could have a possible financial gain in the decision so he excused himself and LaBonte took over the meeting. Asking about conflicts of interest, ex-parte contact or personal bias on behalf of the staff, LaBonte stated she lived south of the site and had attended a public meeting regarding the property on August 25. Low excused himself after noting he had previous dealings with the applicant. King asked as to a quorum with the two of them excused. DeBry noted it wouldn't be a problem.

Hearing no challenges to impartiality, LaBonte requested the Staff Report. DeBry noted the project was a one acre parcel near 320th and Claxtar Street to be divided into seven lots. Six houses were to be built and one house already existed on the property. She stated there were a few low spots on the property in the upper northeast section. The plan meets all standards with Lot 5 being the only issue. A house built there might be below the Flood Plain.

Three houses would face NW Pacific Street and the other four houses would be built behind them on a private driveway. All four lots in the back would be considered flag lots. Lot six would face the driveway and there would be no access from NW Claxtar Street. A non-access strip could be considered as a Condition of Approval. LaBonte inquired as to how the issue with Lot 5 and the flood plain would be addressed. DeBry noted that would be addressed during the Building Permit process.

Eric Evans, Staff Planner representing Emerio Design, 6107 SW Murray Boulevard, Suite 147, Beaverton, OR 97008, noted it was not their intent to build in or alter the

flood plain as the lots were big enough to avoid that. Nunnenkamp noted there were no sidewalks to the back four flag lots. DeBry said that typically no sidewalks are required on private driveways. This 18' wide driveway would be considered too narrow to be a street. Nunnenkamp asked who would maintain the driveway to which DeBry answered it would be the responsibility of the homeowners. Olson asked if the Fire Department was okay with the fact that there was not a cul-de-sac in which to turn around at the end of this driveway. He was told the driveway was short enough to meet the requirements of the Fire Department, and being able to reach each house with their hoses, they would not need to go down the driveway at all. DeBry noted since water work would be done for some of the lots, the City might ask that a hydrant be put in at that location at the same time.

Mr. Evans noted the garage on Lot 6 might be converted to a home with Vince Biggi, Biggi Construction. LLC, 11605 SW Normandy Lane, Wilsonville, OR 97070, adding that they might add on to the house but would leave the driveway as it is. DeBry suggested a fence be installed at the end of Claxtar Street on the west side of the subdivision since it would never be a through street. Mr. Biggi agreed that they would provide a fence and/or shrubbery as the City requested.

Mr. Evans noted they no longer were seeking a variance since the code had been changed to allow 5' setbacks instead of 10' for sides yards in the R-5 zone. DeBry agreed they would be held to the current code. Nunnenkamp noted the side yards adjacent to streets in a flag lot were subject to 10' but DeBry said this was not a street, but a driveway so that didn't apply. He then asked about Lots 1 and 2. Mr. noted they were proposed as 10' so there was no need for a variance.

Hearing no questions or discussion from proponents or opponents, LaBonte asked if there were any neutral individuals wanting to speak. Stewart King, 31470 NW Commercial Street, had some questions about why the property to the east was set out further than this property and how that would affect the sidewalks. He also wanted to be sure there would be no access from Claxtar Street and liked the idea of the 1' non-access strip. LaBonte thought that requirement would be best addressed as a restriction on the plat.

Mr. Biggi again noted a fence would be built as a barrier. Nunnenkamp was concerned that at a later date someone could remove the fence to allow access from Claxtar Street for, as an example, an RV and wondered if the City could make that a Condition of Approval. LaBonte inquired if North Plains Public Works Department would require a curb. DeBry noted there was a hammerhead there and was not sure why since it was not made into a cul-de-sac. LaBonte asked if removing the barricades and putting a fence there would be enough. DeBry noted putting something reflective there would be a good safety idea and that Public Works would handle those

improvements.

LaBonte closed the Public Hearing at 7:54 and inquired if there were any questions. Hearing none, she asked to entertain a motion. Olson moved to approve the application for the subdivision with the added restrictions of access off Claxtar Street. Nunnenkamp seconded the motion and it was unanimously approved. King returned to the position of Chairperson.

7. UNFINISHED BUSINESS

Comprehensive Plan Discussion. DeBry noted this as being a large document with the process of review being a long one. The plan was for Planning Commission to spend about three meetings discussing and addressing concerns before doing some outreach work for community input. At that time the document would be sent to City Council for review and on to the State of Oregon for comment.

DeBry noted some of the information had already been updated from the 2010 census, with the City growth having been both slower and denser than the projections of the 2005 plan.

Olson asked for an explanation of the density number of 8.4 units per acre and where that came from. DeBry explained that in the late 1990's a Neighborhood Community study was done in which the State of Oregon suggested a number of 10.4 units per acre and the City proposed 6.5 units per acre. As a compromise, it was agreed upon as 8.4 units per acre. At the present time the density in North Plains exceeds that number.

Olson didn't want to see the city grow but LaBonte noted without industrial or commercial growth, a city loses its tax base and some services, so growth was important. DeBry would like to see an increase in the downtown area and perhaps some transition zones between residential and commercial zones. She noted she was planning on offering an opportunity at the Chili Cook-off for citizen input on the Comprehensive Plan.

At the next meeting DeBry will be checking in with Planning Commission on ideas, concerns and changes.

8. STAFF REPORT

Nunnenkamp noted he was impressed with the progress on the overpass. DeBry said the majority of it will be completed within the next month but noted the final work, including the Walking Trail, would not be completed for another 1-1½ years. LaBonte told the Commission that Sunset Terrace was moving forward with paperwork having been brought into Washington County. King noted an ongoing issue with Sunset

Terrace involved the building of a pump station.

DeBry noted the Pumpkin Run on October 26th, involving a run, costume parade and kid's activities. She also reminded Commission about the dance at Jessie Mays Community Hall on September 21st. Nunnenkamp asked about the planning classes offered at Banks. DeBry said those would be on October 18th and the North Plains Planning Commission had been invited. King asked if there were going to be any vacancies on the Commission. DeBry noted Aeron Braukman had emailed the City about not being interested in continuing to serve on the Commission. She noted Hagar's term was also up the end of this year, but she had not been notified yet if he wished to continue serving.

9. <u>ADJOURNMENT</u>

King noted the next scheduled meeting to be October 9th and adjourned the meeting at 8:45 pm.

Submitted by:

_____
Pamela L. Smith, Account Clerk II

Minutes Approved: _____

AGENDA ITEM NO._____

STAFF REPORT

Date: July 17, 2013

To: Planning Commission

From: Martha DeBry, City Manager

Subject: Significant Natural Resource and Flood Plain Permit

REQUEST: Approval of Significant Natural Resource and Flood Plain permit at 9975 Glencoe Road

APPLICANT: Derek Smith, Freiheit and Ho Architects, Inc, 5209 Lake Washington Boulevard NE, Suite #200, Kirkland, Washington, 98033

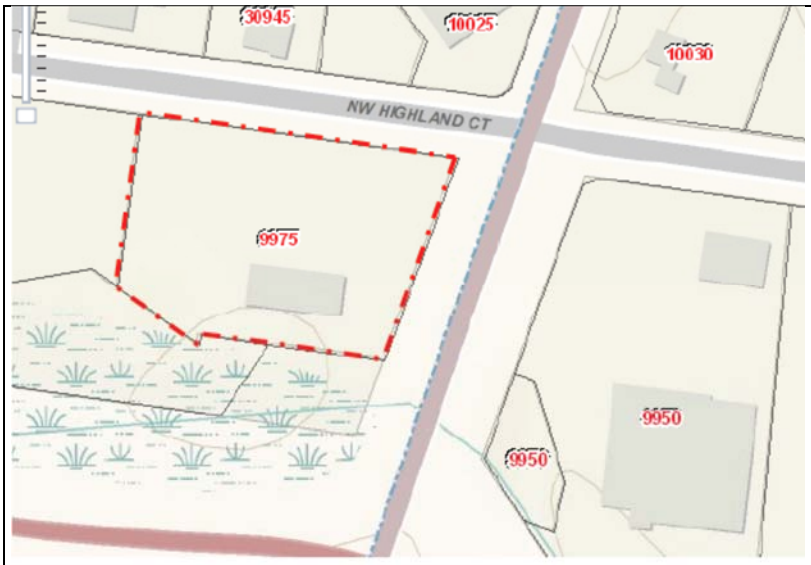
OWNER: Jeff Chapman, McDonald's USA 12131 113th NE, Suite 103, Kirkland, WA, 98034

TAX LOT ID Tax Lot 1N312AB00400, Washington County, Oregon

SIZE: 1.28 Acres

LOCATION: 9975 NW Glencoe Road

LAND- USE DISTRICT: C-2 Highway Commercial



Vicinity

Aerial View with approximate creek location

I. APPLICABLE REGULATIONS

A. Comprehensive Plan

B. North Plains Zoning and Development Ordinance:
Chapter 16.75 Significant Natural Resources Overlay District
Chapter 16.65 Flood Plain Overlay

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 permission to modify his 55,674 square foot site, by redesigning the parking lot and drive thru area. (Design review for additions to the building were completed in May, 2013.) Significant Natural Resource and Flood Plains permits are needed to address the impact on plants and materials from the southwest corner of the property as well as storm drain improvements that flow towards the flood plain. Excavations on other parts of the property are unlikely to have an impact on the flood plain or resources.

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.*

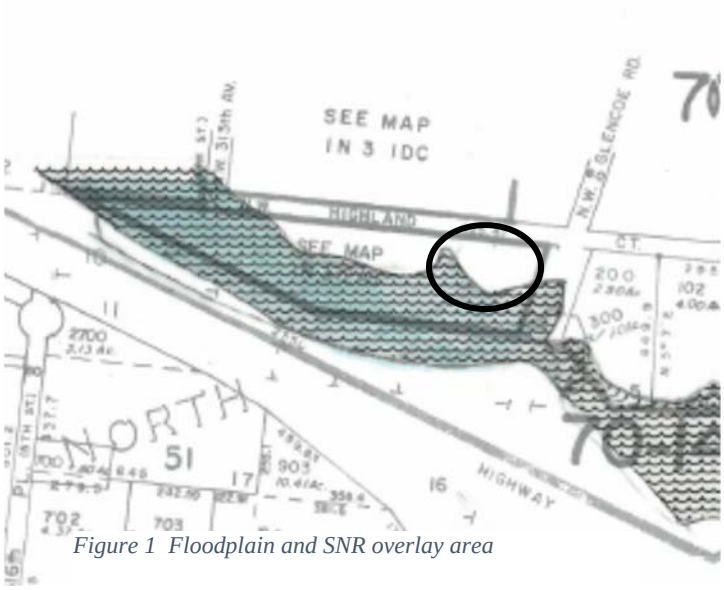


Figure 1 Floodplain and SNR overlay area

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.

16.65 Floodplain Overlay

16.65.000 Purpose

The purpose of the Flood Plain Overlay District (FP) is to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

A. To protect human life and health;
B. To minimize expenditure of public money and costly flood control projects;
C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
D. To minimize prolonged business interruptions;
E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
H. To ensure that those who occupy the areas of special flood hazards assume responsibility for their actions.

Finding: *The review of the applications ensures the purpose of 16.65.000 are met.*

16.65.010 General Provisions

A. **Area of Application**

All property, regardless of the underlying zoning designation, which falls within the boundaries of the 100-year Flood Plain, also known as the area of special flood hazard, shall be subject to the provisions of Zoning District (FP) of this Ordinance.

B. **Basis for Establishing the Areas of Special Flood Hazard**

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study of the City of North Plains, Oregon, Washington County, Oregon," dated March 16, 1989, with the accompanying Flood Insurance Maps are hereby adopted by reference and declared to be a part of this Ordinance. The Flood Insurance Study is on file at the City of North Plains, City Hall, North Plains, Oregon. The City shall utilize all authoritative information available in determining the location of special flood hazard areas.

C. **Compliance**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Ordinance and other applicable regulations.

D. **Abrogation and Greater Restrictions**

This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

E. **Interpretation**

In the interpretation and application of this section, all provisions shall be:

1. Considered as minimum requirements;
2. Literally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

F. **Disclaimer of Liability**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of North Plains, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Finding: *This project is part of a renovation of an existing building on site which was constructed approximately 15 years ago. Changes in design of the building and adjoining parking lot are intended to enhance the aesthetic appeal of the site as well as address minor surface drainage issues; ie puddles of water within the parking lot. No accessory structures or critical facilities are included in the plan. McDonald's is a privately owned enterprise, and is solely responsible for the maintenance of the property. The applicant has not experienced flooding in past years that has threatened health and safety.*

16.65.020 Provisions for Flood Hazard Protection

In all areas of special flood hazards the following standards are required:

A. **Utilities**

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and

3. On-site disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

E. **Review of Building Permits**

Where elevation data is not available, either through the Flood Insurance Study or from another authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. The City of North Plains has been notified that failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

Finding: *The proposed project makes minor improvements to surface drainage of storm water; water supply systems, storm drain and sanitary sewer facilities are not proposed to be replaced or upgraded.*

16.65.025 Specific Standards

In all areas of special flood hazards where base flood elevations data has been provided as set forth in this Chapter, the following provisions are required:

A. **All Development**

All development within the boundaries of the 100-year Flood Plain shall conform to the following cut and fill standards:

1. No net fill in the flood plain is allowed. All fill placed in a flood plain shall be balanced within at least an equal amount of soil material removal;

2. Excavation areas shall not exceed fill areas by more than 50 percent of the area;

3. Any excavation below the bank full stage of No Name Creek or McKay Creek shall not compensate for fill;

4. Excavation to balance a fill shall be located on the same parcel as the fill unless it is not reasonable or practicable to do so. In such cases, the excavation shall be located in the same drainage basin and as close as possible to the fill site, so long as the proposed excavation and fill in the Flood plain Overlay District and to minimize erosive velocities. Stream crossings shall be as close to perpendicular to stream flow as practicable. Bridges shall be used instead of culverts wherever practicable

D. **Flood Ways**

Located within areas of special flood hazard established in Chapter 16.65.010(A) are areas designated as flood ways. Since the flood way is an extremely hazardous area due to the

velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions apply, these provisions apply to all floodways:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development within Zones A1 and A2 (as defined by the Federal Emergency Management Agency) unless certification by registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

2. If Chapter 16.65.025 (D)(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Chapter 16.65.025.

Finding: *Proposed work is well above full-stage creek bank and flood way. No net fill is proposed. Excavations will affect less than 50% of the area*

Chapter 16.75 Significant Natural Resources Overlay District (SNR)

16.75.000 <u>Purpose</u>

The Significant Natural Resources (SNR) Overlay District provides protection for identified significant natural resources within the City of North Plains as designated under Statewide Planning Goal 5. For the purpose of this overlay zone, significant natural resources are designated as Significant Wetlands and Riparian Corridors. These resources have been inventoried within the City of North Plains according to procedures, standards and definitions established under Goal 5 and are identified on the Significant Natural Resources Map as adopted in the Comprehensive Plan.

The Significant Natural Resources Overlay Zone District is intended to:

A. Protect valuable natural resources within the City of North Plains Urban Growth Boundary, while ensuring reasonable economic use of property;

B. Augment existing regulations of water quality sensitive areas, vegetated corridors wetlands and water resources, including Clean Water Services Design and Construction Standards, the Division of State Lands Removal Fill Law (ORS 196.800-196.990), and by the US Army Corps of Engineers' administration of Section 404 of the Clean Water Act;

C. Encourage public knowledge, understanding and appreciation of the City's natural resources;

D. Provide protection of wetlands and riparian corridors to maintain salmonid habitat, water quality, thermal regulation, sediment trapping, hydrologic control of flood waters; stream bank stabilization and other important functions and conditions;

E. Encourage restoration of wetlands and riparian corridors; and

F. Carry out the provisions of Statewide Planning Goal 5.

Finding: *Application is consistent with the purpose of Municipal Code 16.75.*

16.75.010 General Provisions

A. Affected Property: The procedures and requirements of the Significant Natural Resources Overlay Zone District (SNR):

1. Apply to any parcel designated as having a Significant Natural Resource on any portion of the tax lot;

2. Apply in addition to the standards of the property's underlying zone;

3. Supercede the property's underlying zone where the underlying zone does not provide the level of Significant Natural Resource protection afforded by the Significant Natural Resources Overlay Zone District.

B. Activities Subject to Review: Activities subject to the review shall include all development on properties outlined in 16.16.030 A and not specifically exempted from review as outlined in 16.16.030 C, including:

3. Exterior expansion of any building or structure, or increases in impervious surfaces or storage areas.

4. Site modifications including grading, excavation or fill, installation of new above or below ground utilities, construction of roads, driveways, or paths.

5. Removal of trees or the clearing of native vegetation within a Significant Natural Resource.

Finding: *A portion of the property near the existing drive thru area is identified as being within the SNR overlay area, and the area will experience little to no disturbance, creating no significant impact on the SNR. Additionally, the project to expand the building triggers the requirement for review of the applicant in light of Municipal Code 16.75.*

D. Agency Review: Decisions made by the City of North Plains under this ordinance do not supercede the authority of the state or federal agencies which may regulate or have an interest in the activity in question. It is the responsibility of the applicant to determine which agencies, if any, have regulatory jurisdiction, and make the appropriate contacts.

E. Map as Reference: The Significant Natural Resources Overlay Zone map shall be a reference for identifying areas subject to the provisions of this ordinance. An

applicant with any parcel designated as having a Significant Natural Resource on any portion of the tax lot(s) is required to:

1. Delineate wetland boundaries using the methods described in the 1987 US Army Corps of Engineers Wetland Delineation Manual;

2. Provide the City with a delineation of the significant natural resources on the subject property as part of their application. An application shall not be complete until this delineation is submitted to the City;

3. Obtain concurrence of the wetland delineation from the Oregon Division of State Lands.

F. **Development Permit Required:** A development permit, pursuant to Chapter 16.170, shall be obtained before construction or development. The permit shall be required for all structures including manufactured homes, as set forth in the Definitions, and for all other development including fill and other activities, also as set forth in the Definitions.

Finding: *Portion of the property is within SNR area, which is the area immediately south and adjacent to the proposed drive thru lanes. The applicant is not proposing disturbing any of the existing vegetation within this area.*

16.75.0154 <u>General</u> <u>Development</u> <u>Standards</u>

A. The permanent alteration of the Significant Natural Resource by grading, by excavation or fill, by the placement of structures or impervious surfaces, or by the removal of native vegetation is prohibited, except for the following uses provided they are designed to minimize intrusion into the significant natural resource, and no other options or locations are feasible:

1. Streets, roads, paths, and driveways; Public or private streets, driveways, or paths may be placed within a Significant Natural Resource to access development activities if it is shown to the satisfaction of the reviewing authority that no other practicable method of access exists. If allowed, the applicant shall comply with the following requirements:

    a. Demonstrate to the reviewing authority that no other practicable access to the build able area exists or access from an off-site location through the use of easements is not possible;

    b. Design roads, driveways, and paths to be the minimum width necessary and for the minimum intrusion into the Significant Natural Resource while also allowing for safe passage of vehicles and/or pedestrians;

d. Consider the need for future extensions of shared access, access easements, or private streets to access potential new building sites at the time of this application in order to avoid subsequent encroachments into the Significant Natural Resource;

e. Prior to construction, the Significant Natural Resource area shall be flagged, fenced or otherwise marked and shall remain undisturbed except as allowed by the provisions of this ordinance. Such markings shall be maintained until construction is complete;

f. During construction, no stockpiling of fill materials, parking, or storage of equipment shall be allowed within the Significant Natural Resource;

g. Erosion control measures, such as silt fences and bio-filter bags, shall be used to reduce the likelihood of sediment and untreated storm water entering the Significant Natural Resource.

h. Permanent alteration of the Significant Natural Resource by the placement of public or private streets, driveways, or paths is subject to the mitigation requirements of Section VII.

Finding: *The proposed drive thru is in the same location as the existing drive thru area. The drive thrus are positioned to accommodate the existing building layout and cannot be located elsewhere on the property. The impact of the excavation and fill should not have no significant impact on the SNR, and all work is well above the top of bank. As a condition of approval, and as proposed by the applicant during construction the SNR must be flagged, the contractor must avoid stockpiling fill materials, parking or storing equipment in the SNR area. Similarly erosion control measures must be implemented to avoid damage within the SNR. If the applicant must remove vegetation, to extent practical the vegetation will be replaced with native vegetation in the same area.*

2. Utilities and drainage facilities;

Public and private utilities or drainage facilities may be placed within a significant natural resource when it is shown to the satisfaction of the review body that no other practicable alternative location exists. If a utility or drainage facility is allowed within a Significant Natural Resource the following standards shall apply:

a. Demonstrate to the reviewing authority that no other practicable access exists or access from an off-site location through the use of easements is not possible;

b. The corridor necessary to construct utilities shall be the minimum width practical so as to minimize intrusion into the Significant Natural Resource. Removal of trees and native vegetation shall be avoided unless absolutely necessary. The existing grade of the land shall be restored after construction. Native vegetation shall be used to restore the vegetative character of the construction corridor.

c. Prior to construction, the Significant Natural Resource area shall be flagged, fenced or otherwise marked and shall remain undisturbed except as allowed by the provisions of this ordinance. Such markings shall be maintained until construction is complete;

d. During construction, no stockpiling of fill materials, parking, or storage of equipment shall be allowed within the Significant Natural Resource.

e. Erosion control measures, such as silt fences and bio-filter bags, shall be used to reduce the likelihood of sediment and untreated storm water entering the Significant Natural Resource.

3. Replacement of existing structures with structures in the same location that do not disturb additional surface area;

4. Structures or other non-conforming alterations existing fully or partially within the Significant Natural Resource may be expanded provided the expansion occurs outside of the Significant Natural Resource. Substantial improvement of a non-conforming structure in the Significant Natural Resource shall require compliance with the standards of this ordinance.

5. Existing lawn within the Significant Natural Resource may be maintained, but not expanded within the limits of the Significant Natural Resource. Development activities shall not justify replacement of native vegetation, especially native riparian vegetation, with lawn.

6. Existing bank stabilization and flood control structures may be maintained. Any expansion of existing structures or development of new structures shall be evaluated by the Planning Department and appropriate state or federal natural resource agency. Such alteration of Significant Natural Resources shall be approved only if less-invasive or non-structural methods, such as bioengineering, will not adequately meet stabilization or flood control needs.

7. The types, sizes, and intensities of lights must be placed so that they do not shine directly into the Significant Natural Resource.

Finding: *Applicant will not perform work near the top of bank. As a condition of approval the applicant must obtain appropriate permissions from Clean Water Services to modify storm facilities. The applicant may not replace existing grass areas once removed; instead native vegetation should be installed. Areas affected by the demolition on the property include the driveway entrances from Highland Court and portions of the parking lot.*

B. Removal of vegetation from the Significant Natural Resource is prohibited, except for:

1. Removal of non-native vegetation and replacement with native plant species. The replacement vegetation shall cover, at a minimum, the area from which vegetation was removed, shall maintain or exceed the density of the removed vegetation, and shall maintain or improve the shade provided by the vegetation.

2. Removal of vegetation necessary for the continued maintenance of dikes, drainage ditches, or other storm water or flood control facilities. Vegetation removal shall be kept to the minimum necessary.

3. Trees in danger of falling and thereby posing a hazard to life or property may be removed, following consultation from a certified arborist and approval from the Planning Department. If no hazard will be created, the department may require these trees, if felled, to be left in place in the Significant Natural Resource.

4. The control or removal of nuisance plants should primarily be by mechanical means (e.g. hand-pulling). If mechanical means fail to adequately control nuisance plant populations, a glyphosate-based herbicide is the only type of herbicide that can be used in a significant natural resource area. No pre-emergent herbicides or auxin herbicides that pose a risk of contaminating water should be used. A herbicide application is preferred to be made early in the morning or during windless periods at least 4 hours before probable rainfall.

Finding: *Applicant has not proposed any disturbance of existing vegetation within the SNR. As a condition of approval, the applicant shall only perform minimal work within the SNR per the requirements of 16.75.010 to protect existing native vegetation. Most of the affected vegetation was installed as part of the original development of the structure, and will be maintained or replaced with native plants and trees. Any grass areas disturbed by the project, if replanted, must be planted with native vegetation.*

Chapter 16.170 APPLICATION REQUIREMENTS AND REVIEW PROCEDURES

16.170.000 General Provisions

C. Type III Quasi-Judicial Permits by Planning Commission

5. Flood Plain Development Permit

12. Significant Natural Resource Permit

16.170.001 Pre-application Conference

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

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

16.170.002 Neighborhood Meeting

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

Finding: *Application is subject to Type 3 review. Applicant fulfilled pre-application requirement as part of design review process. Adjoining residents were notified of public hearing.*

16.170.003 Traffic Impact Study

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

A. When a Traffic Impact Study is required. The City or other road authority with jurisdiction may require a Traffic Impact Study (TIS) as part of an application for development, a change in use, or a change in access. A TIS may be required when a land use application involves one or more of the following actions:

1. A change in zoning or a plan amendment designation;

2. Any proposed development of land use action that a road authority states may have operational or safety concerns along its facility;

3. An increase in site traffic volume generation by 300 Average Daily Trips (ADT) or more; or

4. An increase in site traffic volume of a particular movement to and from the State Highway by 20 percent or more; or

5. An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or

6. The location of the access driveway does not meet minimum sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the State Highway, creating a safety hazard; or

7. A change in internal traffic patterns that may cause safety problems, such as back up onto a street or greater potential for traffic accidents.

B. Traffic Impact Study Preparation. A Traffic Impact Study shall be prepared by a professional engineer in accordance with the requirements of the road authority. If the road authority is the Oregon Department of Transportation (ODOT), consult ODOT's regional development review planner and OAR 734-051-180.

C. City Street Improvement Requirements. In addition to street improvement requirements in this code for new development, see Chapters 16.145 and 16.150 for street improvement requirements related to single family homes and commercial and industrial expansions.

Finding: *Applicant's fast food business "McDonald's" is well established, and improvements are being made in conjunction with remodel of facility. No new trips are anticipated to be created as a direct result of parking lot or drive thru improvements.*

VI. CONCLUSION

The City finds that given the above discussion, all applicable requirements of the City Ordinances can be satisfied by the applicant with appropriate conditions of approval.

VII. RECOMMENDATION

Based upon the findings contained in this Staff Report, the application materials and information submitted by the applicant, and testimony before the Planning Commission, approval is hereby recommended for a Significant Natural Resources Permit and Flood Plain Overlay permit subject to the following conditions of approval:

1. The applicant/owner shall construct the improvements consistent with the submitted application. Approved plans do not guarantee the adequacy of the design, or guarantee that there will not be any design conflicts during construction. The City shall be notified of any design conflicts that are noted during construction. Modifications to the design must be approved by the City of North Plains and the appropriate agencies prior to continuing with any relevant construction activities.

2. Applicant must submit a landscape for the City's approval to ensure the use of native vegetation.

3. The applicant/owner shall sign a Development Agreement covering the conditions of approval.

4. Native vegetation shall be left undisturbed; if disturbed, to the extent practical native vegetation shall be replanted and maintained.

5. Applicant will not replace grass areas on any portion of the property if removed. Other native vegetation may be installed instead.

6. No new grass areas may be installed on the property.

7. The Significant Natural Resource area shall be flagged, fenced, or otherwise marked and shall remain undisturbed during construction except when disturbed native vegetation is going to be re-planted.

AGENDA ITEM NO._____

NORTH PLAINS
City to the Sunset

STAFF REPORT

Date: July 17, 2013

To: Planning Commission

From: Martha DeBry, City Manager

Subject: Conditional Use Permit for 10080 NW Glencoe

REQUEST: Approval of conditional use of C-2 parcel for RV storage.

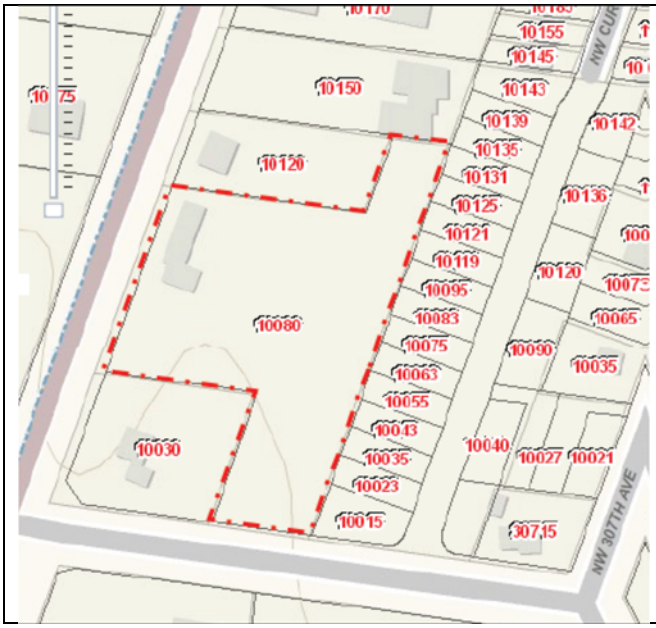
APPLICANT/OWNER: Steve Schmitz
12261 NW Welsh Dr, Portland, OR 97229

TAX LOT ID Tax Lot 1N301DD01100, Washington County, Oregon

SIZE: 1.58 Acres

LOCATION: 10080 NW Glencoe Rod

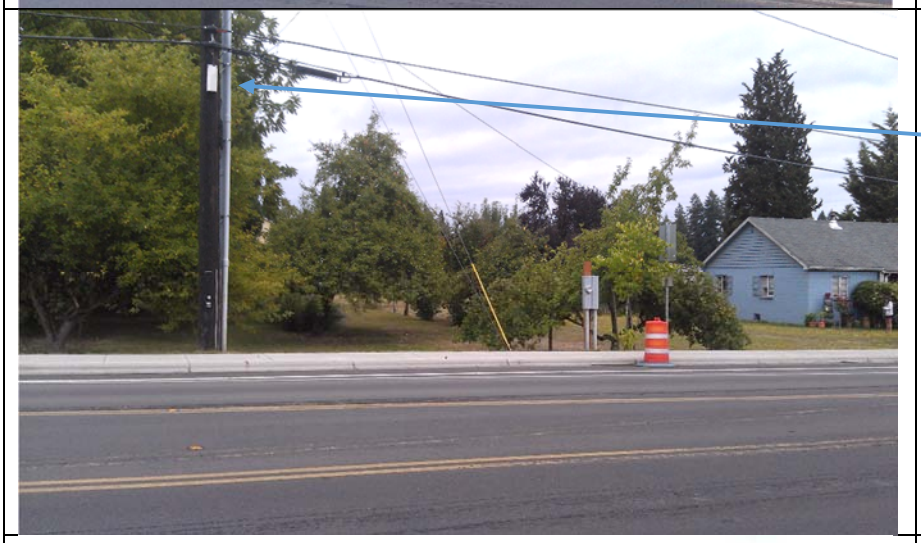
LAND- USE DISTRICT: C-2 Highway Commercial



General vicinity of lot.

Existing house is reflected in upper westernmost corner of property. It is currently used as a private residence.

Property has driveways on Glencoe Road and Highland Court.

	Property frontage on Glencoe includes area of single family home. Note only driveway is in front of home. (Match point is telephone pole.)
	Property frontage on Glencoe includes area of single family home. (Match point is telephone pole.)
	Frontage on Highland Court.

I. APPLICABLE REGULATIONS

A. City of North Plains Comprehensive Plan

B. North Plains Zoning and Development Ordinance:

Chapter 16.40:	Zoning District C-2
Chapter 16.145:	Public Facility and Service Requirements
Chapter 16.155:	Off-Street Parking & Loading
Chapter 16.160:	Clear Vision Areas
Chapter 16.170:	Application Requirements and Review Procedures
Chapter 16.180:	Conditional Use permit

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 permission to use a vacant lot as a Recreational Vehicle (RV) storage facility, as a conditional use on 1.58 acres near Glencoe Road and Highland Court. As proposed the existing single family residence would remain in place, and continue to be used for residential purposes. The remaining portion of the property would have no structural improvements and not be graded for this purpose. The surface would be maintained in its natural state or be topped with gravel. A fence would be installed along the perimeter of the property used as an RV storage facility. It is the applicant's intent to generate income from the storage of RV's until such time the property is developed or sold for other commercial purposes.

A large oak tree is a very prominent feature of the property. It is reported to be in poor condition and nearing the end of its life cycle. The applicant has not advised if it will remain or be removed.

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

16.40 C2 Zone

16.40.000 <u>Purpose</u>

The purpose of the C-2 District is to provide areas for the broad range of retail and service operations, as well as mixed use developments and live/work townhomes, which are dependent upon highway accessibility and visibility.

16.40.005 <u>Permitted Uses</u>

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

A. Accessory Use/Structures related to Commercial, Office, & Retail, Subject to Accessory Uses, Structures, & Dwellings of this chapter
B. Alcoholic beverage establishment
C. Amusement Enterprise, Indoor
D. Animal Care Facility
E. Art Studio/Gallery
F. Catering Establishment
G. Child Care, Certified Home, if part of a single family residential use
H. Child Care, Registered Home, if part of a single family residential use
I. Civic/Governmental Use
J. Clinic, Medical & Dental
K. Conference/Convention Center
L. Drive-in/thru window
M. Dry Cleaners & Laundry
N. Franchise disposal service vehicle storage and repair, established as of September 2011
O. Fuel Sales, Subject to Chapter 16.90
P. Funeral Homes, Mortuaries, & Taxidermist
Q. Garden/greenhouse, Commercial
R. Home Occupations, Subject to Chapter 16.85
S. Hotels & Motels
T. Office, Business
U. Parking as Primary Use
V. Planned Unit Development, Subject to Planned Unit Development section of this chapter
W. Recycling Drop-Off Center
X. Restaurants
Y. Retail Sales & Service
Z. Vehicular Sales, Rental, Repair, and Service

Finding: *The proposed use does not meet the definition of any outright permitted use within the C-2 zone.*

16.40.010 <u>Conditional Uses</u>

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

The following uses and their accessory structures may be permitted in the C-2 District when authorized by the Planning Commission pursuant to Chapter

16.40.015 <u>Conditional Use Permit.</u>

A. Amusement Enterprise, Outdoor
B. Bed & Breakfast
C. Bus Depot
D. Child Care, Certified Center
E. Educational Facility
F. Educational Facility
G. Extended Care Facility / Convalescent / Nursing Home
H. Farm/logging/lumber supply/equipment sales & service
I. Fraternal Lodge
J. Hospital/Sanitarium
K. Industrial, Light
L. Live/Work townhomes; shall not occupy more than 25% of front building elevation on the ground floor
M. Mixed Use developments; shall not occupy more than 25% of front building elevation on the ground floor
N. Places of Worship
O. Radio/TV Station/Studios
P. Retail Sales & Service-Single Tenant over 30,000 sf
Q. Scientific Testing/Research Laboratory
R. Storage, self-service
S. Storage, self-service/RV
T. Utility Facilities
U. Vehicle Wash
V. Wholesales/services
W. Wireless Telecommunication Facilities

Finding: *The proposed use is consistent with a conditional use permit for "S. Storage, self-service/RV."*

16.40.020 <u>Limitations on Use</u>

The following conditions and limitations shall apply to development in the C-2 District.

A. The Commission may impose the following conditions before a building permit will be

issued for the proposed development:

1. Limit or prohibit access to streets not designated as major streets on an officially adopted plan where the principal uses along the street in the block are residential.

2. Require sight or sound barriers.

3. The use shall not be objectionable in relationship to surrounding residential zones because of odor, dust, smoke, cinders, fumes, noise, glare, heat, or vibration.

Finding: *The Commission should designate the appropriate egress/exit points from the property to Highland Court. The existing driveway is on the western edge of the Highland boundary. Both Glencoe and Highland Court are designated for commercial uses. It would be reasonable for the Commission to require sight barriers to mitigate the visual impact to the residences on the west and east sides of the property. The facility is unlikely to generate significant odor, dust, smoke, cinders, fumes, noise, glare, heat, vibration or sound, that can be distinguished from sounds generated on Glencoe Road or adjoining streets and freeways.*

16.40.025 <u>Dimensional Standards</u>

The following dimensional standards shall be the minimum requirements for all development in the C-2 District except for modifications permitted under Lot, Building, & Yard Exceptions or Planned Unit Development sections of this chapter.

A. <u>Lot Size</u>
   1. The minimum lot area shall be 5,000 square feet.
   2. The minimum lot width shall be 50 feet at the street line.

Finding: *The applicant meets the lot size requirement of 16.40.025. No structure is proposed to which setback standards would be applied.*

SECTION 16.145: PUBLIC FACILITY AND SERVICE REQUIREMENTS

16.145.005 <u>Application of Public Facility Standards</u>

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
New Commercial Buildings	Y	Y	Y	Y	Y	Y
Commercial Expansions	C[1]	C [3]	Y	Y	Y	Y

N = Not required Y = Yes, required C=Conditional, required in some case

C[1] <u>Fire Hydrants for Commercial Expansions</u>

A fire hydrant is required when:

1. The total floor area of the building, including existing area and expanded area, is greater than or equal to 2500 square feet; or
2. A use is proposed which is classified as a Hazardous (H) use under the Uniform Building Code.

C [3] <u>Street Improvements for Commercial and Industrial Expansions</u>

Lots fronting on County roads must obtain access permits from the Washington County Department of Land Use and Transportation. The City will require improvement to full City standards when the use meets any of the following criteria:

a. The use generates an average of 100+ trips per day per 1000 gross square feet of building as documented in the Trip Generation Manual of the Institute of Transportation Engineers or other qualified source; or
b. The use includes daily shipping and delivery trips by vehicles over 20,000 pounds gross vehicle weight.

Finding: *This change in land use does not fit into either the "New Commercial Building" or "Commercial Expansion." (Neither term is defined in the zoning code, but are assumed to be associated with buildings.) The proposed conditional use does not include a building, or require a grading permit.*

A fence permit is required to implement this change in land use. In the most technical sense the fence permit could be considered a development permit. As a matter of past practice, the City has not required frontage improvements when fence permits are issued.

The use is not classified as Hazardous or require daily shipping and delivery trips by vehicles over 20,000 pounds gross vehicle weight triggering Public Facility Improvements.

The use is to front Highland Court which is a City street, and it does not meet the footnote 3 criteria for Commercial and Industrial expansions.

Washington County is reviewing the need to close the Glencoe access as this staff report is being prepared and additional comments are expected prior to October 8.

16.145.010 <u>Public Facility Standards</u>

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

A. **<u>Streets</u>**

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

Finding: *As proposed without a building or grading permit the use does not trigger a full street improvement. If any activity requires a building or grading permit, a design review application should be required at that time, which will likely result in the requirement of street frontage improvements.*

	Highland court has sidewalk and underground storm drain improvements from 307th to this site, and at the corner of Glencoe and Highland. No sidewalk is present on the lot adjacent and to the west of the property. *Orange line is rough location of new street improvements associated with Highland Court Subdivision.*
	View of Highland Court from edge of Highland Court Subdivision towards Glencoe. *(Note swale to right of road.)*

	Unimproved access driveway from Highland Court on west part of property.

B. **<u>Storm Drainage</u>**
No development permit shall be approved for any property until the City 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: *Storm drain facilities are available in the area. As a condition of approval the applicant must maintain the facilities to meet Clean Water Services and City standards.*

C. **<u>Sewage Disposal</u>**
No development permit shall be approved until the City and Clean Water Services has reviewed and approved provisions for connection to the public sewer system.

Finding: *As a condition of approval the applicant must obtain approvals from Clean Water Services and the City prior to making any public improvements. At this time the applicant has indicated no building, RV washing or disposal will be developed requiring sanitary sewer service.*

D. **<u>Water Supply</u>**
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; or

2. Improved to a standard providing adequate potable water flows pursuant to the City Water Master Plan and approved by the City and the Fire Chief for Washington County Fire District No.

Finding: *Water supply in the area is adequate for fire suppression. No domestic water demand is proposed at this time. A hydrant is located at Curtis Street and Highland Court.*

16.145.115 <u>Exceptions</u>

All exceptions to the Public Facility Standards section of Chapter 16.145.005 shall be reviewed and approved by the City Council at a public hearing conducted pursuant to the Application Review Chapter.

Finding: *No exceptions to Code section 16.145 are being requested.*

16.145.120 <u>Methods to Assure Facilities and Services</u>

A legal and enforceable document, contract or process which assures the City that a public improvement will be accomplished. 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 City that addresses public improvements that may be required. No fence permit will be issues until the development agreement is executed.*

16.145.125 <u>Determination of Impacts from Change of Use, new construction, alterations and/or additions</u>

If the applicant intends to assert that he/she cannot legally be required to comply with the development standards required by this section, the building permit or site review application shall include a “rough proportionality” report, prepared by a qualified civil or traffic engineer, as appropriate showing:

A. The estimated extent, on a quantitative basis, to which the public improvements will be used by persons served by the building or development, whether the use is for safety or convenience;
B. The estimated level, on a quantitative basis, of improvements needed to meet the estimated future use by persons served by the building or development;
C. The estimated impact, on a quantitative basis, of the building or development on the public infrastructure system of which the improvements will be a part; and
D. The estimated level, on a quantitative basis, of improvements needed to mitigate the estimated impact on the public infrastructure system.

Finding: *The applicant has not requested an exception to the development standards.*

16.145.130 <u>Requirement for Public Work Permit</u>
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 a Public Works construction permit for public improvements or improvements in the right of way.*

16.145.135 <u>Fees</u>
The applicant for a Public Works Construction Permit shall pay permit fees for administration and inspection costs to be established by City Council Resolution.

Finding: *The applicant is required to pay fees associated with a Public Works construction permit for public improvements.*

16.145.140 <u>Duration of Permit</u>
The Public Works Construction Permit shall be issued for a period not to exceed 12 months. The City may extend the permit for an additional 12-month period if a written request is made to do so prior to expiration of the Permit and upon determining that the obligation of the security required in Section 4 below are extended for a like period.

Finding: *The applicant has not requested an exception to the duration of Public Works construction permit standards.*

16.145.145 <u>Performance and Maintenance Security</u>
The applicant shall file with the City prior to the issuance of a Public Works Construction Permit, security in form and amount acceptable to the City. Security can be in the form of a corporate surety bond, letter of credit, or a cash deposit. The corporate surety bond shall be issued by a surety company authorized to transact business in the State of Oregon. Security shall assure the applicant's full and faithful performance of the provisions of said Public Works Construction Permit. Security shall be in an amount established by City Council by resolution.

The applicant shall in addition provide security guaranteeing the improvements against any and all defects in workmanship and materials and the maintenance of excavated and filled trenches for period of one year from and after the date of completion of the improvements.

The provision of this Section shall not apply to any applicant having a franchise to use public rights-of-way or property for installation, maintenance and operation of public or private utilities.

Finding: *The applicant is required to provide a performance and maintenance security in a form and amount acceptable to the City.*

16.145.150 <u>Insurance Required</u>

Prior to issuance of a Public Works Construction Permit, the applicant shall deposit with the City a certificate of comprehensive public liability insurance covering the work to be done by the applicant under the permit. The policy of insurance shall provide for not less than $300,000 for any injury sustained in one occurrence, property damage coverage in an amount not less than $100,000, and $500,000 for any number of claims arising out of a single accident or occurrence.

Finding: *The applicant is required to provide a performance security in a form and amount acceptable to the City.*

16.145.155 <u>Indemnification</u>

As a condition of the issuance of a permit, the applicant shall defend, indemnify and hold the city, its officers, employees, representatives, and agents harmless from and against any and all claims, demands, judgments, expenses, costs, or charges, including appeals, arising out of or related to the work covered by the permit.

Finding: *The applicant is required to indemnify the City.*

16.145.160 <u>Restoration</u>

The permit holder is required to restore the surface of public places to the condition existing prior to the interruption in accordance with City standards. The City is authorized to restore the public place surface to its preexisting condition if the permit holder fails to do so and to assess the costs of the restoration against the permit holder.

Finding: *The applicant shall comply with 16.145.160 regarding restoration of public facilities.*

16.145.165 <u>Damage to Substructures</u>

In the event any pipe, conduit, manhole, vault, buried cable, wire, or any other structure located below the surface of any public place should be damaged by the permit holder or his agents, representatives or designees, the substructure shall be repaid by the owner thereof and the expense of such repair shall be charged to the permit holder. The permit holder shall be liable for any damage caused to any public property by the work performed in connection with

the excavation permit, including but not limited to the damage to water lines, sewer lines, and other city owned or public utilities.

Finding: *The applicant shall comply with 16.145.165 regarding damage to substructures.*

16.145.170 <u>Protection of Adjoining Property</u>

The permit holder shall at all times, at its own expense, preserve and protect from damage any adjoining property by providing proper foundations and taking other measures suitable for that purpose. If it is necessary to enter upon private property for the purpose of taking appropriate protective measures, the permit holder shall obtain a license from the owner of such private property. The permit holder shall, at the holder's own expense, shore up and protect all buildings, walls, fences or other property likely to be damaged during the progress of the excavation work and shall be responsible for all damage resulting from the failure to protect such structures.

Finding: *The applicant shall comply with 16.145.170 regarding protection of adjoining properties.*

16.145.175 <u>Care of Excavated Material</u>

All material excavated from trenches shall be placed by permit holder in a location which shall not constitute a hazard or danger to persons lawfully using the public place or places being excavated, and shall not be placed within a public right-of-way without prior written approval from the City. During the work performed under any permit, the permit holder shall keep all streets and public places thoroughly cleaned of all rubbish, excess earth, rock, or other debris and dust resulting from such work. All cleanup operations at the location of such excavation shall be accomplished at the expense of the permit holder. In the event the permit holder fails or refuses to comply with the provisions of this section, the City, after notice to the permit holder, may direct the cleanup and removal of all rubbish, excess earth, rock, or other debris and dust and assess the cost thereof against the permit holder.

Finding: *The applicant shall comply with 16.145.175 regarding the care of excavated materials.*

16.145.180 <u>Construction Standards</u>

All work performed under the permit shall be in accordance with standards established by the City, which standards may include but not be limited to methods of excavation, backfilling, restoration of surface, and restoration standards. Work in streets under Washington County jurisdiction shall also meet applicable County requirements. Work on sanitary or storm sewers under the jurisdiction of the Clean Water Services shall meet the standards of that agency.

Finding: *The applicant shall comply with 16.145.180 regarding construction standards.*

SECTION 16.155: OFF-STREET PARKING AND LOADING

16.155.000 <u>Purpose</u>

The purpose of this chapter is to provide adequate areas for the parking, maneuvering, loading and unloading of vehicles for all land uses in the City of North Plains.

16.155.005 <u>General Provisions</u>

A. The provision and maintenance of off-street parking and loading spaces are continuing obligations of the property owner. No building or other permit *[note: including a conditional use permit]* shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this Ordinance.

B. Parking requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission, based upon the requirements of comparable uses listed.

C. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.

D. Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the building inspector in the form of deed, leases or contracts to establish the joint use.

E. Off-street parking spaces for dwellings …..

F. Parking and loading spaces shall not be located in a required side or rear yard, except that off street parking spaces may be located in a required side or rear yard adjacent to a street on commercial or industrial zoned land provided that the parking spaces are developed consistent with the development standards of this chapter.

G. Required parking spaces shall be available for parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

H. Required parking spaces shall be improved and available for use before the final inspection is completed by the building inspector. An extension of time may be granted by the building inspector providing an irrevocable letter of credit, assignment of bank account, performance bond, or its equivalent, is posted equaling the cost to complete the improvements.

I. On-Street Parking Credit. The amount of off-street parking required may be reduced by one-half off-street parking space for every one on-street parking space adjacent to the development (where curbs and sidewalks are present and parking is allowed). On-street parking shall follow the established configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by City standards. The following constitutes an on-street parking space:

    1. Parallel parking, each 24 feet of uninterrupted curb;

2. 45 degree diagonal, each 14 feet of curb;
3. 60 degree diagonal, each 11.5 feet of curb;
4. 90 degree (perpendicular) parking, each 10 feet of curb;
5. Curb space must be connected to the lot which contains the use;
6. Parking spaces that would not obstruct a required clear vision area, nor any other parking that violates any law or street standard; and
7. On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street parking spaces are permitted.

J. When the calculation of the minimum number of parking spaces required results in a fraction of a space, the applicant must round up to the nearest whole space.

Finding: *Applicant shall comply with 16.155.005 General Provisions. No credit for on-street parking will allowed as no curb or sidewalk are proposed.*

16.155.015 <u>Automotive Parking Requirements</u>

B. <u>Commercial Residential</u>

1. Hotel	One space per two guest rooms or suites plus one space per two employees.
2. Motel	One space per guest unit plus one additional space per two employees.

E. <u>Commercial Amusement</u>

1. Stadium; arena; theater	One space per four seats or eight feet of bench length.
2. Bowling alley	Four spaces per alley plus one space per two employees.
3. Dance hall; skating rink	One space per 100 square feet of floor area plus one space per two employees.

F. <u>Commercial</u>

1. Retail store	One space per 200 gross square feet of floor area.
2. Service or repair shop	One space per 400 gross square feet of floor area plus one space per two employees.
3. Retail store handling exclusively bulky merchandise such as automobiles and furniture	One space per 500 gross square feet of floor area
4. Bank; professional office	One space per 800 square feet of floor area.

5. Clinic or office for doctor, dentist, or other practitioner of the healing arts	One space per 300 square feet of floor area plus one space per two employees
6. Eating or drinking establishment	One space per 100 gross square feet of floor area.

Finding: *Section 16.150.015 does not specifically address parking requirements for storage facilities. Because no retail sales will occur, the primary purpose of the facility is parking, and it is unlikely to have more than one owner/employee on site at a time, a minimum of 3 passenger car spaces and one RV space is recommended as a condition of approval.*

16.155.020 <u>Off-Street</u> <u>Loading</u> <u>Requirements</u>
Off-street loading space shall be provided as listed below:

All office buildings shall require a minimum loading space size of 12 feet wide, 20 feet long and 14 feet high in the following amounts:

1. For buildings containing up to 5,000 square feet of gross floor area, one space; for each additional 10,000 square feet of gross floor area, or any portion thereof, one space.
2. All other commercial or industrial buildings shall require a minimum loading space of 12 feet wide, 20 feet long, and 14 feet high in the following amounts:
3. For buildings containing up to 5,000 square feet of gross floor area, one space; for each additional 10,000 square feet of gross floor area, or any portion thereof, one space.

Finding: *No office street loading is required for this use.*

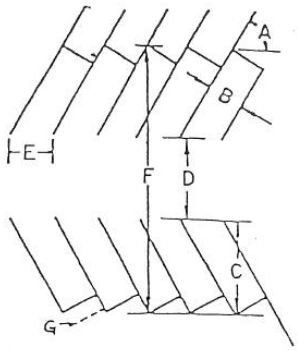
16.155.025 <u>Parking</u> <u>and</u> <u>Loading</u> <u>Area</u> <u>Development</u> <u>Requirements</u>
All parking and loading areas shall be developed and maintained as follows:

A. **<u>Surfacing</u>:** Areas used for standing and maneuvering of vehicles shall have durable and dustless surfaces maintained adequately for all weather use and drained to avoid flow of water across public sidewalks.
B. **<u>Screening</u>:** When any public parking or loading area is within or adjacent to a residential zone, such parking or loading area shall be screened from all residential properties with an ornamental fence, wall or hedge of at least five feet in height but not more than six feet in height, except where vision clearance is required.
C. **<u>Periphery</u>:** Parking spaces along the outer boundaries of a parking lot shall be contained by a bumper rail or a curb at least four inches high and set back a minimum of four feet from the property line.
D. **<u>Lighting</u>:** Artificial lighting which may be provided shall not create or reflect substantial glare in a residential zone or on an adjacent dwelling.
E. **<u>Design</u> <u>of</u> <u>Parking</u> <u>Spaces</u> <u>and</u> <u>Driveways:</u>** Off-street parking lots shall be designed in accordance with City Standards for stalls and aisles as set forth in the following drawing and table:

Notes:

1. For one (1) row of stalls use "C" plus "D" as minimum bay width.
2. Public alley width may be included as part of dimension "D," but all parking stalls must be on private property, off the public right-of-way.
3. For estimating available parking area, use 350 square feet per vehicle for stall, aisle and access areas.

a	b	c	d	e	f	g
45°	8.5'	17.5'	13.0'	12.0'	48.0'	2.0'
	9.0	17.5	12.0	12.7	47.2	2.0
	9.5	17.5	11.0	13.4	46.0	2.0
	10.0	17.5	11.0	14.1	46.0	2.0
60°	8.5'	19.0'	18.0'	9.8	56.0'	2.5'
	9.0	19.0	16.0	10.4	54.0	2.5
	9.5	19.0	15.0	11.0	53.0	2.5
	10.0	19.0	14.0	11.6	52.0	2.5
75°	8.5'	19.5'	25.5'	8.8'	64.0'	2.5'
	9.0	19.5	23.0	9.3	62.0	2.5
	9.5	19.5	22.0	9.8	61.0	2.5
	10.0	19.5	21.0	10.3	60.0	2.5
90°	8.5'	18.5'	28.0'	8.5'	65.0'	3.0
	9.0	18.5	26.0	9.0	63.0	3.0
	9.5	18.5	25.0	9.5	62.0	3.0
	10.0	18.5	24.0	10.0	61.0	3.0



A Parking Angle
B Stall Width
C Stall Depth (no bumper overhang)
D Aisle Width Between Stall Lines (5)
E Stall Width Parallel to Aisle
F Module Width (no bumper overhang)
G Bumper Overhang

4. The stall width for self-parking of long duration is 8.5'; for higher turnover self-parking is 9.0'; and for supermarkets and similar facilities is 9.5; - 10.0'.
5. The minimum aisle width for two-way traffic and for emergency vehicle operations area is 24'. The minimum aisle width for emergency vehicle access (open way traffic is 20'.
6. Where appropriate bumper overhang area is provided (extruded curbs), "G" can be subtracted from "C" to determine stall depth.
7. Dimensions of required recreational vehicle spaces are 10' x 25'.

FINDING: *<u>Surfacing:</u> The applicant is proposing an RV facility with the existing natural surface or gravel surface which should retain the current storm water management profile. No new impervious surfaces are proposed such as asphalt concrete. As a condition of approval, the applicant should submit a dust control plan to be incorporated in the development agreement.*

<u>Screening</u>: Applicant is proposing a fence around most of the property which requires differing levels of screening:

1. *Northern most boundary abuts a commercially zoned vacant lot and does not require screening.*
2. *Eastern most boundary abuts residential housing of the Highland Court Subdivision, which is still in construction. The facility will share a common fence line with the rear of many homes. It is recommended that the applicant is required to plant a fast-growing hedge materials and trees be installed on the applicant's side of the property for the purpose of obscuring the view of recreational vehicles and to deter climbing over the fence from the residential properties. As a condition of approval the details of this landscape plan should be prepared and approved by the City prior to installation.*

3. *Southern most boundary faces Highland Court and should have a minimum 20 foot landscaping buffer with screening materials installed as per 16.155.025.B.*
4. *The west boundary abutting 10030 Glencoe Road will share a common fence with a*

commercially zoned property and requires no screening.

5. *Along the west boundary with Glencoe Road that is undeveloped, the fence should be set back a minimum of 20 feet and screening installed per 16.155.025.B.*
6. *Along the west boundary where a single family residence exists, no changes are proposed.*
7. *In the interior of the lot along the west boundary with the rear yard of the residence at 10080 Glencoe Road no screening is required as the boundary is within the same legal tax lot.*

<u>Periphery:</u> No parking is proposed outside of the facility.

<u>Lighting</u>: Applicant may only install artificial lighting which shall not create or reflect substantial glare in a residential zone or on an adjacent dwelling. If additional lighting is installed, a lighting plan must be submitted and approved by the City. As a condition of approval the applicant may not install lighting for video monitoring and should anticipate relying on cameras capable of night-vision monitoring. Limited motion activate lighting may be installed if recommended and approved by the North Plains Police Department. Placement of such lights shall be subject to the approval of the City of North Plains.

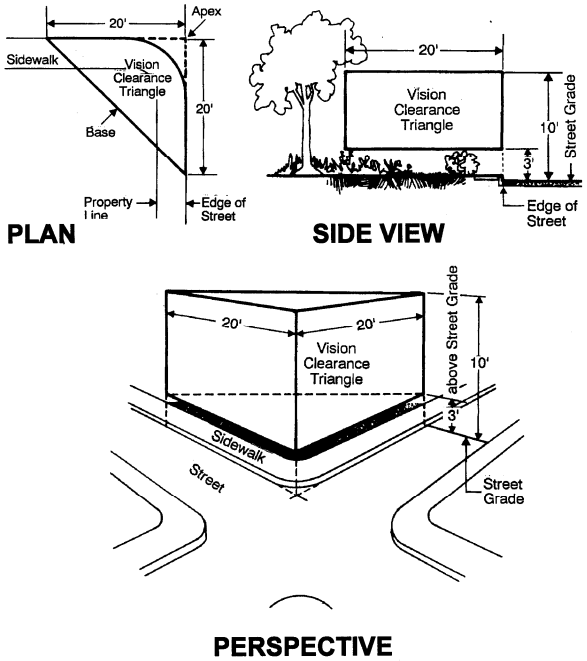
<u>Design of Parking</u> – Offstreet parking will be designed to City standards.

SECTION 16.160: CLEAR VISION AREAS

16.160.0 <u>Requirements</u>

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.

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. 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: *Applicant must comply with 16.160.000 regarding clear vision areas. The plans for the driveway access must be reviewed and approved by the City Engineer prior to the implementation of the conditional use.*

SECTION 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
   2. Conditional Use Permit

FINDING: *The applicant is proposing a use that requires Planning Commission review. A public notice was printed in advance of the hearing and mailed to adjoining property owners and affected agencies.*

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 formal pre-application meeting was not held. The applicant did contact the City to inquire about the conditional use approval process.*

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: *On 9/5/13 the City recommended the applicant conduct a neighborhood meeting in advance of the Planning Commission meeting.*

16.170.003 <u>Traffic Impact Study</u>

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. <u>When a Traffic Impact Study is required.</u> 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.

FINDING: *A Traffic Impact Study has not been included as the change in traffic patterns does not meet the criteria of 16.170.003*

16.170.012 <u>Type III Quasi-Judicial Decisions by the Planning Decision</u>

<u>Pre-application Conference</u>. 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 preapplication conference requirement was waived by the City Manager.*

B. Application Requirements.

1. Application form. A quasi-judicial application shall be made on forms provided by the City Planner or designee. The application shall include the property owner's signature of consent. Entities with condemnation authority are not required to provide a consent signature.

2. Submittal Information. When a quasi-judicial application is required, it shall include:
   a. The information requested on the application form;
   b. One copy of a narrative statement that explains how the application satisfies each of the relevant criteria and standards insufficient detail for review and decision-making.
   c. The required fee pursuant to Chapter 16.00.070; and
   d. One set of pre-stamped and pre-addressed envelopes for all real property owners of record who will receive a notice of the application within 250 feet. The records of the Washington County Assessor's office are the official records for determining ownership. The applicant shall produce the notice list. At the applicant's request, and upon payment of a fee noted on the City's fee list, the City may prepare the public notice mailing list. The City or the applicant shall use the most current County real property assessment records to produce the notice list. The City shall mail the notice of application.

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

C. Notice of Hearing.

1. Mailed notice. The City shall mail the notice of the Type III application. The records of the Washington County Assessor's Office are the official records for determining ownership. Notice of the initial hearing or an appeal hearing shall be given by the City in the following manner:

   a. At least 20 days before the hearing date, notice shall be mailed to:
      i. The applicant and all owners or contract purchasers of record of the property that is the subject of the application;

ii. All property owners of record within 250 feet of the site;
iii. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City. The City may notify other affected agencies. The City shall notify the road authority, and rail authority and owner, when there is a proposed development abutting or affecting their transportation facility and allow the agency to review, comment on, and suggest conditions of approval for the application.
iv. Owners of airports in the vicinity shall be notified of a proposed zone change in accordance with ORS 227.175;
v. Any neighborhood or community organization recognized by the City Council and whose boundaries include the property proposed for development;
vi. Any person who submits a written request to receive notice;
vii. For appeals, the appellant and all persons who provided testimony in the original decision; and
viii. For a land use district change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS227.175.
ix. The City Planner or designee shall prepare an affidavit of notice. The affidavit shall state the date that the notice was mailed to the persons who must receive notice.
x. At least 14 business days before the hearing, notice of the hearing shall be printed in a newspaper of general circulation in the City. The newspaper's affidavit of publication of the notice shall be made part of the administrative record.

b. Content of Notice. Notice of appeal of an application or notice of a public hearing to be mailed and published per Subsection 1 above shall contain the following information:
   i. The nature of the application and the proposed land use or uses that could be authorized for the property;
   ii. The applicable criteria and standards that apply to the application;
   iii. The street address or other easily understood geographical reference to the subject property;
   iv. The date, time, and location of the public hearing;
   v. A statement that the failure to raise an issue in sufficient detail to afford the decision-maker an opportunity to respond to the issue may preclude an appeal based on that issue with the State Land Use Board of Appeals or the circuit court;
   vi. The name of a City representative to contact and the telephone number where additional information on the application may be obtained;
   vii. A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards cane reviewed at North Plains City Hall at no cost and that copies shall be provided at a reasonable cost;

viii. A statement that a copy of the City's staff report and recommendation to the hearings body shall be available for review at no cost at least seven days before the hearing, and that a copy shall be provided on request at reasonable cost;

ix. A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings; and

x. The following notice: "Notice to mortgagee, lien holder, vendor, or seller: The City of North Plains Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."

Finding: *Notices were prepared and mailed in accordance with 16.170.*

Chapter 16.180 Conditional Use Permit

16.180.000 Purpose and Scope

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

Finding: *The proposed use has been identified as a conditional use in the C2 zone.*

16.180.010 Review Criteria

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

A. The use is listed as a conditional use in the underlying zoning district;

B. The use is consistent with those goals and policies of the Comprehensive Plan which apply to the proposed use;

C. The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features;

D. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zoning district; and

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

Finding: *The use is identified as consistent with C2 zone, which in turn is consistent with the Comprehensive Plan. The parcel is suitable for the use. The use will not alter the character of the surrounding area. The proposal is timely and adequate public facilities are in place to support the use.*

16.180.015 <u>Conditions of Approval</u>

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

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

Finding: *As a condition of approval the applicant must enter into a development agreement with the City of North Plains, ensuring the conditions of approval are incorporated.*

The proposed conditional use is very narrow and limited solely to the storage of RV's, passenger vehicles, box trucks under 30 ft in length, trailers under 30 feet, trailer mounted generators, and watercraft on trailers. All vehicles and trailers must be stored in a condition that allows for the movement on a public street (either under their own power or when hitched to a vehicle.)

No additional activities like washing or cleaning of vehicles, repair of vehicles, disposal of sewerage, or retail sales are proposed with this application. The addition of any such services would impact public facilities, safety or the environment and will require a separate conditional use and design review.

Storage of vehicles without mobility (ie. crashed vehicles, cars or RV's without engines, wheels or partially dismantled vehicles) is prohibited. Storage of tractor-trailers, construction equipment or materials, shipping containers, tow trucks, box trucks longer than 30 ft, farm equipment, mowers, food trucks, mobile homes or other materials is prohibited.

No building requiring utilities on either a permanent or temporary basis is proposed with this application. Any structure requiring utilities including power, telephone, water or sewer will be subject to a separate conditional use and design review permit process.

No one may reside overnight on the site for any reason. Violation of this restriction will result in the automatic revocation of the conditional use permit.

Hazardous activities such as fueling or the replacement or application of paints, oils, hydraulic fluids and detergents is prohibited.

Any vehicle or trailer leaking any fluid, oil, gas or other unknown materials cannot be stored on-site.

The applicant is required to obtain any permits required by CWS or Department of Environmental Quality related to the RV storage activity.

Signage should be limited to one conforming sign on Highland Court and one on Glencoe Road. At least one information sign must be placed near the primary entrance that states the phone number to call in the event of an emergency, and an answering service or employee must respond to the call within one hour.

A landscape plan must be prepared and approved prior to the approval of a development agreement. As a condition of approval the landscaping along the Glencoe and Highland frontages must be maintained in good condition for the entire duration of the conditional use. I.e. the property owner must ensure proper maintenance, and replacement of dead materials. The property owner shall enter into a development agreement with the City to provide for the continuing maintenance of the street frontage which will include a liquidated damages provision.

No grasses requiring regular mowing in spring or summer may be planted in the landscaped areas.

Fencing installed on Glencoe, Highland or adjacent to residential properties may not include barbed wire, razor wire or be electrified.

Fencing adjacent to residential areas must be compatible with the residential use and the design and style must be approved by the City of North Plains. Security fencing can include elements such as those pictured below:

Examples of fencing that would be unacceptable for this use are pictured below:

Hours of operation should be limited to 7 a.m. to 8 p.m. Monday through Sunday to limit the impact of the operation on adjoining residences.

Operator of conditional use permit use shall post signs in visible locations within the interior of the property advising that vehicles may not have engines idling longer than 5 minutes on-site.

A walking path shall be installed along the Highland Court frontage that ties into the sidewalk constructed as part of the Highland Court Subdivision.

16.180.020 <u>General Requirements</u>

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

A. A conditional use shall be subject to the standards of the zoning district in which it is located except as these standards have been modified in

authorizing the conditional use. No modification of a zoning district standard shall have the effect of rezoning the property.

B. A conditional use may be enlarged or altered pursuant to the following:

1. Major alterations of a conditional use including changes, alterations or deletion of any conditions imposed shall be processed as a new conditional use permit application; and

2. Minor alterations of a conditional use may be approved by the City ~~Planner~~ as a Limited Land Use permit pursuant to Chapter 16.170 if requested prior to issuance of building permits for the conditional use. Minor alterations are those changes which may affect the siting and dimensions of structural and other improvements relating to the conditional use, and may include small changes in the use itself. Any change which would affect the basic type, character, arrangement or intent of the conditional use originally approved shall be considered a major alteration.

Finding: *Applicant is subject to the conditional use permit process if the operation is changed.*

16.180.025 <u>Compliance with Conditions</u>

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

Finding: *Applicant must comply with 16.180.025.*

V. <u>SUMMARY AND CONCLUSIONS</u>

Based upon the findings of this report and the submitted supplemental material, the applicant has demonstrated compliance with the requirements of the relevant sections of the North Plains Zoning and Development Ordinance for the requested RV parking conditional use permit, the request should be approved.

Approval of the Conditional Use Permit should require the following conditions are met:

The applicant must maintain and upgrade the facilities to meet Clean Water Services and City standards.

The applicant must obtain approvals from Clean Water Services and the City prior to making any public improvements.

A minimum of 3 passenger car spaces and one RV space shall be available onsite.

The applicant shall submit a dust control plan to be incorporated in the development agreement.

Applicant is proposing a fence around most of the property which requires differing levels of screening:

1. *Northern most boundary abuts a commercially zoned vacant lot and does not require screening.*
    - *Eastern most boundary abuts residential housing of the Highland Court Subdivision, which is still in construction. The facility will share a common fence line with the rear of many homes. The applicant must install fast-growing hedge materials and trees on the applicant's side of the property creating for the purpose of obscuring the view of recreational vehicles and to deter climbing over the fence from the residential properties. This landscape plan should be prepared and approved by the City prior to installation.*
2. *Southern most boundary faces Highland Court and should have a minimum 20 foot landscaping buffer with screening materials installed as per 16.155.025.B.*
3. *The west boundary abutting 10030 Glencoe Road will share a common fence with a commercially zoned property and requires no screening.*
4. *Along the west boundary with Glencoe Road that is undeveloped, the fence should be set back a minimum of 20 feet and screening installed per 16.155.025.B.*
5. *Along the west boundary where a single family residence exists, no changes are proposed.*
6. *In the interior of the lot along the west boundary with the rear yard of the residence at 10080 Glencoe Road no screening is required as the boundary is within the same legal tax lot.*

Applicant may only install artificial lighting which shall not create or reflect substantial glare in a residential zone or on an adjacent dwelling. If additional lighting is installed, a lighting plan must be submitted and approved by the City.

The applicant may not install lighting to enhance video security and should anticipate relying on cameras capable of night-vision monitoring.

Limited motion activate lighting may be installed if recommended and approved by the North Plains Police Department.

Applicant must enter into a development agreement with the City of North Plains.

The proposed conditional use is very narrow and limited solely to the storage of RV's, passenger vehicles, box trucks under 30 ft in length, trailers under 30 feet, trailer mounted generators, and

watercraft on trailers. All vehicles and trailers must be stored in a condition that allows for the movement on a public street (either under their own power or when hitched to a vehicle.)

No additional activities like washing or cleaning of vehicles, repair of vehicles, disposal of sewerage, or retail sales are proposed with this application. The addition of any such services would impact public facilities, safety or the environment and will require a separate conditional use and design review.

Storage of vehicles without mobility (ie. crashed vehicles, vehicles or equipment without wheels or partially dismantled vehicles) is prohibited.

Storage of tractor-trailers, construction equipment or materials, shipping containers, tow trucks, box trucks longer than 30 ft, farm equipment, mowers, food trucks, mobile homes or other materials is prohibited.

No one may reside overnight on the site for any reason.

Hazardous activities such as fueling or the replacement or application of paints, oils, hydraulic fluids and detergents are prohibited.

Any vehicle or trailer leaking any fluid, oil, gas or other unknown materials cannot be stored on-site.

The applicant is required to obtain any permits required by CWS or Department of Environmental Quality related to the RV storage activity.

Signage should be limited to one conforming sign on Highland Court and one on Glencoe Road.

At least one information sign must be placed near the primary entrance that states the phone number to call in the event of an emergency, and an answering service or employee must respond to the call within one hour.

A landscape plan must be prepared and approved prior to the approval of a development agreement. As a condition of approval the landscaping along the Glencoe and Highland frontages must be maintained in good condition for the entire duration of the conditional use. I.e. the property owner must ensure proper maintenance and replacement of dead materials.

The property owner shall enter into an agreement with the City to provide for the continuing maintenance of the street frontage which will include a liquidated damages provision.

No grasses requiring regular mowing in spring or summer may be planted in the landscaped areas.

Fencing may not include barbed wire, razor wire or be electrified.

Fencing adjacent to residential areas must be compatible with the residential use and the design and style must be approved by the City of North Plains

Hours of operation should be limited to 7 a.m. to 8 p.m. Monday through Sundays to limit the impact of the operation on adjoining residences.

Operator of conditional use permit use shall post signs in visible locations within the interior of the property advising that vehicles may not have engines idling longer than 5 minutes on-site.

A walking path shall be installed along the Highland Court frontage that ties into the sidewalk constructed as part of the Highland Court Subdivision.

NORTH PLAINS
City to the Sunset

City of North Plains

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

LAND USE APPLICATION

Applicant General Information

Applicant Name: Steve Schmitz

Mailing Address: 12261 N.W. Welsh Dr
Street — Apartment/Unit #

Portland OR 97229
City — State — ZIP Code

Email Address: Steve.RRS@gmail.com Phone: 503 490-3400

Property Owner: Steve Schmitz

Mailing Address: 12261 N.W. Welsh Dr
Street — Apartment/Unit #

Portland OR 97229
City — State — ZIP Code

Email Address: Phone: 503) 490-3400

Property Description

Address: 10080 N.W Glencoe Rd
Street — Apartment/Unit #

North Plains OR 97133
City — State — ZIP Code

Tax Lot ID (TLID): R0732283 Existing Zoning:

Property Area: Existing Land Use:

General Development Description: Recreational Parking - Boats & Moton Homes

Fees

Land Use Process	Fee	Land Use Process	Fee
☐ Annexation	$10,000 deposit*	☐ Non-Conforming Use	$200
☐ Appeal	$226	☐ Subdivision	$1,895
☐ Comp Plan Amendment, Text	$8,000	☐ Manu Home Park	$2,910
☐ Comp Plan Amendment, Map	$5,000	☐ Modification – Minor	$134
☐ Conditional Use, Residential	$391	☐ Modification – Major	$1,423
☒ Conditional Use, Ind. & Comm.	$525	☐ SNR Permit	$1,047
☐ Design Review Type II	$137	☐ Similar Use	$403**
☐ Design Review Type III	$726	☐ Street Vacation	$1,169
☐ Floodplain Permit	$1,047	☐ UGB Expansion	$28,000
☐ Partition, with street dedication	$669	☐ Variance, Administrative	$98
☐ Partition, no street dedication	$331	☐ Variance, PC Hearing	$450
☐ Lot Line Adjustment	$312	☐ Zoning Code Amendment	$1,474
☐ Other:			

* 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 Filing 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, size (area), and setbacks of existing and proposed buildings
  - Location, size, and layout of existing and proposed landscaping
  - Location, number and size of existing and proposed parking areas, including handicapped spaces
  - Location, number and size of existing and proposed loading areas
  - Location, number, size, and types of existing and proposed lighting
  - Location, number, size, and types of existing and proposed fencing and or/screening
  - Pedestrian circulation
  - Outdoor seating areas
  - Flood plains
  - Water courses
  - Significant vegetation,
  - Easements

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.

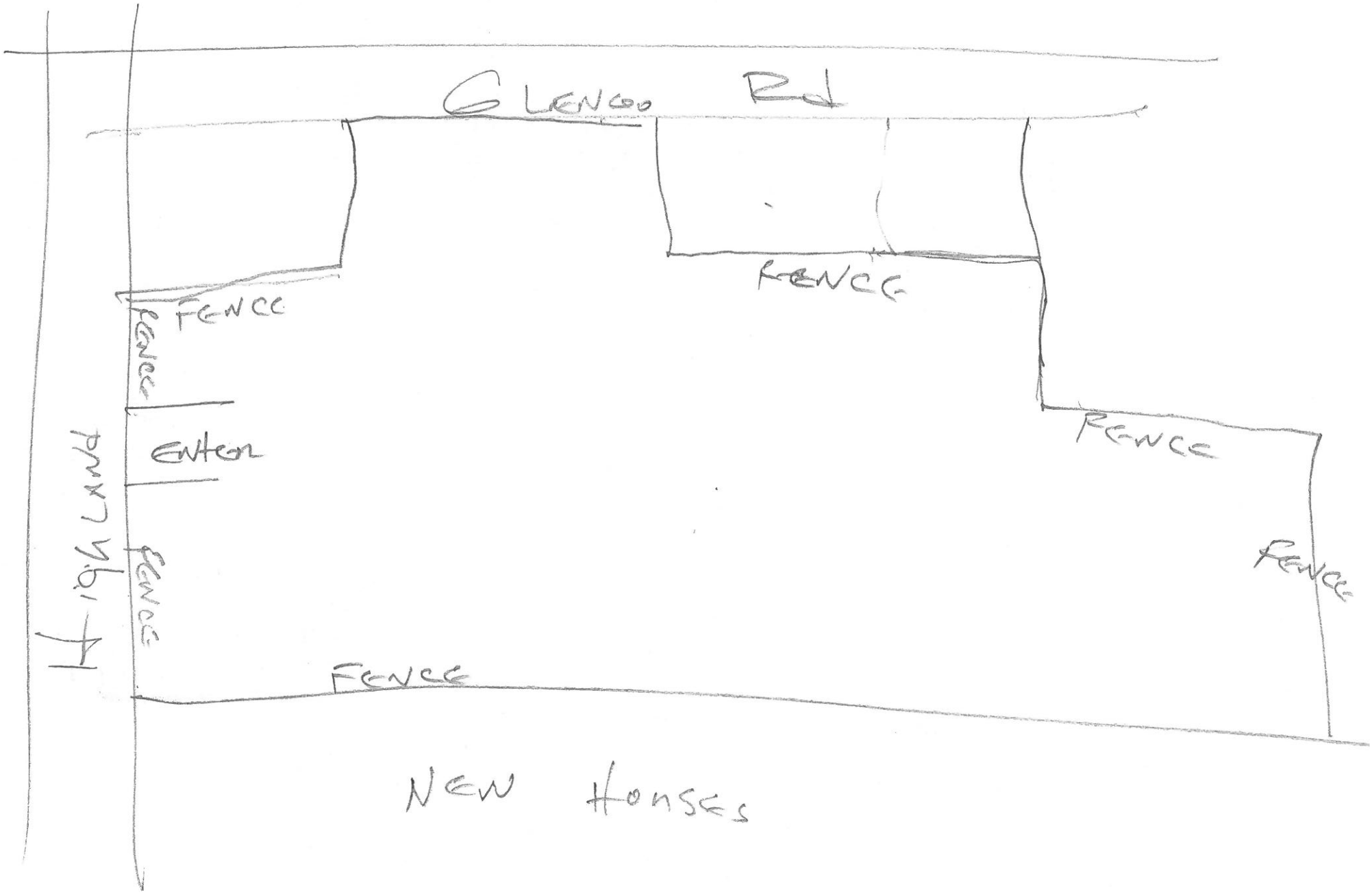
Date: 8/30/13 Signature of Applicant: _____

Date: 8/30/13 Signature of Property Owner: _____

FOR OFFICE USE

Received by: _____ Date: _____

Fee paid: _____ Receipt No. _____ Application No. _____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