

## Chapter 15.04

### NORTH PLAINS COMPREHENSIVE PLAN IMPLEMENTATION

#### Sections:

- 15.04.010 Plan Implementation
- 15.04.020 Zoning
- 15.04.030 Annexation
- 15.04.040 Subdivision
- 15.04.050 Cooperative Agreements
- 15.04.060 Next Steps

#### 15.04.010 PLAN IMPLEMENTATION

To be effective, the Comprehensive Plan must not only be adopted, but must be regarded by the Planning Commission and City Council as expressing their views on the future growth and development of the community. The first step in achieving plan effectuation will be adoption by the City Council. ~~After adoption, the plan effectuation will be achieved through several implementing measures and legal controls. After adoption the City must take actions to implement the plan through resolutions and ordinances.~~

#### 15.04.020 ZONING

Zoning is an official land use control established "for public interest, health, comfort, convenience, preservation of the public peace, safety, morals, order and the public welfare".<sup>1</sup> Zoning represents one means of carrying out the objectives set forth in the Comprehensive Plan.

Zoning must be consistent with the Comprehensive Plan in that a more intensive use of the land than permitted by the Plan cannot be allowed by the zoning ordinance.<sup>2</sup> Changes to the Zoning ordinance or Comprehensive Plan can be requested and will be reviewed, but the burden of proof is upon the one seeking the change.<sup>3</sup> The requested change must be justified by proof that:

- The change is in conformance with the Comprehensive Plan, and
- The change has met the procedures and regulations of the Zoning and Development Ordinance; and,
- The change is consistent with the Statewide Planning Goals. ~~However, a zoning ordinance change that has a basis in the Comprehensive Plan need not also comply with the goals.~~

#### 15.04.030 ANNEXATION

Areas can be annexed to the City upon request, approval by Council and approval of the majority of the electorate as per City Charter Chapter I Section 4. ~~consistent with the Plan policies.~~ Additionally, annexations must also comply with the Comprehensive Plan statewide goals. Again, the burden of proof is on the proponents of the annexation, and the City must base its decision on finds of fact.

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<sup>1</sup> ORS 227.220

<sup>2</sup> Baker vs. Milwaukie

<sup>3</sup> Fasano vs. Washington County Board of Commissioners

#### **15.04.040 SUBDIVISION**

The subdivision ordinance establishes procedures and standards for land partitioning and subdividing of four or more lots. ~~Additional sections of this ordinance prescribe standards for lot arrangement, street width and design, and provision of public utilities.~~

#### **15.04.050 COOPERATIVE AGREEMENTS**

Realization of the Comprehensive Plan can also be facilitated by certain cooperative agreements. Such agreements may include any agreement between two or more agencies, whether public, semi-public, or private, wherein any projects related to the Comprehensive Plan may be jointly or cooperatively planned, financed, constructed, administered, or any combination of these in a manner which is beneficial to the public.

The City and County have entered into a formal agreement by which both are fully cognizant of the governance and procedural aspects of the area external to City and within the Urban Growth Boundary. This agreement is entered into pursuant to ORS Chapters 190, 197, and 215 for the purpose of facilitation the orderly transition from rural to urban land use. The information will include, but not be limited to:

**Introductory Information** - Adoption dates, procedures, and similar background data

**General Provisions** - Reference to appropriate zoning and subdivision ordinances, statements of consistency with appropriate Statutes and case law, and with Statewide Planning Goals.

**Subdivision Applications** - Statements of which and whose ordinances shall apply in regulation of properties within the area, and procedures -to be followed.

**Zone change applications** - Statements of whose ordinances shall apply in the event that land use changes are requested, and the procedures therefore.

#### **Conditional Use, Variance, and Major Partition Applications**

**City Services** - Statement of the conditions for the extension of services into the Urban Growth Area, requirements imposed and procedures, as specified in the Policies of the Comprehensive Plan and the Ordinances of the City.

**Annexation** - Reference to the appropriate Statutes and Ordinances

**Roads and Streets** - ~~Jurisdiction~~Ownership and maintenance responsibility defined for count reads, new public roads, future arterials, and the procedures for resolution of mutual public right of way matters.

**Arbitration** - Procedures.

**Review and Amendment** - Annual Review and Procedures.

#### **15.04.060 NEXT STEPS**

The Comprehensive Plan is intended to be a general guide to future community development and should –not deal with detailed site planning. Therefore, to supplement the Comprehensive Plan, detailed planning should be undertaken to work out the specifics of the various Plan proposals.

8/28 draft