

CITY OF NORTH PLAINS PLANNING COMMISSION
REGULAR SESSION AGENDA
WEDNESDAY, APRIL 10, 2013, 7:00 P.M.
JESSIE MAYS COMMUNITY HALL, 30975 NW HILLCREST STREET

1. **CALL TO ORDER**
2. **FLAG SALUTE**
3. **ROLL CALL**
4. **PUBLIC COMMENTS**
(This time is provided for questions or statements by the 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**
March 13 , 2013, Regular Session Minute Approval.
6. **NEW BUSINESS**
 - A. Termination of Phasing Plan for Highland Court. Refer to Memorandum regarding File # SD/VAR-06-0024.
 - B. Approval of Variances and Partitions on Property Located at 10445 NW 311th Avenue and 31127 NW Claxtar Street. Refer to Staff Report regarding File # 13-015-01-VAR/PT.
7. **STAFF REPORT**
City Manager
8. **COMMISSION REPORTS**
Parks Advisory Committee (PAC)
Primary - Heather LaBonte Alternate - Aeron Braukman
9. **ADJOURNMENT**

Pamela L. Smith, Account Clerk II

City Planning Commission Meetings are scheduled for Jessie Mays Community Hall, 30975 NW Hillcrest Street, North Plains, Oregon, on the following dates at 7:00 p.m.:

Wednesday, May 8, 2013

Wednesday, June 12, 2013

Wednesday, July 10, 2013

**CITY OF NORTH PLAINS PLANNING COMMISSION
REGULAR SESSION MINUTES
MARCH 13, 2013, 7:00 P.M.
JESSIE MAYS COMMUNITY HALL
30975 NW HILLCREST STREET**

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

Staff: City Manager Martha DeBry, City Planner Angie Lehnert, and Account Clerk II Pam Smith present.
4. **PUBLIC COMMENTS**
No audience in attendance, so no comments were received.
5. **CONSENT AGENDA**
January 9, 2013 Regular Session Minute Approval. LaBonte moved to approve the January 9, 2013 Regular Session minutes as written, Nunnenkamp seconded the motion and it was approved unanimously.
6. **UNFINISHED BUSINESS**
Reconsideration of Amendment to Sign Ordinance 16.80. DeBry advised the Commission the City Council asked the Planning Commission to review the ordinance once more.

The Commission discussed the three non-conforming highway signs in the city including the McDonald's sign. There was discussion as to when the decision regarding sign design is addressed through the Design Review process.

City Council wanted the Planning Commission's input on McDonald's non-conforming sign. McDonald's puts a high value on their sign in getting people off Highway 26 and into the city and they do not want to remove it. They are holding up a remodel because it requires them to remove the sign. DeBry said the City Attorney suggested if we allowed the McDonald's sign to remain, we amend the code.

When Planning Commission was polled as to their opinion on the McDonald's sign King, Nunnenkamp, and Olson thought the code should be followed as written. It was noted the remodel would probably take place at a future time when the sign would be required to be removed. There was some discussion on phasing in the removal of the

sign over time. LaBonte and Low were fine with modifying the code to grandfather the sign in since it is in the highway zone. DeBry said she would convey the Planning Commission's comments to City Council.

7. STAFF REPORT

Lehnert reminded Planning Commission the code revisions would go into effect next week and let the Commission know Mr. King had applied for a variance which would be presented at the next Planning Commission meeting. DeBry told the Commission the 307th Avenue and Highland Court project would begin soon.

LaBonte asked why the 307th and Highland Court subdivision would have eight model homes approved in such a small subdivision and King wondered how multiple building permits could be issued on a single lot. DeBry noted the plat has not been recorded with Washington County yet but would have to be before houses were sold in the subdivision. She noted the city attorney had approved the agreements to get the process started.

Nunnenkamp asked why the platting process with Washington County hadn't already been done, with LaBonte noting it could take anywhere from six weeks (on the fast track) to one year with Washington County to have a plat recorded. Olson inquired about DR Horton having a bond in place. DeBry said the city should have that bond in a week. LaBonte asked at what point we enter into this agreement. DeBry said once we have the bond and the city attorney's approval.

LaBonte and King asked about the McKay Fields subdivision which may be developed.

King asked about the Senior Center's garbage receptacle not following the approved plans. DeBry noted the Fire Department had considered the design a fire hazard if the receptacle were placed behind a wall and said the city could not enforce something that is against fire code even if it was part of the original approved design review.

Nunnenkamp noted he struggled to find an updated City Map. DeBry said there was a zone map on the website that worked well and said she would ask if Washington County could send current maps.

Nunnenkamp noted that two Planning Commissioners could be on the Parks Advisory Committee and asked that he be considered as an alternate. DeBry noted City Council had looked at the ordinance and official appointments would be made.

8. COMMISSION REPORTS

Parks Advisory Committee (PAC). LaBonte related the PAC reviewed the Highland

Court Park last meeting. The addition of potted flowers/plants and benches at Wascoe Street and Main Street was also discussed. King questioned whether the city could put planters in the right-of-way and DeBry replied that the city attorney said it would be ok if they were easily removable.

9. **ADJOURNMENT**

The meeting was adjourned at 8:02.

Submitted by:

Pamela L. Smith, Account Clerk II

Minutes Approved: _____

MEMORANDUM

MARCH 21, 2013

TO: North Plains Planning Commission

FROM: Martha DeBry, City Manager

RE: Termination of Phasing Plan for Highland Court

Planning Commission approved a phasing plan for SD/VAR-06-0024 the Highland Court Subdivision on March 12, 2008. The plan was to build Highland Court in 3 distinct phases.

The City Attorney has advised that the while the Development Agreement dated April 1, 2008 (County document 2008-029438) is effectively void because the development was not built in prescribed timeframes, it would provide additional clarity if the condition of approval requiring the phasing was specifically eliminated by the Planning Commission.

DR Horton is in the process of entering into a new Development Agreement with the City that will supersede County document 2008-029438 and which does not include a phasing plan. DR Horton is planning to complete the Highland Court public improvements this year.

Recommendation: The Planning Commission vote to eliminate the condition of approval requiring a phasing plan as described on the Development Agreement dated April 1, 2008 (County document 2008-029438).

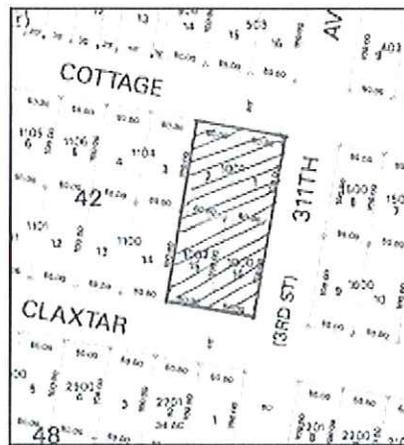
CITY OF NORTH PLAINS
PLANNING COMMISSION STAFF REPORT: VARIANCE

I. OVERVIEW

APPLICATION: Proposed application for three (3) partitions and five (5) minimum lot size variances from 5,000sf to 4,000sf for single family homes at 10445 NW 311th and 31127 NW Claxtar .

FILE: 13-015-01-VAR/PT

LOCATION: 10445 NW 311th and 31127 NW Claxtar (shaded area below)



TLID: 1N301DC01000, 1N301DC01001 & 1N301DC01002

LOT SIZE: The site is 20,000

ZONING: R-5

OWNER: Lonny & Barbara Fufts

APPLICANT: Signature Homebuilders LLC

ADJACENT LAND USES: R-5 residential properties

II. EXHIBITS

- Variance application
- Tax map containing the subject properties
- Returned comment forms

III. APPLICABLE REVIEW CRITERIA FROM THE *NORTH PLAINS ZONING AND DEVELOPMENT*

ORDINANCE:

- Chapter 16.25 R-5 Zone
- Chapter 16.125 Lot Development Standards
- Chapter 16.130 Land Partitioning
- Chapter 16.135 Subdivisions

- Chapter 16.185 Variance
- Chapter 16.170 Application Review

IV. ZONING CODE REVIEW & FINDINGS

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

CHAPTER 16.25 R-5 ZONE

16.25.015 Dimensional Standards

A. Lot/Parcel Size

1. *Single family detached dwelling - 5,000 square feet minimum*

Findings: The applicant is requesting a variance to the 5,000sf minimum lot size to form five (5) 4,000 SF lots.

B. Lot/Parcel Depth and Width

1. *The minimum average lot width shall be 40 feet, except that lots for attached single family dwellings may have a minimum average lot width of 25 feet.*
2. *The minimum lot depth shall be 80 feet.*

Findings: If the proposal is approved, Parcel 3's dimensions will be 40' x 100' and all other parcels will be 50' x 80', thus meeting the above standard.

CHAPTER 16.125 LOT DEVELOPMENT STANDARDS

16.125.025 Improvement Requirements

- A. *Partitions: During the review of partition proposals, the City shall require as a conditions of approval, the improvement of:*
1. *Public streets upon which the property fronts to public standards, including: surfacing of street adjacent to property, installation of curbing, storm sewers, sanitary sewers, waterlines and other necessary public utilities.*
 2. *Sidewalks, five feet in width, along public street frontage.*
 3. *Paved private driveways serving flag lots.*

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

Findings: City System Development Charges (SDCs), street improvement fees in lieu, and other fees will be incurred with any building permits to help cover the cost of improvements.

CHAPTER 16.130 LAND PARTITIONING

16.130.000 Definition

Partition: A partition is required for a land division that creates two (2) or three (3) parcels in a calendar year.

16.130.005 General Provisions

- A. *A master plan for development shall be required for any application which leaves a portion of the subject property capable of redevelopment.*
- B. *Approval of a Tentative Map for a partition is valid for one (1) year after the date of the written decision. A final plat map for a partition shall be approved and recorded within this one (1) year time period or the tentative approval shall lapse.*

16.130.015 Process for Tentative Partition Review

A tentative partition that does create a public road to access any of the proposed parcels shall be reviewed administratively by the City. Conditions may be attached to the approval of a tentative partition.

16.130.016 Partition Approval Criteria

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

16.135.011 Preliminary Plat Approval Criteria

The City may approve, approve with conditions or deny a preliminary plat based on the following approval criteria:

- A. *The proposed preliminary plat complies with the applicable Development Code chapters and all other applicable ordinances and regulations. At a minimum, the provisions of this section and the applicable sections of this chapter including Zoning Districts, Development Standards, and Streets and Facilities shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the Variance section of this chapter;*
- B. *The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;*
- C. *The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivision and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat;*
- D. *All proposed private common areas and improvements (e.g. homeowners association property) are identified on the preliminary plat;*
- E. *Evidence that any required State and federal permits have been obtained, or shall be obtained before approval of the final plat;*
- F. *Evidence the improvements or conditions required by the City, road authority, Washington County, Clean Water Services, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met;*

- G. A Traffic Impact Study (TIS) has been provided, if applicable, in accordance with the provisions of Chapter 16.170; and
- H. If any part of the site is located within a Specific Area Plan District, Overlay District, or previously approved Master Planned Development, it shall conform to the applicable regulations and/or conditions.

Findings: Per the above, this application is a partition; because the variance application requires a public hearing the partition is also being presented to the Planning Commission. Other standards above have been met.

16.130.020 Process for Final Partition Approval

A. Survey Submitted

Within one (1) year of the written decision approving a tentative partition, two (2) copies of the final survey of the approved partition shall be submitted to the City for review. If the final survey is not submitted within one year, the tentative approval shall lapse.

Findings: Per above, the City will review the final surveyed partition before it is recorded at the County. **This is a condition of approval.** In addition, the applicant proposes to re-establish the old lot line between lots 1&2, which contains an existing residence. The city will require that this house and all other structures that would not meet lot setbacks to be removed before the final surveyed partition is recorded at the county. **This is a condition of approval.** The county and state law requires city sign-off on all final plats before they are recorded.

CHAPTER 16.185 VARIANCE

16.185.010 Review Criteria

A variance may be authorized upon adequate demonstration by the applicant that the proposed variance satisfies the following criteria:

- A. *That special conditions and circumstances exist which are peculiar to the land, building or structure involved;*
- B. *That granting the proposed variance would be in the public interest and would be in harmony with the purpose of the underlying zoning district and the intent and purpose of this Ordinance;*
- C. *That the variance would result in minimal detriment to the immediate vicinity;*
- D. *That the variance requested is the minimum variance which would make possible the reasonable use of the applicant's land, building or structure; and*
- E. *That the special conditions and circumstances on which the application is based do not result from the negligent or knowing violation of this Ordinance by the applicant.*

Findings: The applicant is requesting a variance to form five(5) 4,000sf lots; the R-5 Zone otherwise requires 5,000sf minimum lots. If the Planning Commission determines that the proposal meets the above criteria, then the variances should be granted. Refer to the applicant's statement (part of the Planning Commission packet) stating their case for why a variance should be granted.

16.185.020 Conditions of Approval

In approving an application for a variance, the Planning Commission may impose such conditions as it deems appropriate to ensure that the intent of this Section is carried out. Such conditions shall be reasonably related to the variance criteria set forth in this chapter.

Findings: Staff has no recommended conditions of approval in conjunction with the variance application.

CHAPTER 16.170 APPLICATION REVIEW

Findings: Staff is administering this application in accordance with all criteria and procedures contained in 16.170.

VI. CONCLUSION & 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 Variance/Partition Design Review Permit 13-015-01-VAR/PT subject to the following conditions of approval:

1. The applicant is required to submit to the City for approval a final surveyed partition before it is recorded at the County.
2. The applicant is required to remove the house on taxlot 1N301DC01001 and all other structures that would not meet lot setbacks on taxlots 1N301DC01000, 1N301DC01001 & 1N301DC01002 before the final surveyed partition can be recorded at the County.

Sample Motion: I move to adopt the findings contained within this Staff Report and approve File 13-015-01-VAR/PT.



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: Signature Homebuilders LLC

Mailing Address: 834 SE Airpark Dr
Street
North Plains OR 97702
City State ZIP Code

(503) 214 - 291

Email Address: charlesrhup@gmail.com Phone: _____

Property Owner: Lonny and Barbara Fults

Mailing Address: 19686 NW Murphy Rd
Street
North Plains OR 97133
City State ZIP Code

(503) 260 - 3758

Email Address: lbfuls@aol.com Phone: _____

Property Description

Address: 10446 NW 311th St and 31127 NW Claxter St
Street
North Plains OR 97133
City State ZIP Code

Tax Lot ID (TLID): Lot 1, 2, 15 & 16, Block 42 Existing Zoning: R-6

Property Area: 20,000 sq ft Existing Land Use: Residential

General Development Description: Lot line adjustment/partition and variance, 4 lots of record into 6 buildable lots.

Fees

Land Use Process	Fee	Land Use Process	Fee
<input type="checkbox"/> Annexation	\$10,000 deposit*	<input type="checkbox"/> Non-Conforming Use	\$200
<input type="checkbox"/> Appeal	\$226	<input type="checkbox"/> Subdivision	\$1,895
<input type="checkbox"/> Comp Plan Amendment, Text	\$8,000	<input type="checkbox"/> Manu Home Park	\$2,910
<input type="checkbox"/> Comp Plan Amendment, Map	\$5,000	<input type="checkbox"/> Modification - Minor	\$134
<input type="checkbox"/> Conditional Use, Residential	\$391	<input type="checkbox"/> Modification - Major	\$1,423
<input type="checkbox"/> Conditional Use, Ind. & Comm.	\$525	<input type="checkbox"/> SNR Permit	\$1,047
<input type="checkbox"/> Design Review Type II	\$137	<input type="checkbox"/> Similar Use	\$403**
<input type="checkbox"/> Design Review Type III	\$726	<input type="checkbox"/> Street Vacation	\$1,169
<input type="checkbox"/> Floodplain Permit	\$1,047	<input type="checkbox"/> UGB Expansion	\$28,000

<input type="checkbox"/> Partition, with street dedication	\$669	<input type="checkbox"/> Variance, Administrative	\$98
<input type="checkbox"/> Partition, no street dedication	\$331	<input type="checkbox"/> Variance, PC Hearing	\$450
<input type="checkbox"/> Lot Line Adjustment	\$312	<input type="checkbox"/> Zoning Code Amendment	\$1,474
<input type="checkbox"/> 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.

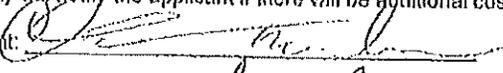
Additional Information

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: 3/15/13

Signature of Applicant: 

Date: 3-15-13

Signature of Property Owner: 

FOR OFFICE USE			
Received by: _____	Date: _____		
Fee paid: _____	Receipt No. _____	Application No. _____	

16.185.000 Purpose and Scope

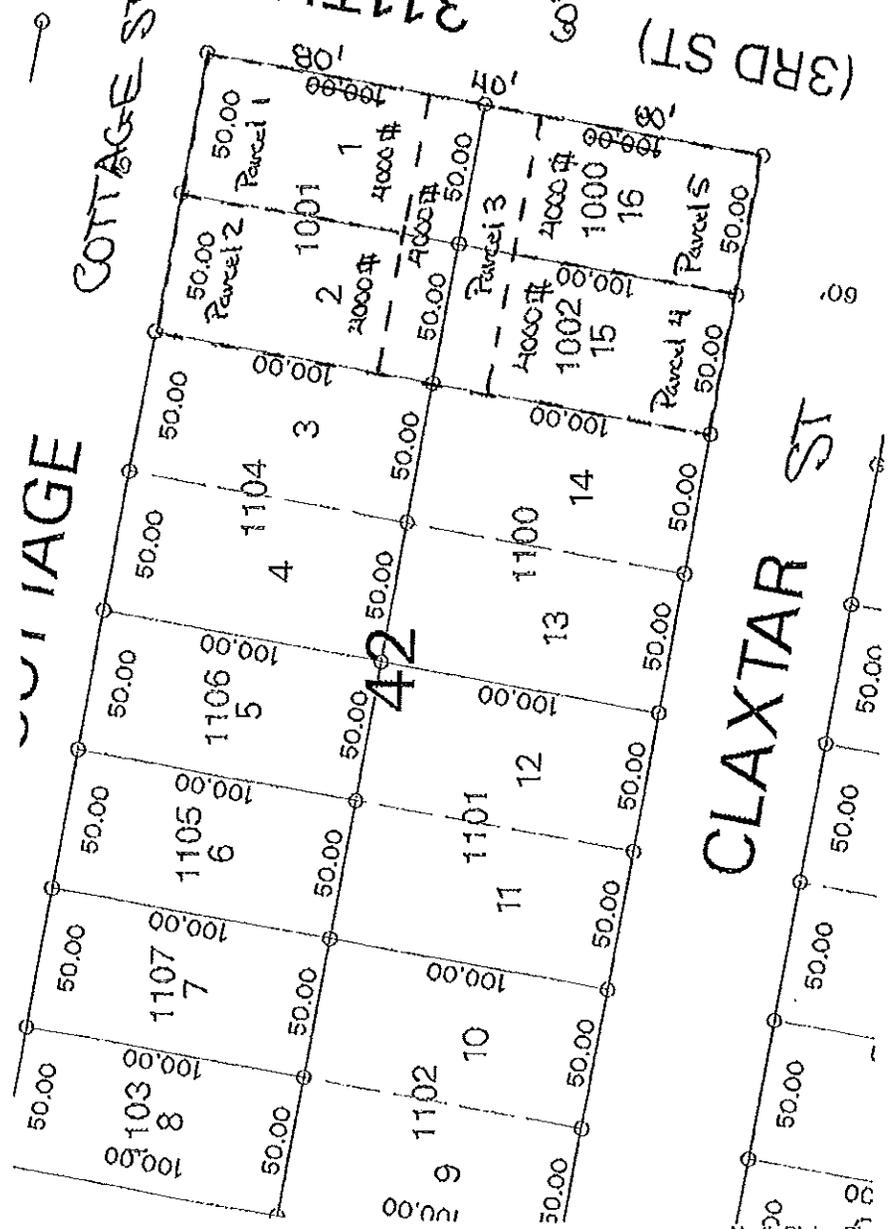
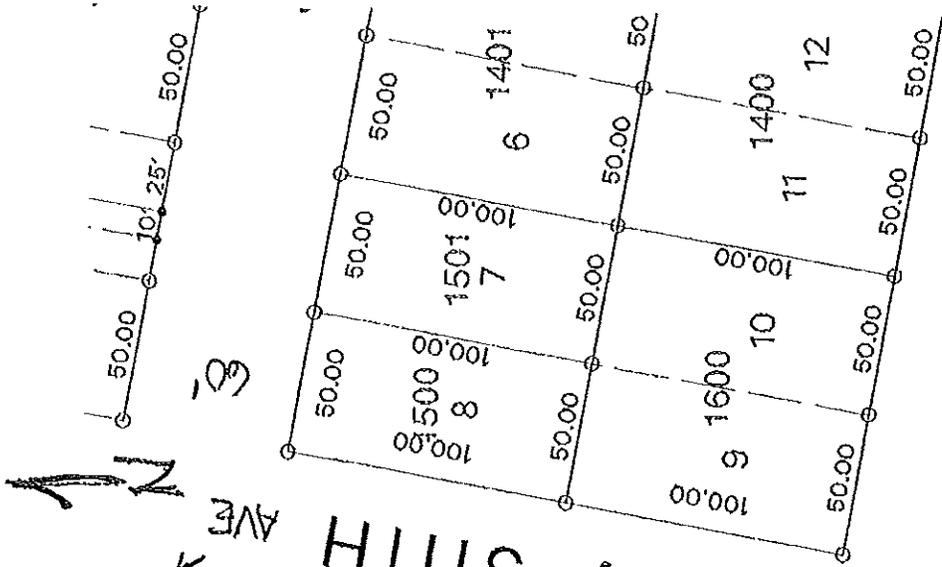
The purpose suggests that administrative relief can be provided when a strict application of the zoning requirements would impose practical difficulties. It further indicates that these difficulties are not limited to geographic, topographic or other physical conditions on the site. It also states that no variance shall be granted which allows the establishment or expansion of use otherwise prohibited or subject to conditional use procedures.

The practical difficulties are economical. The City of North Plains wants to promote development of vacant lots and underdeveloped property. This property currently has a home which was built in 1930 with a partial foundation, and a 514 square foot home with no foundation. These two homes are in such a deteriorated condition that it would be more economically feasible to tear them down than to remodel. However, the cost of purchasing these properties is above bare lot prices because of the existing structures. Any purchaser with the intention of redevelopment would need to increase their potential sales revenue to absorb the investment costs. This can be accomplished by allowing one extra lot of record to be created to add one more single family home to be built.

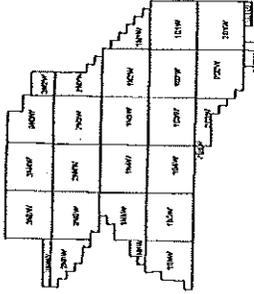
The request for this variance is to reduce the minimum lot size to 4000 square feet from the required 5000 square feet minimum in the R-5 zone. An administrative variance of 10% or 500 square feet could be approved by the City Manager but to get the additional 500 square feet, this request needs to go to the Planning Commission. This variance would be the minimum required for this development and all other dimensional lot standards will be maintained. All structures will be removed from the property to insure that there will be no encroachments to any existing or newly formed property lines.

The current placement of the existing structures on the subject property has a density of 4.36 units per acre. The R-5 zoning code minimum for single family detached homes is 8.71 units per acre. The maximum permitted density that could be placed on this property by building duplexes would be 17.42 units per acre. The request of adding one additional lot of record would yield a density of 10.89 units per acre and would result in minimal detriment to the immediate vicinity because the new homes would more likely be owner occupied instead of rental units.

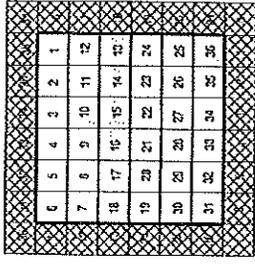
Single family detached homes are an outright permitted use of this zone and granting this variance would not establish or expand any prohibited or conditional use of the property nor result from the negligent or knowing violation of this ordinance.



1N3 01DC



WASHINGTON COUNTY OREGON
 S/W1/4 SE1/4 SECTION 01 T1N R3W W.M.
 SCALE 1" = 100'



FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.washingtoncountyoregon.gov

BB	BA	AB	AA
BC	BD	AC	AD
CB	CA	DB	DA
CC	CD	DC	DD

SECTION 0

Cancelled Tables For: 1N301DC
 3100, 4100, 5100, 6100, 7100, 8100, 9100, 10100,
 2100, 3100, 4100, 5100, 6100, 7100, 8100, 9100,
 2100, 3100, 4100, 5100, 6100, 7100, 8100, 9100



PLOT DATE: June 07, 2011
 FOR ASSESSMENT PURPOSES
 ONLY - DO NOT RELY ON
 FOR OTHER USE

All maps generated by this system are for informational purposes only. The information is not intended to be used for legal or other purposes. The information is provided as is and without warranty. The user assumes all responsibility for the use of the information.

NORTH PLAINS
 1N3 01DC

1N3 01DC

1N3 01DC



8/2010

COMMENTS:

LOTS FACING CLAYMAR MUST COORDINATE
WITH CITY/CONTRACTOR WHILE CLAYMAR IMPROVEMENT
PROJECT IS UNDERWAY.

NAME:

BRUCE BOYLES

ORGANIZATION OR BUSINESS (If Any):

CITY OF NORTH PLAINS

ADDRESS:

PHONE # (Optional):

DATE:

PLEASE RETURN BY ONE OF THE FOLLOWING WAYS:

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

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

E-MAIL: angle@northplains.org

PHONE: (503) 647-5555

PLEASE CONTACT CITY HALL AT (503) 647-5555 WITH ANY QUESTIONS

THANK YOU!

COMMENTS:

I am ecstatic over the thought of the current homes being replaced with new. However, my major concern is the height of the homes that are wanting to be built? Part of the allure of Claxton St. is the single level housing with privacy. I would dislike losing my backyard privacy and my sky view towards the east.

Thank you,
Kirstie Collins

NAME: Kirstie Collins

ORGANIZATION OR BUSINESS (If Any):

ADDRESS: 31163 NW Claxton St.

PHONE # (Optional): 503-443-0113

DATE: 3-22-13

PLEASE RETURN BY ONE OF THE FOLLOWING WAYS:

- MAIL:** 31360 NW Commercial Street, North Plains, OR 97133
- IN PERSON:** City Hall, 31360 NW Commercial Street, North Plains, OR
- E-MAIL:** angle@northplains.org
- PHONE:** (503) 647-5555

**PLEASE CONTACT CITY HALL AT (503) 647-5555 WITH ANY QUESTIONS
THANK YOU!**

COMMENTS:

We think that a 50x100 lot would be a better fit for our particular neighborhood. This whole area was laid out to be 50x100 or anything smaller than that seems to encourage small term residence. People move out of big cities so they can have more room. Our town has always been a magnet for people who are looking for a country, small town, atmosphere. This is not what smaller lots encourage.

NAME: Longtime North Plains resident

ORGANIZATION OR BUSINESS (if Any):

ADDRESS: Claxton Street

PHONE # (Optional):

DATE:

PLEASE RETURN BY ONE OF THE FOLLOWING WAYS:

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