

**CITY OF NORTH PLAINS PLANNING COMMISSION
REGULAR SESSION AGENDA
JESSIE MAYS COMMUNITY HALL, 30975 NW Hillcrest Street
WEDNESDAY, FEBRUARY 12, 2014, 7:00 P.M.**

1. CALL TO ORDER

2. FLAG SALUTE

3. ROLL CALL

4. PUBLIC COMMENTS

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

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

A. Approval of this Regular Session Agenda

B. Approval of December 11, 2013, Regular Session Minutes

C. Approval of January 15, 2014, Regular Session Minutes

6. NEW BUSINESS

A. Holding Two Meeting in March – *Discussion on whether to hold two meetings in March; the regular Planning Commission meeting on March 12, 2014, and the proposed Joint Work Session scheduled with City Council on March 3, 2014.*

B. Preliminary Review of Purposed Ordinance Revisions

7. UNFINISHED BUSINESS

Comprehensive Plan Discussion; Chapters 15.02 through 15.05. – *Revisions under consideration can be viewed on the North Plains website at <http://www.northplains.org/index.php/city-government/planning/comprehensive-plan>.*

8. STAFF REPORT

City Manager

9. ADJOURNMENT

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

Wednesday, March 12, 2013

Wednesday, April 9, 2014

Wednesday, May 14, 2014

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

1. Chairman King called the meeting to order at 7:01 pm.

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

3. **ROLL CALL**

Commission: Stewart King, Heather LaBonte, Doug Nunnenkamp and Daryl Olson present. Commissioners Ethan Hagar and Jeff Low, and Ex-Officio Teri Lenahan excused absence. Commissioner Aeron Braukman unexcused absence.

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

4. **PUBLIC COMMENTS**

None.

5. **CONSENT AGENDA**

November 13, 2013, Regular Session Minute Approval, Olson moved to approve the November 13, 2013, Regular Session minutes as written, Nunnenkamp seconded the motion and they were approved unanimously.

6. **PUBLIC HEARING**

A. Approval of Preliminary Subdivision Plat for a 5-lot Subdivision, File #13-44. King requested the reading of the quasi-judicial hearing process statement. Following the reading of the rules, King opened the Public Hearing at 7:05 p.m., and called for abstentions, ex parte contacts or any conflicts of interest by any Planning Commissioner. King noted he owns the brokerage firm that represented the applicant and stepped down. LaBonte took over the meeting at that point. The audience had no questions for, nor objections to, any Commissioners. LaBonte asked for the Staff Report to be read.

DeBry noted the applicant had proposed a 5-Lot Subdivision. In order to retain the 1925 home presently on the property (Lot 5), four new detached single-family dwellings were being proposed as well as a Tract A and Tract B. The applicant requested two minor variances regarding the area on lots 1-4, a minor variance for the width on lots 1, 3 and 4, and a standard variance for the width of lot 2. The subdivision would have three flag lots with Tract A being a shared private driveway for access to lots 2-4 and lots 3 and 4 would share a flagpole drive. Tract B would be a non-conforming lot for the preservation of the existing trees and would most likely become owned by the owners of Lot 5 (Michael and Marie Basile). While not a requirement this would be established to work around the maximum lot size of 9,000 square feet in zone R-7.5. Staff is recommending a variance to the lot maximum being

granted for Lot 5 and that Tract B be incorporated into the Lot. Staff is recommending the 2 minor area variances, the minor width variance and the standard width variance. The City is also requesting an extension of the 8" water main and the addition of a fire hydrant in the subdivision.

LaBonte asked if there were any questions or comments. Olson noted four lots were of substandard size and one was oversized. He asked if the square footage of all the lots was within the 10% or not. Nunnenkamp was also concerned with the substandard sized lots and the width of Lot 2 not meeting the standard.

Ryan O'Brien, 4380 SW Macadam Avenue, Suite 100, Portland, OR 97239, representing applicant Vince Biggi, noted the average lot size was 7500 for the five properties but the problem was the location of the current house and garage. Density for the site allows for five lots. O'Brien noted the plan meets the criteria and that variances are for unusual circumstances such as this one. He also noted infill properties sometimes have variances.

Nunnenkamp noted when developing an entire subdivision, it should be done correctly and meet the City's standards. The variance for the width of Lot 2 would not be a small variance and would not be in harmony with the rest of the neighborhood. Olson asked about the feasibility of the subdivision having four homes instead of five. (With three new instead of four new.) DeBry noted there were several small lots of similar size to the East of this property.

Mr. Biggi said that he didn't own the current house and trying to work around it was presenting a problem. He said that it was not feasible to develop a subdivision for only three new lots because of the costs involved. He also noted that he had built twice in that area of North Plains and had built 32' wide houses which were well built, beautiful and expensive homes, so a nice house could definitely be built on the narrow Lot 2. He also noted by removing one of the lots, there would still be a narrow lot, that it can't be avoided.

LaBonte asked about the requirements of the Fire Department. DeBry noted the Fire Department was fine with the property and would probably have no need to go down the driveway since it is a short enough distance to the homes from North Avenue, but a new fire hydrant would be installed near the shared driveway. LaBonte asked if the homeowner on Lot 5 shouldn't have been included in this meeting. DeBry said the home owners had signed the application and were aware of the meeting.

Letters had been received from two neighbors, Stacy Mills, 31790 NW North Avenue, and Richard Vandehey, 31880 NW North Avenue, concerned with the size of the lots. Each neighbor questioned why the builder proposed such a narrow lot (Lot 2) and also

why he wouldn't just do three new builds, instead of four. They felt four houses built in the small area available was not a good idea and asked that Planning Commission take that into account.

City resident Robert Vincent, 11255 NW 317th Place, North Plains, OR 97133, said he had talked to Neil Fernando of Emerio Design at the information meeting and he felt they had taken the resident's ideas into consideration. He felt the variances were fine and had no problem nor did his neighbor and he noted this neighbor had a small lot with a nice home. Mr. Biggi related how a narrow house can be a very nicely built home and that he had built and sold a 32' wide house for \$460,000.

LaBonte asked for discussion. Olson felt the variances were requested in order to squeeze an extra lot into the subdivision and that adding the four lots didn't meet the standards. He also felt it was not in harmony with the neighborhood. Mr. Biggi felt the Planning Commission hadn't consider future builds on this property from the beginning.

LaBonte asked about the 7' road dedication and DeBry said it was a requirement of Washington County. LaBonte asked if there was any more discussion. Hearing none and with no individuals present wishing to testify, she closed the Public Hearing at 7:38 and entertained a motion.

Olson moved to deny approval because the application didn't meet the minimum width requirements on all of the lots nor the square footage requirements. Nunnenkamp seconded the denial for the same reasons, not meeting the required criteria. LaBonte voted to approve the application. The Approval was denied by a vote of two to one.

King retook his seat as Chairman at 7:40.

7. ELECTION OF OFFICERS

- A. Chairperson Labonte nominated King and he was unanimously approved.
- B. Vice-Chairperson Nunnenkamp nominated LaBonte and she was unanimously approved.

8. UNFINISHED BUSINESS

DeBry led the discussion regarding revisions on the North Plains Comprehensive Plan Chapters 15.01 and part of 15.02. She let the Planning Commission know that once the revisions were made, they would have a chance to look those revisions over and further refine them if necessary before they would be submitted to Land Conservation and Development Commission (LCDC). Notations were made on the paperwork provided for the Agenda Packet but changes were discussed in particular, but not limited to, the following sections.

15.01.010 Population information was updated;

15.01.050 The Commission was okay with “softening” this language a bit, making this a goal, but not a requirement. DeBry would bring back the revised wording for review. She noted the range and diversity issue needed to be more clear including what the size of a neighborhood was and explaining a range of housing options, including rentals. Land area required per unit makes apartments hard to do. King acknowledged the change under #11 dropping the word “new” in regards to the Golf Course;

15.02.010 DeBry wanted to bring attention to the fact that the Planning Commission is designated as a Citizen Involvement Committee responsible for outreach with regards to the Comprehensive Plan. Planning Commission had not reported to City Council since 2007. The code says it should be done every 2 years and Planning Commission is now due to report to City Council;

15.02.020 DeBry made some revisions to the zones and noted how the goal for density of **40/40/20 mix** is not attainable and asked if the Commission would like that left in. The **density average of 8.4** dwellings per acre is attainable and, as a requirement, does need left in. The Commission felt it was good to keep the goal of 40/40/20, but not require it. DeBry also struck out the low density section as the City does not have that anymore and she relabeled the other residential zones. In the Neighborhood Community she suggested removing the 40/40/20 mix. Nunnenkamp asked when the City would be looking at the percentages again. DeBry said we could readjust if we were getting too dense. Until we expand, which would probably happen within the next two years, she felt there would be no need to address this. DeBry suggested putting in a range of minimum and maximum on the 8.4% density. (Example not less than 4% and not more than 10%) Being the first pass, she would make corrections to be approved when reviewed again.

The suggestion was made by DeBry to add a “Downtown Commercial” zone with different setbacks and conditions than the regular Commercial zone. King noted that C-1 zone is downtown and C-2 is highway which are already different. DeBry didn’t feel the setbacks in C-1 fit our downtown area. She also felt it would be nice to have a “Downtown Commercial Transition” Zone because downtown is so small. That would create the flexibility for businesses to be in Single Family Homes in that close residential area on the east end of town on Commercial Street, noting there are not enough small properties for new businesses. King asked if it would be considered an overlay. DeBry agreed that might be a way to make it work. King noted that the warehouses on the west end of town were not really commercial uses as intended. DeBry also did a flip in the Commercial uses between Institutional and Public Facility uses. King noted the Community Service overlay district had never been considered

since he was on the Planning Commission and DeBry felt that could be removed. King also felt schools and churches should be considered institutional or at least an overlay. The school is currently considered zoned 7.5 residential but is not really residential property that can be developed.

15.02.035 DeBry updated some of the language and felt there needed to be more explicit language about not building in the Flood Plain. King noted "unnamed tributary now had the name "Ghost Creek" and asked that be changed;

15.02.065 This section needed some updating in regards to parks, including the removal of the mention of a 20 acre park. DeBry noted we exceeded the minimum two acres of neighborhood parks per 1,000 population;

15.02.080 DeBry deleted most of this section and updated the mix and density information;

15.02.105 DeBry felt this section was too long and too detailed so she edited it;

15.02.144 This section was removed;

15.02.147 DeBry noted this section had been based on an old study and suggested the study be revisited;

15.02.160 The population projection information in this section would be updated. Nunnenkamp asked how the city could better promote commercial/ industrial growth. DeBry felt there was too little commercial space and no large buildings available. King also noted we should promote commercial/industrial growth noting the building east of town on the other side of the Oregon State Police (OSP) building with all of the infrastructure there, but no loading docks; and

15.02.163 A new projection would be received from Portland State soon to update this information.

DeBry felt enough had been covered for the evening and suggested the Commission would go over the rest of the information at the next meeting. She reminded the Planning Commission that once all changes are discussed and made, the Commission would have a chance to review the changes before a draft would be submitted to the Department of Land Conservation and Development (DLCD).

9. STAFF REPORT

DeBry let the Commission know that 44 Building Permits were issued this year, approximately ½ DR Horton and half infill. She also let them know that she had done

an administrative variance for Sunset Terrace I. She reminded the Commission there would be two vacancies to fill with both Ethan Hagar and Aeron Braukman's terms expiring at the end of the month.

LaBonte asked about Home Occupation use in the Residential Zones and felt the definition should be more clearly defined with it being considered a secondary use in the residential zone.

Nunnenkamp commented on the signs at Commercial and West Union and noted one of the signs was quite unattractive. DeBry noted City Council had approved a new policy for rotating signs at that intersection and agreed the signs should be of professional quality. King stated there were a lot of frame signs and asked about the new sign pole scheduled to go in at that intersection. DeBry said City Council was looking at the design ideas and had not finished making that decision yet.

10. ADJOURNMENT

King noted the next scheduled meeting to be January 8, 2014 and adjourned the meeting at 8:53 pm.

Submitted by:

Pamela L. Smith, Account Clerk II

Minutes Approved: _____

**CITY OF NORTH PLAINS PLANNING COMMISSION
REGULAR SESSION MINUTES
JANUARY 15, 2014, 6:30 P.M.
NORTH PLAINS SENIOR CENTER
31450 NW COMMERCIAL STREET**

1. Chairman King called the meeting to order at 7:01 pm.
2. The pledge of allegiance was led by Chairman King.
3. **ROLL CALL**
Commission: Stewart King, Heather LaBonte, Doug Nunnenkamp, Jeff Low and Daryl Olson present. Commissioner Aeron Braukman unexcused absence.
Staff: City Manager Martha DeBry and Account Clerk II Pam Smith present.
4. **PUBLIC COMMENTS**
None.
5. **NEW BUSINESS**
 - A. Larry Gonzales Interview. King reminded those present that the Planning Commission would interview the applicants and make a recommendations to City Council for appointments. Larry Gonzales, 30880 NW Brooking Court, North Plains, OR 97133 came forward to be interviewed. He let The Commissioners know that his interest in land use began in college. Coming recently from Eagle Point where he served on the Planning Commission he felt he could be an asset to North Plains Planning Commission. Eagle Point is an agricultural community of 5000 very similar to our community, mainly agricultural with a premier golf course. He felt urban growth would be a challenge and thought providing growth and protecting agricultural land were important.

Olson asked Mr. Gonzales what attracted him to North Plains. Mr. Gonzales said he and his wife were looking for something along Highway 26 with a rural flavor, a small town. Neither Nunnenkamp nor Low had any questions. LaBonte asked whether his schedule would allow for regular meetings. Mr. Gonzales noted that would not be a problem. King asked about residency. Mr. Gonzales said they would be moving into their house January 22, 2014. King asked if Mr. Gonzales had any questions for the Commission. His only question was how hard it would be to keep to the City's plan with pressure from Intel. LaBonte noted voter annexation is hard.

King entertained a motion to recommend Mr. Gonzales to City Council for approval. Nunnenkamp moved to recommend Larry Gonzales to City Council for approval to serve on the Planning Commission. LaBonte seconded the motion and it was approved unanimously.
 - B. Ethan Hagar Interview. Mr. Hagar was not present to be interviewed. LaBonte said she would like to interview him in regards to his attendance. Low noted Mr. Hagar could not always make meetings because of his job and did not always know ahead of time what his schedule would be. Low works for the same company but in a different area. He

didn't know if the attendance situation would improve or not but noted Mr. Hagar is at every meeting unless he is out of town for business. LaBonte said sometimes having a quorum is a problem. Low said Mr. Hagar enjoys his position on the Commission and his attendance was not a personal problem but work related. King asked if the Commission wanted to postpone the decision or whether the commission would like to make a decision tonight. Nunnenkamp said he was okay with making the decision tonight.

King entertained a motion to recommend Mr. Hagar to City Council for approval. Nunnenkamp moved to recommend Ethan Hagar to City Council for approval to serve on the Planning Commission. Olson seconded the motion and it was approved unanimously.

6. STAFF REPORT

DeBry noted the east development was on track and the Sunset Terrace engineering plans were in the office. She also let the Planning Commission know that Vince Biggi would be appealing the denial from the last Planning Commission meeting for the subdivision variances on North Avenue and would be taking that to City Council. Low wondered what the appeal was about since he had not been at the last meeting. Nunnenkamp and Olson related the denial was based on the lots being substandard, with the lots being too small except one that was oversized. Olson asked if City Council could overturn a Planning Commission decision. King noted they could but generally backed Planning Commission decisions. Nunnenkamp recalled only one time since he had been on the commission that City Council overturned a decision.

Low inquired what was happening with the overpass. DeBry said asphalt was being laid in April. Nunnenkamp asked about the sign code in reference to abandoned signs, in particular the Martin Sheet Metal sign located at the entrance to the city off highway 26. DeBry noted nuisances were addressed on a complaint basis and that Smith would now look into that. DeBry let the Commission know that a judgment had been received on the Speight property this week and the abatement process could now move forward. King thought the Commission should reconsider the flag lot setbacks at some time. LaBonte noted to Smith that the rooster nuisance had not yet been taken care of. Smith agreed to contact the owner again.

7. ADJOURNMENT

King noted the next scheduled meeting to be February 12, 2014, and adjourned the meeting at 7:00 pm.

Submitted by:

Pamela L. Smith, Account Clerk II

Minutes Approved: _____

Chapter 16.05 DEFINITIONS

100-Year Flood Plain: Land subject to one percent or greater chance of flooding in any given year as defined by the Federal Insurance Administration (FIA) on its official Flood Insurance Rate Map (FIRM). In this Ordinance, "100-year flood plain" is synonymous with "area of special flood hazard."

Access: The way or means which allows pedestrians and/or vehicles to ingress and egress a property.

Accessory Structure or Use: A detached, subordinate structure, the use of which is customarily incidental to that of the dominant use of the main building, structure, or land and which is located on the same lot or parcel as the main building, structure or use. Examples of accessory structures or uses include, but are not limited to, private garages, greenhouses, decks, fences, arbors, gazebos, air conditioners, heat pumps, tool sheds and satellite dishes per definition. (An Accessory Dwelling is not considered an Accessory Building or Use. See definition for Dwelling, Accessory.) Accessory structures and accessory uses are not allowed in floodplains or floodways.

Alcoholic Beverage Establishment: A commercial establishment including, but not limited to, bars, taverns, pool halls, coffee houses, or similar establishments where a dance floor, music, games, or other entertainment may be provided and where the sale of alcoholic beverages is an integral component of the business.

Alley: A narrow ~~street~~ driveway primarily used for vehicular service access to the back or side of properties otherwise abutting on ~~another~~ street.

Amusement Enterprise, Indoor: Any enterprise, wholly contained within a structure, whose main purpose is to provide the general public with an amusing or entertaining activity. Indoor amusements may include arcades, skating rinks, dance halls, theaters, ice rinks, pool halls, bowling alleys, indoor shooting ranges, health/sports facilities/gyms, and similar enterprises. Indoor amusement enterprises may also include business that hold classes in acting, art, dance, music, photography, and martial arts.

Amusement Enterprise, Outdoor: Any enterprise whose main purpose is to provide the general public with an amusing or entertaining activity. Outdoor amusements may include zoos, carnivals, expositions, miniature golf courses, fairs, exhibitions, athletic contests, rodeos, tent shows, Ferris wheels, children's rides, roller coasters, private soccer and baseball fields, go-cart tracks, archery range, golf courses, driving ranges, and similar enterprises.

Animal Care Facilities: A place where animals are boarded and/or bred, including, but not limited to, veterinary clinics, stables, dog day cares, animal groomers, and kennels.

Art Studio or Gallery: Where objects of art are created or displayed for public enrichment or where said objects of art are displayed for sale (including, but not limited to, the teaching of photography, painting, sculpture, and other similar skills) as the primary use of the structure.

Automobile, Recreational Vehicle or Trailer Sales Area: A lot used for display, sale, or rental of new or used automobiles, recreational vehicles, light trucks, or trailers, where no repair work is done except minor, incidental repairs of automobiles or trailers to be displayed, sold or rented on the premises.

Automobile Service Station: A building designed primarily for supplying of motor fuel, oil, lubrication and accessories to motor vehicles, but excluding major repair and overhaul.

Awning : A roof-like cover extending over or in front of a place (as over the deck or in front of a door or window) as a shelter.

Bed and Breakfast Inn: A structure where rooms are rented to transient paying guests on an overnight basis and meals are served where no cooking facilities are provided in the rooms.

Building: A structure built for the support, shelter, or enclosure of persons, animals or property of any kind.

Bulk Storage Tank: A container for the storing of chemicals, petroleum products, grains, and other materials for subsequent resale to distributors or retail dealers or outlets.

Bus Depot/Terminal: A use that includes a building and area in which patrons may purchase tickets for bus transportation. Bus terminals may provide for the storage, maintenance, and services of busses including repair, washing, and fueling facilities.

Business Office: A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government and generally furnished with desks, tables, files, and communication equipment.

Carport: A structure which has enclosing walls for less than 50% of its perimeter covered with a roof and constructed specifically for the storage of one or more vehicles.

Catering establishment: A business where the scope of activity is the preparation and sale of meals and beverages for consumption by large parties in conjunction with events such as weddings, parties, and other events with large numbers of attendees.

Child Care, Certified Center: As defined by the State of Oregon, a Certified Child Care Center typically provides care for more than 12 children in a building that usually is constructed as other than a single-family dwelling.

Child Care, Certified Home: As defined by the State of Oregon, a Certified Child Care Home provides child care for up to 12 children, and may be certified for up to 16 children with prior approval from the State of Oregon; and is located in a building constructed as a single-family dwelling.

Child Care, Registered Home: As defined by the State of Oregon, a Registered Child Care Home provides child care to more than 3 children and up to a total of 10 children at any one time, unless they are all from the same family; provides child care on other than an occasional basis; or receives payment from an agency that requires registration.

City: The City of North Plains, Oregon.

City Planner: The City employee or contractor authorized by the city manager or City Council to implement, administer, interpret and enforce the Zoning and Development Ordinance

Civic/government use: Uses that principally serve a public need, such as libraries, museums, post offices, parks, community centers, police stations, and fire stations.

Clinic, Medical & Dental: A facility operated by one or more physicians, dentists, chiropractors, or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis.

Cold Storage Facility : A commercial establishment where foods or other commodities are stored either in lockers, rented or leased, or in vaults in bulk for distribution to the home or other commercial businesses. No slaughtering of animals or fowl is allowed on the premises.

Country Club: Land area and buildings containing golf courses or other recreational facilities, a clubhouse, and customary accessory uses, open to members and their guests.

Commission: The City of North Plains Planning Commission.

Conference/Convention Center: A large civic building or group of buildings designed for conventions, industrial shows, and the like, having large unobstructed exhibit areas and often including conference rooms, hotel accommodations, restaurants, and other facilities.

Condominium: A condominium or townhome is a group of housing units where each homeowner owns their individual unit space, usually from the wall studs in, and share

ownership of most or all common elements. Condominiums are subject to the provisions of ORS Chapter 100.

Council: The City of North Plains City Council.

Day: **A business day unless specifically notes as a calendar day.**

Dwelling, Attached Two Family: A two family dwelling, with each dwelling unit being located on its own lot, and sharing one common wall and common property line with the other dwelling unit.

Drive-in/Thru window: A takeaway restaurant, bank, etc. designed so that customers can do business without leaving their cars. This may include, but is not limited to, fast food, bank, and pharmacy drive-thrus.

Dwelling, Accessory: A detached, secondary, and subordinate dwelling unit which is located on the same lot or parcel as the main building, structure, land, or use. Examples of accessory dwellings include, but are not limited to, granny flats, garage apartments, and accessory apartments.

Dwelling, Multi-Family: A building containing four or more dwelling units.

Dwelling, Single-Family, Attached (Townhouse, condominium, or row house): Two or more single family dwellings with common end-walls.

Dwelling, Single-Family, Detached: A detached building containing one dwelling unit.

Dwelling, Three-Family (Triplex): A detached building containing three dwelling units, located on one legal lot.

Dwelling, Two-Family (Duplex): A detached building containing two dwelling units, located on one legal tax lot.

Dwelling Unit: One or more rooms designed for occupancy by one family and not having more than one cooking facility. Includes all conventional and prefabricated housing which meets Uniform Building Code specifications

Easement: A grant of right to use an area of land for a specified purpose.

Educational Facility: Any facility or premises regularly attended by one or more persons for the purpose of instruction. Such facilities may include tutoring businesses and primary, secondary, colligate, and vocational/trade schools.

Entity: Every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit.

Extended Care Facility, Convalescent Home, or Nursing Home: A building, or portion thereof, used or designed for the housing of the aged, and/or mentally or physically handicapped persons who are under daily medical, psychological, or therapeutic care; provided that this definition shall not include rooms in any residential dwelling, hotel, or apartment hotel not ordinarily intended to be occupied by said persons.

Farm product processing: The alteration or modification, for the purpose of storage, transport, or sale of an agricultural product produced on a farm site through the addition of other ingredients or components, provided that the initial agricultural product must be the principal ingredient or component. Types of establishments that conduct farm product processing may include canneries, meat packing plants, saw mills, and grain elevators.

Fence, Sight Obscuring: A fence or evergreen planting arranged in such a way as to obscure vision.

Flag Lot: A lot with two distinct parts:

- 1. A flag, which is the only building site; and is located behind another lot; and**
- 2. The pole, which connects the flag to the street; provides the only street frontage for the lot; and at any point is less that the minimum lot width for the zone.**

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry areas from the overflow of water bodies and/or unusual and rapid accumulation of surface water from any source.

Floor Area: The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, but not including:

- A. Attic space providing headroom of less than seven feet;
- B. Basement, if the floor above is less than six feet above grade;
- C. Uncovered steps or fire escapes;
- D. Private garages, carports, or porches;
- E. Accessory water towers or cooling towers;
- F. Accessory off-street parking or loading spaces.

Fraternity or Sorority: An organization formed chiefly to promote friendship and welfare among the members.

Fraternal Lodge: A structure where a group of people meet who are organized for a common interest, usually cultural, religious, or entertainment with regular meetings, rituals, and formal written membership.

Fuel Sales: A business for retail delivery of ~~motor-combustible~~ fuels, including but not limited to gasoline, diesel, propane, natural gas, bio-diesel, or hydrogen to individual motor vehicles.

Frontage: All the property on one side of a street between two street intersections, crossing or terminating, measured along the line of the street; or if the street is dead-ended, then all of the property abutting on one side between a street intersection and the dead-end of the street.

Garage, Private: A detached accessory building or portion of a main building for the parking or temporary storage of vehicles owned or used by occupants of the main building.

Garage, Public: A building, other than private garage, used for the care, repair, or equipping of motor vehicles, or where such vehicles are parked.

Grade: The average elevation of the finished ground level at the center of all walls of the building. In case a wall is parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.

Greenhouse or Garden, Commercial: A structure or location where plants, vegetable, flowers, and similar materials are grown for sale.

Health Club/Sports Facility: A building designed and equipped for the conduct of sports, or exercise, or other customary and usual recreational activities, operated for profit or not for profit and which is open only to members and guests of the club or facility.

Height of Building: The vertical distance from the "grade" to the highest point of the coping of a flat roof or the deck line of a mansard roof or to the point midway between the ridge and the eaves of a pitch or hip roof.

Hospital or Sanitarium: A building, or portion thereof, used or designed for the medical or surgical treatment of the sick, mentally ill, or injured persons, primarily on an inpatient basis, and including as an integral part, related facilities such as laboratories, outpatient facilities, or training facilities; provided that this definition shall not include rooms in any residential dwelling, hotel, or apartment hotel not ordinarily intended to be occupied by said persons.

~~**Hotel/Motel:** A building, or group of buildings, used or intended to be used as living quarters for visitors or transient guests, but not excluding permanent guests, and may include a cafe, drugstore, clothes pressing shop, barber shop, or other service facilities~~

~~for the guests for compensation. A visitors or transient guest is any visitor or person who owns, rents, or uses a lodging or dwelling unit, or a portion thereof, for less than 30 days and whose permanent address for legal purposes is not the lodging or dwelling unit occupied by the visitor.~~

Home Occupation: A commercial activity that is conducted within a dwelling unit and/or accessory buildings by ~~members of the family~~persons occupying the dwelling, with no servant, employee, or other person being engaged, provided the occupation is conducted in such a manner as not to give an outward appearance, nor manifest any characteristic of a business, in the ordinary meaning of the term, nor infringe upon the rights of neighboring residents. ~~Such occupations shall be a secondary use of the premises.~~

Hospital: An establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical, or surgical care and with nursing service on a continuous basis.

Hotel: A building in which lodging is provided for guests for compensation ~~and in which no provision is made for cooking in the lodging rooms.~~

Impervious Surface: Hard surfaces such as roofs, driveways, patios and pavement that prohibit water from soaking into the ground.

Industrial, Light: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing. Light industrial establishments may include cabinetry/carpentry/woodworking shops, machine shops, welding shops, and sheet metal shops.

Industrial, Heavy: A use engaged in the basic processing and manufacturing of materials or products or parts, predominantly from extracted raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions. Heavy industrial also includes farm product processing establishments, including grain elevators; saw mills, meat packing plants, and canneries.

Land Division: A partition or subdivision of a lot or parcel.

Light Truck: Truck with a gross cargo weight of 1-1/2 tons or less.

Live/Work Townhouse: An attached single family dwelling which is designed to accommodate a commercial business on the ground floor. The commercial or office portion of the building shall be oriented to the front of the building and shall be directly accessible by the primary front entrance.

Livestock: Domestic animals of types customarily raised or kept on farms for profit or other purposes. Refer to Municipal Code Chapter 4.25 Livestock.

Local Improvement District (LID): The area determined to be specially benefitted by a local improvement within which properties are assessed to pay for the cost of the local improvement.

Lot: Unless the context provides otherwise (e.g. a “lot of record”), a unit of land created by ~~subdivision~~land division.

Lot of Record: Any lot, or parcel lawfully created by a partition, subdivision, deed, or sales contract that is recorded plat in the ~~Ex Officio~~ County Clerk’s Office of Washington County.

Lot Area: The total area of a lot or parcel measured in a horizontal plane within the lot boundary lines exclusive of public and private roads. For flag-shaped lots, the access strip shall not be included in the lot area for the purposes of minimum lot area requirements ~~of this Ordinance~~.

Lot, Corner: A lot or parcel abutting on two intersecting streets other than an alley provided that the streets do not intersect at an angle greater than 135 degrees.

Lot Coverage: That portion of a lot or parcel covered by buildings and structures usually expressed in percentage of total square feet of lot size.

Lot Depth: The horizontal distance from the midpoint of the front lot or parcel line to the midpoint of the rear lot line.

Lot, Flag: A lot or parcel that does not front on or abut a public road and where access to the public road is usually by a narrow access strip.

Lot Interior: A lot or parcel other than a corner lot or parcel.

Lot, Line Adjustment: The relocation or elimination of a common boundary between two legal lots or parcels, provided no new lots or parcels are created.

Lot Line, Front: The line separating the lot or parcel from the public street ~~other than an alley~~, and in the case of a corner or through lot or parcel, the line along a street ~~other than an alley~~ over which the primary pedestrian access to the property is gained. In the case of a flag lot, the front lot line for setback purposes shall be the parallel projection of the shortest side lot line of the driveway flag.

Lot line, Rear: The line which is opposite and most distant from the front lot line. In the case of an irregular, triangular, or other shaped lot, a line ten feet in length within the lot

parallel to and at a maximum distance from the front lot line.

Lot Line, Side: Any property line that is not a front or rear lot line.

Lot Width: The average horizontal distance between the side lot lines; ordinarily measured parallel to the front lot line.

Manufactured Home: A structure that has a Department of Housing and Urban Development label certifying that the structure is constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Secs. 5401 et seq.), as amended on August 22, 1981; and is constructed for movement on the public highways has plumbing, and cooking facilities, is intended for human occupancy, and is being used for residential purposes.

Manufactured Home Park: A place where two or more manufactured homes are located on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person or to offer space free in connection with securing the trade or patronage of such a person.

Mixed Use Development: A development that integrates some combination of retail, residential, commercial, office, institutional, recreation, or other functions. It is pedestrian-oriented and contains elements of a live-work-play environment. It maximizes space usage, reduces reliance on the automobile, and encourages community interaction.

Manufactured Home Subdivision: A subdivision intended for and designed to accommodate manufactured homes on individual lots and developed pursuant to the provisions of this Ordinance.

Motel: A building or group of buildings on the same lot or parcel and containing guest units with separate entrances and individual sleeping quarters, detached or in connected rows, ~~with or without cooking facilities,~~ for rental to visitors. The term includes auto courts, tourist courts, tourist homes and motor lodges.

Nonconforming Structure or Use: A lawfully existing structure or use, at the time this Ordinance or any amendment thereto becomes effective, which does not conform, or becomes nonconforming, to the requirements of the zone in which it is located as a result of amendments or other changes to this ordinance..

Parking Space: A space with room for maneuvering and access space required for a standard automobile to park space.

Partition: To divide land into not more than three parcels within a calendar year.

Place of Worship: A building or structure, or group of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.

Planned Unit Development: Type of development in which some departure from lot size, density, and other requirements of the underlying zone is permitted in order to accommodate unique physical characteristics and/or facilitate use of innovative building techniques and materials.

Recycling Facility: A facility that involves the separation, collection, and/or processing of metals, glass, paper, plastics, and other materials which would otherwise be disposed of as solid waste, which are intended for reuse, re-manufacture, or re-constitution for the purpose of using the altered form.

Recycling Drop-Off Center: A facility for the drop-off and temporary holding of materials such as paper, cardboard, glass, metal, plastic, batteries, and motor oil. Processing of materials is limited to glass breaking and separation. Recycling materials are not sold to a recycling drop-off center. A recycling drop-off center is intended for household or consumer use. Use by commercial or industrial establishments is not included. Unattended drop-off stations for single materials, such as newsprint, are also not included.

Residential Facility: A residential care, residential training or residential treatment facility, as those terms are defined in ORS 443.400, that provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

Residential Home: A residential treatment or training home, as defined in ORS 443.400, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

Restaurant: An establishment that serves food and beverages primarily to persons seated within the building. This includes, but is not limited to, cafes, tea rooms, and outdoor cafes.

Restaurant, Fast Food: An establishment that offers quick food which is accomplished through a limited menu of items already prepared and held for service, or prepared quickly. Orders are not generally taken at a customer's table and food is generally served

in disposable wrapping or containers. This type of establishment may or may not include a drive in/thru window.

Retail Sales & Service: Indoor establishments engaged in selling goods and services to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

RV Park: A campground for day use and overnight accommodations by motor homes.

Salvage Yard: A facility or area for storing, keeping, selling, dismantling, shredding, compressing, or salvaging material or equipment. Materials include, but are not limited to, lumber, pipes, metal, paper, rags, tires, bottles, motor vehicle parts, machinery, structural steel, equipment/vehicles, and appliances.

Satellite Dish: As regulated by the FCC, a direct-to-home satellite dish or antenna that is less than one meter in diameter, a TV antenna on a mast less than 12 feet above the roofline, and wireless cable antennas associated with a single family or manufactured home, a townhouse, apartment or condominium. The City may restrict such devices if it is necessary to accomplish a clearly defined safety objective, or is necessary to preserve an historic district listed or eligible for listing in the National Register of Historic Places and imposes no greater restrictions than on other devices.

School, Elementary, Junior High or High School: An institution, public or parochial, offering instruction in the several branches of learning and study, in accordance with the rules and regulations of the State Department of Education.

Scientific Testing/Research Laboratory: An establishment or facility used for carrying on investigation in the natural, physical or social sciences, which may include engineering and product development.

Senior Housing: A residential development which is limited to residents 55 years and over.

Setback: An imaginary line which marks the minimum distance a structure must be located from the property line, and establishes the minimum required front, side, or rear yard space of a building plot.

Sign: An identification, description, illustration, or devise which is affixed to or represented, directly or indirectly, upon a building, structure, or land, and which directs attention to a product, place, activity, person, institution or business.

Sign, Monument: A sign that extends from the ground, or has support which places the bottom of the sign less than two (2) feet from the ground.

Solid Waste Transfer Station: A facility at which solid waste is transferred from one solid

waste vehicle to another solid waste vehicle for transportation to a solid waste facility.

Solid Waste Transfer Station, Material Recovery Facility: A solid waste transfer station designed and operated to process waste by utilizing manual and/or mechanical methods to separate useful materials from the incoming waste stream for return to the economic mainstream for use as raw materials or products. This definition includes recycling plants that process discarded metals, glass, paper, plastics, and other materials for re-use.

Storage, Outdoor: The keeping, in an unenclosed area, of any goods, junk, materials, or merchandise in the same place for more than twenty-four hours and not actively being sold.

Storage, Self Service/RV: A structure containing separate, individual, and private storage spaces of varying sizes that may include, but is not limited to, storage areas for Recreational Vehicles (RVs) and boats. Storage for RVs does not include RV parks.

Story: The portion of a building included between the first surface of any floor and the upper surface of the floor next above, except that the top story shall be that portion of a building included between the upper surface of the top floor and the ceiling above. If the finished floor level directly above the basement or cellar is more than six feet above grade, such basement or cellar shall constitute a story.

Street: The entire width between the boundary lines of every way of travel which provides for public use for the purpose of vehicular and pedestrian traffic and the placement of utilities and including the terms "road," "highway," "~~land,~~" "place," "avenue," "~~alley,~~" and other similar designations.

Structural Alteration: Any change to the supporting members of a structure including foundation bearing walls or partitions, columns, beams or girders, or any structural change in the roof or in the exterior walls.

Subdivision: To divide an area of land into four or more lots for the purpose of transfer of ownership or building development, whether immediate or future, when such lot exists as a unit or contiguous units.

Substandard lot: A lot which does not meet the lot size requirements of the zoning district in which it is located and is therefore considered a nonconforming property.

Theater: A building or part of a building devoted to showing motion pictures or for dramatic, dance, musical, or other live performances.

Trailer (Travel or Vacation): A vehicle or structure equipped with wheels for highway use that is intended for human occupancy, which is designed primarily for vacation and recreation purposes.

Travel Trailer Parks: An area containing one or more spaces designed for the temporary parking and convenience of travel trailers and similar recreational vehicles.

Truck Stop/Freight/Trucking Terminal: Any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products directly into motor vehicles and the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop also may include overnight accommodations and restaurant facilities primarily for the use of truck crews.

Unstable Soil: Soil types which pose severe limitations for development due to potential flooding, structural instability, or inadequate sewage waste disposal, as defined by the U.S. Soil Conservation Service and identified in the Comprehensive Plan.

Use: The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

Utility Facility: A site where infrastructure services and structures necessary to deliver basic utilities are undertaken. This includes all lines and facilities provided by a public or private agency and related to the provision, distribution, collection, transmission or disposal of water, storm and sanitary sewage, oil, gas, power, information, telephone cable, electricity and other services provided by the utility.

Variance: The modification of a specific standard in this Ordinance. Variances are granted by the Planning Commission. Minor variances may be approved administratively by the City Planner

Vehicle Wash: A place containing facilities for washing automobiles which may include the automatic or semiautomatic application of cleaner, brushes, rinse water, and heat for drying.

Vehicular Sales, Rental, Repair & Service: Any premises or structures when used for the sales, rental, servicing and/or repair of motor vehicles, including paint and body work, engine rebuilding and minor maintenance activities, irrespective of commercial gain derived there from. Motor vehicles may include, but are not limited to, automobiles, marine craft, motorcycles, and air craft. This use does not include sales, repair/service, and rental of commercial freight trucks/semi-trailers and farm/logging equipment.

Vision Clearance: The triangular area at the intersection of any two streets, a street and a railroad, or a driveway providing vehicular access to a public street, including alleys. These areas provide increased site distance to drivers, pedestrians, wheelchairs, and other users of the intersection. For more details, refer to Chapter 16.16048, Clear Vision Areas.

Warehousing: The storage of goods or merchandise at a facility such as a storehouse.

Waste/Recycling Services: Trash removal and recycling services for residents and business of an area. This may include, but is not limited to, solid waste transfer stations, material recovery facilities, and recycling facilities.

Wholesale Sales/Service: Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Wireless Telecommunication Facility: An unstaffed facility operating for the transmission and reception of ~~low power~~ radio signals consisting of an equipment shelter or cabinet, a support structure, antennas, and related equipment.

Wireless Telecommunication Tower: A tall structure with the intended purpose of elevating a ~~Radio-radio Frequency Transmission Facility antennae~~ high above the ground. This definition includes but is not limited to a tower, pole, or mast over 20 feet tall.

Yard: An open space on a lot which is unobstructed from the ground upward except as otherwise provided in this ordinance.

Yard, Rear: A yard between side lot lines measured at a right angles from the rear lot line to the nearest point of a main building.

Yard, Side: A yard between the front and rear yard measured at a right angles from the side lot line to the nearest point of the building.

Chapter 16.60
Community Service Overlay District (CS)

16.60.00 **Purpose**

The purpose of the Community Service Overlay District (CS) is to identify and protect public and private facilities that serve a community educational, cultural, recreational, social, or governmental function, subject to other sections of this chapter including Design Review, if applicable. Uses authorized in the CS Overlay District include:

- A. Churches.
- B. Public or private schools.
- C. Public or private non-profit social service, community, or recreational facilities.
- D. Governmental structures such as city offices, fire station, library, post office, and public parks.
- E. Public utilities including wells, water storage tanks, and sanitary sewer pump stations.
- F. Private utilities including electric power substations; telephone exchanges; television, radio or microwave transmission facilities.
- G. Other similar uses deemed appropriate by Planning Commission.

16.60.005 **Application**

At the time a conditional use is approved, or, in the case of an outright use, at the time a building permit is issued, for a facility named in 16.60.000, said property shall be placed in a Community Service Overlay District on the Zoning Map. In taking any subsequent action which affects a property so designated, the Planning Commission shall consider the special community value and benefits of the facility. The use shall be subject to all standards and requirements of the underlying zone.

16.60.010 **Discontinuation of Community Use**

At such time a use designated as a community service is discontinued and a use other than one listed in Chapter 16.60.000 is established on the site, the CS Overlay designation shall be removed.

**Chapter 16.125
Lot Development Standards**

16.125.000 Purpose

Standards provide for the orderly, safe, efficient and livable development of land within the City of North Plains.

16.125.005 Scope

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

16.125.010 Standards for Lots

- A. **Minimum lot area:** Minimum lot area shall conform to the requirements of the zoning district in which the lot is located.
- B. **Access:** All lots ~~created after the effective date of this Ordinance~~ shall provide a minimum of 20 feet of frontage on an existing or proposed public street, with the following exception:

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

1. The subject property is surrounded by developed properties and the terrain, shape of the parcel, or the location of existing structures precludes accessing the property with a public street.
 2. The proposed flag lot(s) front on the arc of a cul-de-sac and the use of flag lots would result in a better lot pattern around the cul-de-sac than that which might otherwise result.
 3. The subject property is located in the Commercial or Industrial Zoning District and the Planning Commission finds that full frontage on a public street is unnecessary to the logical development of the property.
 4. The Planning Commission finds that the use of flag lots is necessary due to conditions of terrain or other physical features of the property.
 5. The Planning Commission finds that the use of flag lots accessing from a collector or local street is preferable to direct access from an arterial street.
- C. **Flag Lots:** When authorized by the Planning Commission pursuant to the access requirements of Subsection Chapter 16.125.010 (B)~~(4)~~, flag lots shall be subject to the following development standards:

1. The access strip shall be a minimum of 15 feet in width, except as required by the Uniform Fire Code. The improved surface shall be a minimum of 12 feet in width, except as required by the Uniform Fire Code.
- ~~4.2.~~ A three-foot wide landscaped planter strip shall be provided between the access strip and the side lot line of the neighboring lot.
- ~~2.3.~~ The access strip shall not be included in the calculation of lot area for purposes of determining compliance with any minimum lot size provision of this Ordinance.
- ~~3.4.~~ The access strip shall be in fee ownership of the property provided access and shall not be as an easement. In the case of multiple lots having the same access strip, all lots served shall have ownership of an equal amount of the access strip. There shall be provided an easement over the remainder of the access strip for each property served.
- ~~4.5.~~ The length of the access strip is subject to the requirements of the Uniform Fire Code, ~~but and~~ shall not exceed 200 feet.
- ~~5.6.~~ Where more than one flag lots abut, access shall be via a shared drive wherever possible. The shared drive access strip shall be a minimum of 20 feet in width ~~for two lots, and increased by 5 foot increments for each additional lot, with a maximum of four lots having access off of one access strip,~~ except as required by the Uniform Fire Code. The improved surface shall be a minimum of ~~16-12~~ feet in width ~~for two lots and increased by four feet for each additional lot,~~ except as required by the Uniform Fire Code ~~or Washington County Fire District #2. A two foot wide vegetated planter strip shall be provided between the access strip and the abutting side~~ lot lines.
7. Setbacks in Residential Zoning Districts. Subsequent development on flag lots in the R-7.5, R-5 and R-2.5 zoning districts shall provide a minimum:
 - i. 20 feet in the yard facing the garage door or carport entrance
 - ii. 10 feet in the yard facing the front of the residence
 - iii. 10 feet in the yard facing the rear of the residence
 - iv. Side yard setbacks shall be the same as the underlying zone
- ~~6.~~ ~~front, rear and side yard setbacks of 10 feet, except that the yard~~

- D. **Through Lots:** Through lots shall be avoided except where essential to provide separation of residential development from major traffic arteries, adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. Screening or buffering may be required by the Planning Commission during the review of the land division request.
- E. **Lot Side Lines:** The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.
- F. **Lot Grading:** Lot grading shall conform to the requirements of Chapter 70 of the Uniform Building Code, hereby adopted by reference, and to the following standards unless physical conditions demonstrate the propriety of other standards:
 - 1. Cut slopes shall not exceed one and one-half feet horizontally to one foot vertically.
 - 2. Fill slopes shall not exceed two feet horizontally to one foot vertically.
 - 3. The character of soil for fill and the characteristics of lots and parcels made usable by fill shall be suitable for the purpose intended.
- G. **Large Lots:** In dividing tracts into large lots which at some future time are likely to be re-divided, the applicant's tentative plan shall also demonstrate that any redevelopment or re-subdivision may readily take place at the planned residential density without violating the requirements of this ordinance.

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

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

16.125.015 Standards for Blocks

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

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

16.125.020 Easements

- A. **Utility Lines:** Minimum 5 foot wide easements for sewers, water mains, electric lines, or other public utilities shall be dedicated along the front, side, and rear lot or parcel lines of each lot. Easements shall be centered on lot lines. Rear loaded properties are only required to have easements in the front and rear lot lines.
- B. **Water Courses:** If a tract is traversed by a water course such as a drainage way, channel or stream, a storm water easement or drainage right-of-way shall be provided which substantially parallels the lines of the water course.
- C. **Pedestrian and Bicycle Ways:** When desirable for public convenience and access, a pedestrian or bicycle way easement may be required to connect to a cul-de-sac or to pass through an unusually long or oddly spaced block, or to otherwise provide appropriate circulation.

16.125.025 Improvement Requirements

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

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

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

1. **Frontage improvements:** Street improvements to full City Standards shall be required for all public streets on which a proposed subdivision fronts. Such improvements shall be blended to match with existing improved surfaces across the centerline and for a reasonable distance beyond the frontage of the property. Additional frontage improvements shall include: sidewalks, curbing, storm sewer, sanitary sewer, waterlines, other public utilities as necessary, and such other improvements as the City shall determine to be reasonably necessary to serve the development or the immediate neighborhood.
2. **Proposed Streets:** All public streets within the subdivision shall be constructed ~~to current City of North Plains Public Works Standards as required by the provisions of the Street Standards section of this chapter.~~
3. **Monuments:** Upon completion of street improvements, monuments shall be reestablished and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street center lines. Elevation bench marks shall be established at each street intersection monument with elevations to U.S. Geological Survey datum.
4. **Sanitary Sewers:** Sanitary sewers shall be installed to serve the subdivision and to connect the subdivision to existing mains both on and off the property being subdivided.

If the required sewer facilities will, without further sewer construction, directly serve property outside the subdivision, the Planning Commission may recommend to the City Council construction as an assessment project with such arrangement with the sub-divider as is desirable to assure financing his share of the construction.

The City, ~~at the request of Clean Water Services,~~ may require that the sub-divider construct sewage lines of a size in excess of that necessary to adequately serve the development in question, where such facilities are or will be necessary to serve the entire area within which the development is located when the area is ultimately developed. The City may also require that the construction take place as an assessment project with such arrangement with the sub-divider as is desirable to assure his share of the construction.

5. **Water System:** Water lines with valves and fire hydrants serving the subdivision and connecting the subdivision to the city mains shall be

installed. The design shall take into account provisions for extension beyond the subdivision to adequately grid the City system and to serve the area within which the development is located when the area is ultimately developed.

6. Street Lights The installation of street lights is required at locations and of a type established by City standards.

~~6.7.~~ **~~and Street Trees~~**: The installation of street ~~lights and street~~ trees is required at locations and of a type established by City standards. At a minimum one tree shall be planted per residence, and three trees shall be planted on the frontages of corner lots.

~~7.8.~~ **Street Signs**: The installation of street name signs and traffic control signs is required at locations determined to be appropriate by the City and shall be of a type established by City standards.

All improvements required under this subsection shall be completed to City standards, 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 approval of the Final Plat of the subdivision.

16.125.030 Improvements Procedures

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

- A. Improvement work shall not be commenced until plans have been checked for adequacy and approved by the City. Plans shall be prepared in accordance with requirements of the City.
- B. Improvement work shall not be commenced until the City has been notified in advance; and, if work has been discontinued for any reason, it shall not be resumed until the City has been notified.
- C. Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require changes in typical sections and details in the public interest, if unusual conditions arise during construction to warrant the change.
- D. All underground utilities, sanitary sewers, and storm drains installed in streets by the sub-divider shall be constructed prior to the surfacing of the streets. Stubs

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for service connections for underground utilities and sanitary sewers shall be placed to a length eliminating the necessity for disturbing the street improvements when service connections are made.

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

Chapter 16.140 Planned Unit Development

16.140.000 General Provisions

Special uses included in this Section are uses which, due to their effect on surrounding properties, must be developed in accordance with special conditions and standards. These conditions and standards may differ from the development standards established for other uses in the same Zoning District. When a dimensional standard or a special use differs from that of the underlying district, the standard for the special use shall apply.

16.140.005 Purpose

The purpose of a planned unit development is to permit the application of new technology and greater freedom of design in land development than possible under a strict interpretation of the provisions of this ordinance, including those governing lot size, setbacks, and density. The use of these provisions are dependent upon the submission of an acceptable plan and satisfactory assurance it will be carried out. Such plan should accomplish substantially the same general objectives as proposed by the Comprehensive Plan for the City.

16.140.010 Objectives

The following objectives shall be considered in reviewing an application for a conditional use permit for a planned unit development:

1. To provide more desirable living, shopping, and working environments by preserving the natural character of open fields, stands of trees, brooks, ponds, flood plains, hills, and similar natural assets.
2. To encourage the use of innovative siting and construction techniques and materials as a means of reducing building and maintenance costs and conserving energy.
3. To encourage developers to provide residents with a variety of amenities, including recreational facilities and pedestrian and bicycle paths.
4. To encourage variety in the physical development pattern of the community.

16.140.015 Standards and Requirements

The following standards and requirements shall govern the application of the planned unit development:

- A. Minimum Size For A Planned Unit Development. No application shall be made for an area of less than the minimum lot size of 4-acres-in-of any residential zone. There shall be no minimum in commercial or industrial zones.
- B. Limitation On Application. No application shall be accepted for a use which will require a change of zone unless accompanied by an application for a zoning amendment.
- C. Standards For Approval. Such uses may be permitted as a special use upon the following findings:
1. The proposal conforms with the Comprehensive Plan.
 2. The project will satisfactorily accommodate the traffic it generates by means of adequate off-street parking, access points and additional street right-of-way and improvements and any other traffic facilities required. All such improvements shall be developed to City Public Works standards.
 3. Streets and roads in Planned Unit Developments which are to be dedicated shall be public and developed to City Public Works standards.
 4. Pedestrian walkways shall be provided for adequate pedestrian and bicycle traffic and these shall be constructed to City Public Works standards except as varied by the Planning Commission.
 5. All utility facilities shall be installed underground and in accordance with City Public Works standards.
 - ~~6. The design of a Planned Unit Development shall provide direct access for all units and lots to open space areas and facilities.~~
 - 7.6. The project will be compatible with adjacent development and will not adversely affect the character of the area.
 - 8.7. All public utilities will be developed consistent with Urban Growth Boundary policies, plans and standards.
 - 9.8. The Planned Unit Development shall not have adverse impacts on public facilities such as schools, roads, water and sewage systems, fire protection, etc.

~~10. A Planned Unit Development shall not be approved in any R zone if the housing density of the proposed development will result in an intensity of land use greater than permitted by the Comprehensive Plan.~~

~~11.9.~~ Developments which either provide for or contemplate private streets, ~~and~~ common areas, open spaces or parks which will be or are proposed to be maintained by the owners of units or lots within a development must organize and maintain an owner's association. The owners association shall consist of all the owners of units or lots within the development and membership in the association must be required of all owners who must adopt and record bylaws as provided by ORS 100.410. The owners association shall adopt bylaws that contain the provisions required by ORS 100.415 and specifically the power to create a lien upon the unit or lot for services, labor or material lawfully chargeable as common expenses as provided in ORS 100.450. The owners associations power to create such a lien shall exist whether or not the property is submitted to the Oregon Unit Ownership Law (ORS 100.005-100.620).

~~12.10.~~ All other subdivision restrictions contained in the City of North Plains Subdivision Ordinance shall be met.

~~13. The system of ownership of the units and open space, and the means of developing, preserving and maintaining open space is adequate.~~

~~14.11.~~ That sufficient financing exists to assure the proposed development will be substantially completed within ~~four~~ two years of approval ~~approval~~.

~~15. Sixty five percent (65%) of the land is to be maintained in open space.~~

16.140.020 Procedure

The following procedure shall be observed when a planned unit development proposal is submitted for consideration:

- A. The applicant shall submit one paper copy and an electronic 5 copies of a preliminary development plan to the Commission for study at least 30 days prior to the scheduled public hearing. The preliminary plan shall include the following information in graphic and written form:

1. Proposed land uses, building locations, and housing unit densities.
 2. Proposed access and circulation, including the status of street ownership.
 3. Proposed open space uses.
 4. Proposed grading and drainage pattern.
 5. Proposed method of water supply and sewage disposal.
 6. Relation of the proposed development to the surrounding area (a minimum of 1,500 feet) and the Comprehensive Plan.
- B. Public notice of the proposed planned unit development shall be provided in accordance with the public notice provision of this chapter.
- C. In considering the plan, the Commission shall determine whether:
1. There are special physical conditions or objectives of development which the proposal will satisfy to warrant a departure from the standard ordinance requirements.
 2. Resulting development will not be inconsistent with the Comprehensive Plan provisions or zoning objectives of the area.
 3. The area around the development can be planned and used in substantial harmony with the proposed plan.
 4. The plan can be completed within a reasonable period of time.
 5. The streets are adequate to support the anticipated traffic ~~and the development will not overload the streets outside the planned area.~~
 6. ~~Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.~~
- D. If, in the opinion of the Commission, the provisions of Chapter 16.140.020 (C) are satisfied, the proposal shall be approved. If the Commission finds the provisions are not satisfied, it may deny the application or return the plan to the applicant for revision.
- E. In addition to the requirements of this section, the Commission may attach

conditions it finds are necessary to carry out the purposes of this ~~Ordinance~~chapter.

F. Building permits in a planned development shall only be issued on the basis of the approved plan. Any changes in the approved plan shall be submitted to the Commission for processing as an amendment to the approved conditional use permit for a planned unit development.

~~G. An approved planned unit development shall be identified on the zoning map as an overlay to the existing zoning district.~~

Chapter 16.205 ANNEXATIONS

16.205.000 Statement of Purpose.

The City of North Plains finds annexation is the first step to converting future urbanizable lands to urban land within the North Plains Urban Growth Boundary and as such, it is an important part of the process of providing timely and orderly urban development. The City also recognizes that development of lands at urban densities must include the consideration of the provision of adequate levels of required urban services and infrastructure such as police, fire, sanitary sewer, water, roads, storm water disposal. Policies and procedures adopted in this Chapter are intended to carry out the purposes of the North Plains Comprehensive Plan and ensure that annexation of lands to the City is done timely and orderly and consistent with the Charter which requires that, unless otherwise mandated by State law, all annexation proposals must be approved by a majority vote of the City's citizens before the annexation becomes effective.

16.205.005 Conditions for Annexation.

The following conditions must be met prior to or concurrent with City processing of any annexation request:

- A. The subject site must be located within the North Plains Urban Growth Boundary.
- B. The subject site must be contiguous to the existing City limits.

16.205.010 Criteria

The following criteria shall apply to all annexation requests:

- A. The proposed use for the site complies with the North Plains Comprehensive Plan and ~~with the designation(s) thereon Comprehensive Plan Map. If a re-designation of the plan map is requested concurrent with annexation, the uses allowed under the proposed designation must comply with the Comprehensive Plan.~~
- B. An adequate level of urban services and infrastructure must be available or made available in a specified time period determined by Council. An adequate level of urban services is defined as:
 - 1. Municipal sanitary sewer, storm drainage and water service meeting the requirements enumerated in the Comprehensive Plan for provision of those services.

2. Rights of way with adequate design capacity for the proposed use and projected future uses.
 3. Where construction of improvements necessary for delivery of the urban services identified in subsection (1) above or the rights-of-way identified in subsection (2) above are not thought to be immediately necessary, the applicant shall note the methods that are proposed to be used for providing and/or financing those services/improvements including ~~but not limited to~~ dedication of right-of-way, granting waiver(s) of remonstrance against possible future local improvement districts created or other approaches/devices to pay for improvement costs.
- C. Findings documenting the availability of police, fire, parks, school facilities and all related services shall be made allowing for conclusive findings either for or against the proposed annexation. The adequacy of each of these services shall be considered in relation to each annexation proposal.
 - D. The burden of providing evidence supporting the findings for Section 16.205.070 A-C is upon the applicant.

Improvements for needed infrastructure may be secured by a funding mechanism that will place the primary economic burden on the territory proposed for annexation and not on the City of North Plains generally.

16.205.015 Application Filing, Publication and Posting Deadlines.

Annexation elections can be scheduled on any election date set by law. An application deadline is established to permit public hearings by both the Planning Commission and City Council so as to allow for meeting the election date. Application, publication, and posting deadlines for annexations are as follows:

- A. Applications for annexation shall be filed with the City before the close of business on the 145th day prior to the date on which the election is scheduled.
- B. Notice of public hearing shall be published once each week for two successive weeks prior to the day of hearing before the legislative body, in a newspaper of general circulation in the city, and shall be posted in three public places in the city for a like period.
- C. Notice of Measure Election shall be published in a newspaper of general circulation as required by State Law. In addition, a map depicting the property proposed to be annexed shall be published in the County Voters' Pamphlet along with an unbiased Explanatory Statement.
- D. The City shall cause the property proposed to be annexed to be posted with a minimum of one sign not ~~greater~~smaller than six square feet in size. The sign

shall provide notice of the annexation election, a map of the subject property and other relevant information regarding the proposed annexation.

E. The decision to set the annexation for an election shall be at the discretion of the City Council and shall be approved by resolution.

E.F. All costs associated with placing the matter on the ballot shall be paid by the applicant or owner of the property proposed to be annexed.

16.205.020 Application Requirements

A. Applications for annexation shall be made on forms provided by the City and include, at a minimum, the following material:

1. Written consent to the annexation signed by the affected property owners.
2. Legal description of the property to be annexed and a boundary survey certified by a registered engineer or surveyor licensed in the State of Oregon.
3. Vicinity map and map of the area to be annexed including adjacent City territory.
4. General land use plan indicating types and intensities of proposed development, transportation corridors, watercourses, significant natural features, and adjoining development.
5. Payment of annexation fees, as the same are set by Council resolution.

B. In addition to the information and fees required under subsection (A) above, an applicant shall also be required to provide the following information:

1. A statement of the overall development concept and methods by which the physical site, surrounding area and community will be affected as well as proposed actions designed to mitigate negative effects from the development, if any.
2. A statement addressing the availability, capacity and status of existing water, sanitary sewer, drainage, transportation, park and school facilities as determined and an analysis as to the anticipated increased demand for said facilities generated by the proposed development.
3. A statement analyzing anticipated additional facilities required to meet the increased demand and proposed phasing of such facilities in accordance with projected demand.

4. A statement setting out proposed method(s) and source(s) of financing required to provide the additional facilities identified in the analysis described in subsection (3) above.
5. A narrative demonstrating the need for the urban development proposed for the annexation area analyzing the following:
 - a. Availability within the City of undeveloped land designated for proposed urban development.
 - b. Analysis of immediate, short-term (1 to 5 years) demand for proposed urban development.
 - c. Probable phasing of proposed urban development consistent with projected demand for period in which the annexation area is expected to develop.

e-

C. Applicant shall provide public information and a forum for gathering public comments.

a. Establish a publicly accessible website containing the full application presented to the City.

i. The applicant must update the website whenever additional documents are presented to the City by the applicant

1. The applicant shall revise the website if requested by the City in writing.

ii. Website shall provide a comment form which will become part of the public record.

1. Comments must be submitted with the name and address of the creator

2.

3. The comment creator should receive an electronic copy of their comment form entry

4. The comment form entries must be forwarded electronically and automatically to the City at a designated email address, without review or editing by any person.

b. Provide a factual information brochure to be distributed to the public.

i. The City shall review, edit and approve the content of the brochure.

1. Brochures must include

- a. a map of the area
 - b. annexation website address
 - c. An estimated timeline for the annexation review process
 - d. An outline of the process for submitting comments to the Planning Commission and City Council.
- ii. A minimum of 1,000 copies must be presented after approval, which will be mailed with water bills one time prior to the Planning Commission Hearing.
- iii. Additional copies of the brochure shall be provided by the applicant in minimum increments of 100 as needed for distribution at City Hall and North Plains Public Library, until the completion of the City Council hearing.

16.205.025 Acceptance of Application; Staff Evaluation.

- A. The City Planner shall review the application in accordance with Sections 16.205.005-16.205.020 to ensure that the application complies with the conditions and criteria set out therein, is complete and that all appropriate fees have been paid.
 - B. After accepting a complete application, the City Planner shall prepare a report evaluating the proposal's compliance with the Review Criteria set out in Section 16.205.030 and provide his/her recommendation thereon to the Planning Commission and schedule a hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with the Application Review section of this chapter.
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16.205.030 Review Criteria.

Annexation shall be reviewed to assure consistency with the purposes of this Chapter, the Comprehensive Plan and other applicable policies and standards adopted by either the City and the State. In addition, a finding shall be made that the City is capable of providing services to the subject property(ies) commensurate with the needs of existing property(ies) and any proposed increases.

16.205.035 Action By The Planning Commission.

The Planning Commission shall conduct a public hearing consistent with the Application Review section of this chapter to evaluate the proposed annexation and determine the appropriate zoning classification that should apply upon annexation of the territory. The Planning Commission shall conduct its hearing at the next available meeting that complies with the notice requirements of Section 16.205.015.

Following the close of the public hearing, the Planning Commission shall designate the development district(s) that will apply to the area proposed to be annexed and forward that recommendation to the City Council. The Commission's recommendation shall include Findings of Fact and Conclusions of Law specifying how the proposal has or has not complied with the Application Requirements and Review Criteria. The Planning Commission shall specify such consideration as in its findings and conclusions of law.

16.205.040 Annexation Declaration.

The City Council shall by ordinance declare annexation only after determining that all requirements of the Oregon Revised Statutes have been met, all requirements of this ordinance have been met, all applicable fees have been paid, and the annexation request has been approved by a majority of those voting.

16.205.045 Health Hazard Annexation.

The City Council shall annex those areas constituting a health hazard in accordance with Oregon Revised Statutes, taking into consideration the ability of the City to provide necessary services. Annexation of areas constituting a health hazard is not subject to voter approval.

16.205.050 Island Annexation.

The City shall not allow islands or enclaves of unincorporated territory surrounded by or within the city limits.

16.205.055 Coordination.

All annexation requests shall be coordinated with affected public and private agencies, including, but not limited to:

- ~~Washington County,~~
- ~~Portland General Electric,~~
- ~~Northwest Natural Gas,~~
- Clean Water Services
- Joint Water Commission
- City of North Plains, Public Works Department
- ~~Hillsboro School District,~~
- ~~Washington County Fire District No. 2~~
- and, where appropriate, state agencies.

Coordination shall be made by referral of annexation request to all appropriate entities sufficiently in advance of proposed final City action to allow for review by those entities and incorporation of their recommendation(s) into the City's records.

16.205.060 Effective Date of District Designation.

The decision of the City regarding establishment of the district designation shall become effective upon expiration of the appeal period unless an appeal has been filed in accordance with the Application Review section of this chapter.

16.205.065 Action by City Council.

- A. The recommendations of the Planning Commission on an annexation proposal will be set for a public hearing before the City Council pursuant to the Application Review section of this chapter. The Council shall review the Planning Commission's recommendation(s) on all annexation proposals prior to said proposal(s) being referred for a vote of the electors. The Council shall only refer those annexation proposals where the proposal complies with the criteria established Section 16.205.010.
- B. The decision of the City Council regarding referral of the proposed annexation measure for election shall be supported by written Findings of Fact and Conclusions of Law including a Finding that the proposed annexation is in the best interests of the City and its residents considering the timing of and extent to which municipal services and infrastructure can be provided.

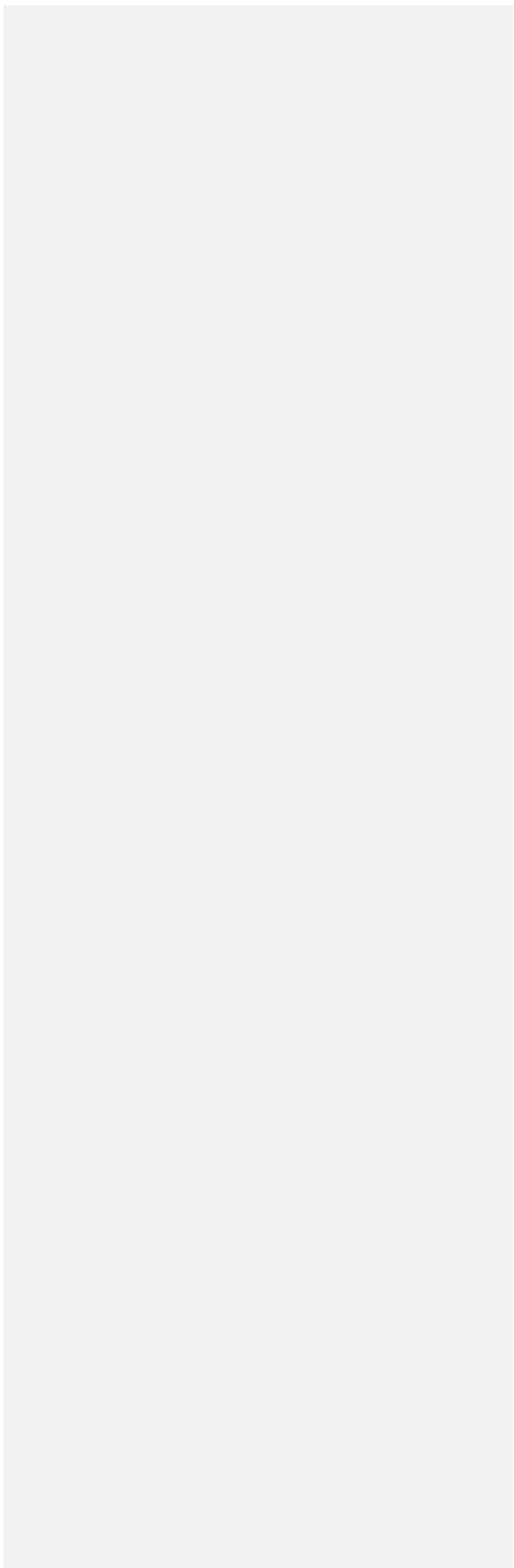
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PF - Public Facility Zone.

.010 Purpose: The PF zone is intended to be applied to existing public lands and facilities; including quasi-public lands and facilities which serve and benefit the community and its citizens. Typical uses permitted in the PF Zone are schools, churches, public buildings, hospitals, parks and public utilities. Not all of the uses permitted in this zone are expected to be publicly owned.

.020 Uses Permitted Outright:

- A. Municipal or Governmental Service Building
- B. Churches
- C. Hospital
- D. Marina, public
- E. Recreational and community buildings and grounds, playgrounds, swimming pools, tennis courts and similar recreational uses
- F. Parking facilities
- G. Public utilities and buildings
- H. Library
- I. Trails and pathways
- J. Parks
- K. Public Schools
- L. Kindergartens or day care centers
- M. Accessory Uses

.030 Uses subject to a Conditional Use:

- A. Picnic grounds
- B. Sewerage Treatment Plant
- C. Water treatment plant and storage reservoir
- D. Storage yard, stockpiles and materials
- E. Zoo
- F. Cemetery
- G. Private or Parochial School, College or University
- H. Military bases or offices, including armories.

.040 Dimensional Standards:

- A. Minimum Lot Size: One (1) Acre.

The minimum lot area may be reduced upon a finding that the resulting parcel is compatible with the adjoining property in that it does not impair the development of any adjoining property, does not adversely affect the value of adjoining property, and does not adversely affect the public health, safety, or welfare.

B. Minimum front and rear yard setbacks: the lesser of the adjoining parcel zone or Twenty (20) feet.

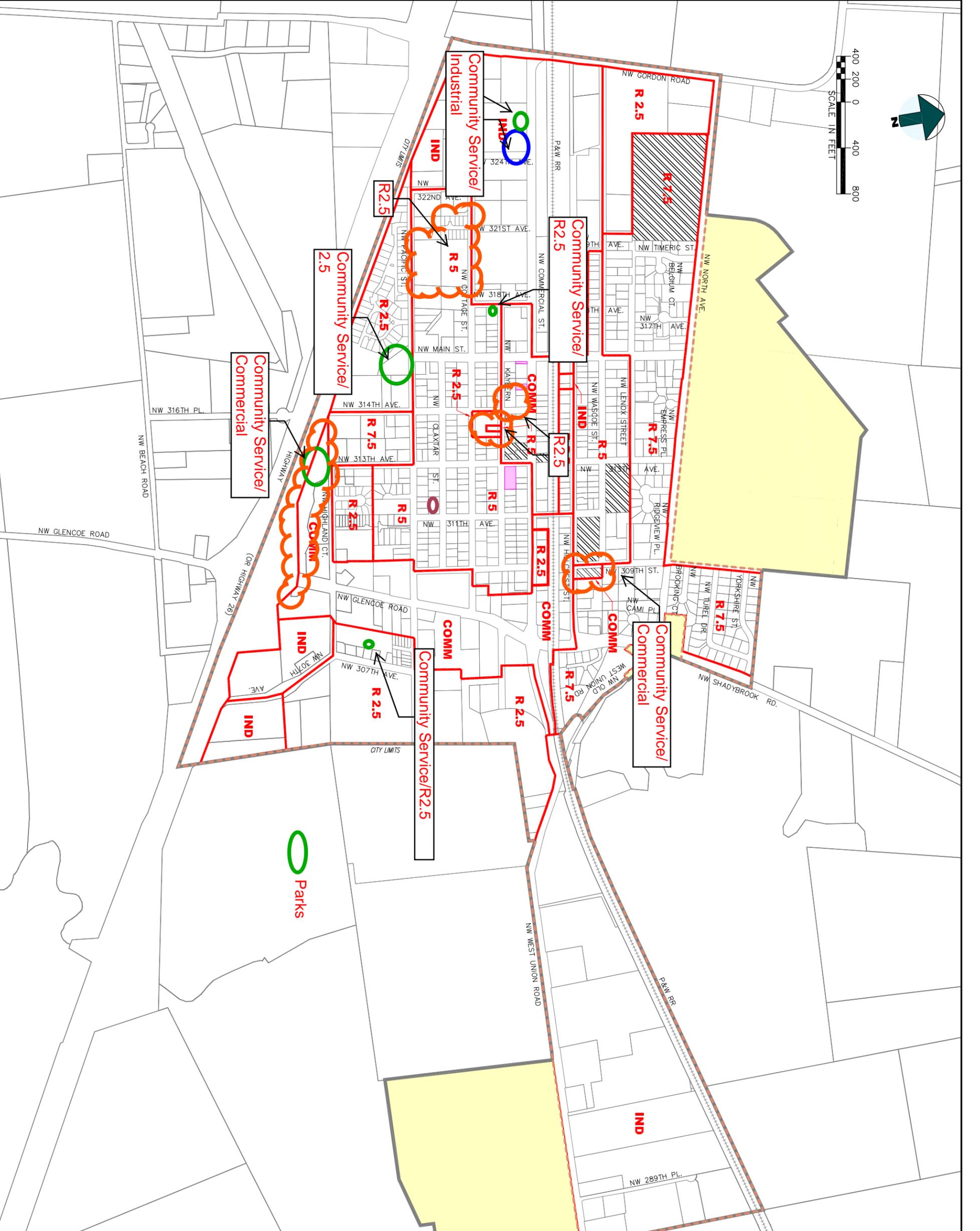
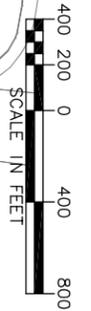
Minimum sideyard setback: the lesser of the adjoining parcel zone or Ten (10) feet.

D. Maximum height: thirty five (35) feet.

.050 Special Regulations:

B. As part of either a permitted or conditional use, the Planning Commission may review and approve a Master Plan for an entire development or area subject to Planned Use Development regulations. Approval of a Master Plan would allow all uses provided in the Master Plan without further review. Minor changes which do not have off-site impact or increase visitor capacity may be reviewed by the Planning Director.

C. Prisons and minimum-security institutions are hereby prohibited.



 Parks



CITY OF NORTH PLAINS COMPREHENSIVE PLAN

JULY 2008

MSA Murray Smith & Associates, Inc.
Engineers/Planners
121 S. Shasta, Suite 300
Portland, Oregon 97204
Phone: 503-252-4010
Fax: 503-252-4022

LEGEND

-  CITY OF NORTH PLAINS CITY LIMITS
-  URBAN GROWTH BOUNDARY
-  PROPOSED EXPANSION AREA

- ZONING:**
-  ZONE BOUNDARY
 -  MEDIUM/LOW DENSITY RESIDENTIAL
 -  MEDIUM/HIGH DENSITY RESIDENTIAL
 -  HIGH DENSITY RESIDENTIAL
 -  COMMERCIAL
 -  INDUSTRIAL
 -  COMMUNITY SERVICE

-  HISTORIC OVERLAY DISTRICT
-  FUTURE DEVELOPMENT

15.02.090 LAND USE MAP PAGE 60