**CITY OF NORTH PLAINS PLANNING COMMISSION**
**REGULAR SESSION AGENDA**
**NORTH PLAINS SENIOR CENTER, 31450 NW Commercial Street**
**WEDNESDAY, MAY 14, 2014, 7:00 P.M.**

**1. CALL TO ORDER**

**2. FLAG SALUTE**

**3. ROLL CALL**

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

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

A. Approval of Regular Session Agenda
B. Approval of February 12, 2014 Regular Session Minutes
C. Approval of April 9, 2014 Regular Session Minutes

**6. PUBLIC HEARING**

A. John A. Rankin, LLC, Representing Francis J. Vanderzanden Living Trust, Vanderzanden Townhouses Subdivision and Variance Permit Extension Request; File #SD/VAR-07-0002 - *Refer to the applicant's letter requesting a 2 year extension for approval granted on May 9, 2007.*

**7. STAFF REPORT**
City Manager

**8. 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, June 11, 2013* *Wednesday, July 9, 2014* *Wednesday, August 13, 2014*

**CITY OF NORTH PLAINS PLANNING COMMISSION**
**REGULAR SESSION MINUTES**
**FEBRUARY 12, 2014, 6:30 P.M.**
**JESSIE MAYS COMMUNITY HALL**
**30975 NW HILLCREST 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 Larry Gonzales present; Commissioner Daryl Olson absence; Ex-Officio Michael Demagalski unexcused absence.

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

**4.** **PUBLIC COMMENTS**

None.

**5.** **CONSENT AGENDA**

**Approval of Consent Agenda; December 11, 2013, Regular Session Minutes, and January 15, 2014, Regular Session Minutes**. After welcoming new Commissioner Larry Gonzales, King stated he was disappointed in City Council for not approving the reappointment of Ethan Hagar to the Planning Commission. King asked for a motion to approve the consent agenda. Motion by Low and seconded by LaBonte. The motion was approved unanimously.

**6.** **NEW BUSINESS**

**A.** **Holding Two Meetings in March.** At the Mayor's suggestion, DeBry requested a joint meeting with Planning Commission and City Council. They thought it important that the two groups meet and suggested a study session at 6:00 pm before a regular Council meeting in March. Planning Commission agreed that March 3, 2014, would work for them. King asked that we also hold the regular Planning Commission meeting in March.

**B.** **Preliminary Review of Purposed Ordinance Revisions.** DeBry stated these revisions would be presented to the Department of Land Conservation and Development (DLCD) at the same time as the Comprehensive Plan changes. She noted Planning Commission would get a second chance to look over the changes. Listed below are some of the changes DeBry and Planning Commission discussed.

Some additional definitions were added to **Chapter 16.05 - Definitions**, along with some changes in verbiage.

DeBry noted **Chapter 16.60 - Community Service Overlay District (CS)** is a zone the city currently has that she would like to see replaced with a Public Facility Zone (PF). She lifted the description of PF from the City of Wilsonville and said the City of North Plains would need to revise it to fit our City. It would be a way to set aside residential identified land that would never be developed as residential. (Examples include North Plains Elementary School and St. Edward Church which are zoned R-7.5, and Jessie Mays Community Hall

zoned R-5). King liked the idea of the replacement of CS with PF as it would more accurately reflect the amount of buildable land available in North Plains.

DeBry noted changes in **Chapter 16.125 - Lot Development Standards**. She took out some excessive wording and made a major change under **Chapter 16.125.010 - Flag Lots**. LaBonte felt the new item **(2)** under flag lots, regarding three foot planter strips, seemed excessive. DeBry asked if the Commission wanted that change noting it tied in to item **(6)**. Nunnenkamp also felt the 12' referenced under item **(6)** was too narrow, noting public safety issues. DeBry stated it was a standard lane width and the wording made it comply with the Uniform Fire Code and Washington County Fire District 2 requirements. King noted it was rare to have a 20' access strip and Low noticed under item **(1)** the shared strip shall have a minimum of 20 feet in width while the improved surface shall be a minimum of 12 feet in width. DeBry said she would work on refining this section a bit more.

In **Chapter 16.125.020 - Easements**. DeBry added verbiage in the Utilities Line section. King asked that she take another look at this section in regards to not allowing zero lot lines and asked that it be reworded.

**Chapter 16.125.025(B) - Subdivisions.** DeBry separated Lights and Street Trees into their own line items. Nunnenkamp and Gonzales were concerned about the new requirement of three trees on the frontage of corner lots and felt that could cause a Clear Vision problem. Low mentioned one (1) tree being the Washington County standard and asked who would be responsible for maintaining the trees. DeBry noted the owners of the property are responsible for the maintenance of everything behind the curb. DeBry felt three trees on the corner lot would make a nice presentation when entering a subdivision but was fine with making that change. She also noted landscaping could be addressed at other points in the planning process.

DeBry noted **Chapter 16.140.015 - Planned Unit Development** was rarely used and felt the four (4) acre minimum lot size under item **(A)** was a bit too restrictive as there are some small lots along West Union Road. Under item **(C)** several changes were made including removing #6, #10, #13 and #15 and renumbering the list. She also changed the number of years on new #11 to read two (2) years instead of four (4) years. She advised Planning Commission would have the opportunity to address specifics on a case by case basis in othere areas of the application process.

**Chapter 16.140.020 - Procedure,** was changed including the number and types of preliminary development plans from 5 copies to one paper copy and an electronic copy. DeBry changed the wording in **(C)(5)**. and eliminated **(C)(6)** which is Clean Water Services call not Planning Commission. She changed item **(E)** to read Chapter instead of Ordinance, and deleted item **(G)**.

**Chapter 16.205 - Annexations.** DeBry said the City would probably receive one in the next year. Under **Chapter 16.205.010** excess language was removed. **Chapter**

**16.205.015(D)** sign size was changed to be "not smaller" than six square feet so that the information would be large and easy for all to see. There was discussion on new language so that outreach would be better defined. DeBry felt expanding the time frames might be a good idea and also broached the idea of applicants maintaining a separate website with current information regarding the application and providing brochures to go out in water bills and be available in the office. Nunnenkamp asked what the timeframe would be to have the website and brochures done. DeBry said these would need to be presented at the time of application. The applicant would be required to maintain and keep their website updated. Low asked why the information wouldn't just appear on the City website so that we could make sure it was updated, to which DeBry said, though staff was capable, it would take too much staff time. King asked if we could charge for that. Gonzales thought it would be a good idea to have the information available to the public, but thought it would be cleaner with the City maintaining it. If not, LaBonte and King wondered how it would be monitored and how much time would be required of staff to do that. Low felt since City staff time would be required to monitor a separate website, why not just maintain it ourselves. DeBry said an application for annexation is huge with a lot of information to manage. Low still felt the City needed full control and adding a fee for this would pay for the extra work. King added there could be a credibility concern depending on the applicant. LaBonte and Nunnenkamp both thought the idea of brochures was good and would be informative to all. DeBry noted they would go out to all residents in the water bills and also sent to property owners that did not reside in the City. LaBonte said the information could also go in the newsletters. **Chapter 16.205.020(C)** was added to address the publicly accessible website and brochures.

LaBonte asked if the City lets Clean Water Services (CWS) know when an application for annexation comes in. DeBry noted **Chapter 16.205.055 - Coordination**, listed the public and private agencies needing notification and had been updated to include CWS.

## 7. UNFINISHED BUSINESS

**Comprehensive Plan Discussion; Chapters 15.02 through 15.05.** DeBry felt it important to update this information in preparation for Urban Growth Boundary (UGB) expansions. Some of the updates include, but not limited to, the following: **Chapter 15.02.167** data is from 2005 and needed updated with the possible changes in timelines and/or zones, that might also need recalculated. **Chapter 15.02.170** was updated to reflect the need for voting for annexations.

In **Chapter 15.02.184(1)(A)** amended policies regarding flag lots by decreasing access strips and reducing setbacks; **Chapter 15.02.184(2)** amended residential setbacks; **Chapter 15.02.184(3)(A)(2)** eliminated half-street improvements for Lot Line Adjustments; and **Chapter 15.02.184(4)(A)** increased the occupancy of single-family lots.

**Chapter 15.03.020** had some major changes made regarding the water system infrastructure due to the fact that the City now buys its water from Joint Water Commission (JWC); **Chapter 15.03.027** had a change in ISO fire rating, **Chapter 15.03.028** School

information updated, **Chapter 15.03.029** Library info updated, and **Chapter 15.03.032** Parks info updated. DeBry felt the projections in **Chapter 15.03.052** needed a lot of work, noting we were 22% short of the estimated population projection. She said an 18% growth would be expected next year, with relatively nothing after that.

**Chapter 15.04** information was updated as to Commercial Overlay and Historic Overlay. with North Plains Elementary School, St. Edward Church, the Fire Department and City Hall being Commercial Service Overlay; and the Lower Tavern, Pythians, and the house at Kaybern and 313th being Historic Overlay. DeBry suggested rezoning the Senior Plaza and Cottage Pointe. With the school being a big piece of 7.5 property, the suggestion was to rezone it too. DeBry noted changing some pieces of property, the Galaway property for instance, to the new PF Zone. She said the City could suggest some zone changes when these changes are submitted to DLCD. Once changes are sent to DLCD they will come back to Planning Commission for recommendation and forwarded to City Council for approval.

LaBonte asked for an update on the proposed subdivision on Commercial Street. DeBry noted the developer had asked to do apartments instead of residential housing but she thought that space ultimately needed to be rezoned C-1. If the City allowed the application to expire by not approving an extension, the area could be rezoned. It is the only property zoned Residential on the north side of NW Commercial Street.

## 8. STAFF REPORT

DeBry wanted to let the Commission know about the proposal of apartments on Commercial Street which were just discussed. King asked if the work on Claxtar Street was finished. DeBry noted the majority of the work was done. Nunnenkamp inquired about the DR Horton subdivision on Highland Court. DeBry noted all permits had been pulled and Curtis Street should be opened as a through street in approximately 60 days. Low asked about Sunset Terrace and DeBry noted Public Works was looking over the plans and they expected to move forward in the Spring. King inquired about the McKay Fields subdivision and DeBry noted another builder was possibly interested. He also asked about the property on Pacific Street and was told administrative changes had been approved.

## 9. ADJOURNMENT

King noted the next scheduled meeting to be March 3, 2014, at 6 p.m., at Jessie Mays Community Hall, as a Joint Work Session with City Council. Although DeBry felt the March 12, 2014 meeting was not necessary with no open planning applications pending, King left it opened unless otherwise notified, and adjourned the meeting at 9:08 p.m.

Submitted by:

_____

Pamela L. Smith, Account Clerk II

Minutes Approved: _____

**CITY OF NORTH PLAINS PLANNING COMMISSION**
**REGULAR SESSION MINUTES**
**APRIL 9, 2014, 6:30 P.M.**
**NORTH PLAINS CITY HALL**
**31360 NW COMMERCIAL STREET**

**1.** Chairman King called the meeting to order at 7:05 pm.

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

**3. ROLL CALL**

**Commission:** Stewart King, Heather LaBonte, Larry Gonzales, Jeff Low, Doug Nunnenkamp, and Daryl Olson present; Ex-Officio Teri Lenahan present.
**Staff:** City Manager Martha DeBry and Account Clerk II Pam Smith present.

**4. PUBLIC COMMENTS**

None.

**5. CONSENT AGENDA**

**A.** Approval of the Regular Session Agenda. Nunnenkamp approved the agenda, LaBonte seconded it and it was approved unanimously.

**B.** Approval of March 12, 2014 Regular Session Minutes. LaBonte noted she had not received a set of minutes to preview, and also that Dropbox doesn't work for her. King said we would table the approval of the minutes.

**6. NEW BUSINESS**

**A.** Interview of Applicant for Planning Commission. Garth Eimers said he tried to contribute in every place he lived which was why he was interested in the Planning Commissioner position when he recently moved to North Plains from Hillsboro. He had a Planning Commission history having been on the Planning Commission in Forest Grove and also participated in the rewrite of Forest Grove's City Charter. He noted he had also been a paramedic in Oregon and a volunteer with the EMS system in Washington, becoming an EMS chief for that district one year later. He was also a Chair on the Orcas Port Commission, an elected position. King asked if the Commission had any questions. Hearing none, he asked if Mr. Eimers felt he would have enough time to review applications, agenda items and meet once a month, which he confirmed. He asked DeBry to let Mr. Eimers know when the next City Council meeting would be for his interview with them and then King asked for a motion.

Gonzales moved to approve Mr. Garth Eimers for recommendation to City Council for the vacant position on the North Plains Planning Commission; Olson seconded the motion and it was approved unanimously.

**B.** Discussion of Medical Marijuana Dispensaries. DeBry noted, with dispensaries now legal in Oregon, the City needed to develop a policy in regards to where they can be

located in North Plains. The State has laws in place including distance from schools, zones allowed in (commercial, industrial, and agriculture), security issues, etc. Councilor Lenahan noted Council had decided they wanted to impose a one year moratorium to give them time to make a decision on policy. Nunnenkamp asked whether we could ban dispensaries in the City. DeBry noted we could shape policy, limiting their location but not ban them outright.

Low asked what the City's concerns might be with having them inside city limits. DeBry said traffic could be a problem, loitering, noise, open use of marijuana, along with criminal activity necessitating increased need for law enforcement. She suggested taking advantage of letting other cities do the work of making policy that the City could then use. LaBonte asked what the City Council wanted to see done. Lenahan said they had just started the discussion. Nunnenkamp suggested locating it inside a medical facility. LaBonte felt it should not be apparent from the outside what the business is. Gonzales noted costs of enforcement could be high for the City. Olson asked about the City taxing it to fund an additional officer and Nunnenkamp wondered if, being a small town, it could be restricted by population. DeBry noted permits could be another way to raise funds. The agenda packet included Washington County Law Enforcement Council information regarding the potential negative effects of dispensaries.

Lenahan informed the Commission about a Marijuana Workshop on May 1st, at the Lloyd Center in Portland costing $75. She said she would provide that information to anyone interested in attending.

**C.** Review of Home Occupation. DeBry felt while going through the Comprehensive Plan, it would be useful to look at our standards since she felt some were not realistic with some measures needing updated. She noted this would be the first time through Home Occupation Chapter 16.85 and that Planning Commission would have a second chance to fine tune it.

**16.85.005 Standards for Home Occupations.** ***1. Appearance of Residence.*** Discussion ensued about what percentage of a home could be used for a business that was to be a "secondary use of the structure as a residence." Originally the wording was "not exceed 25% of the floor area…no more than 500 square feet…", which was removed. King asked at what percentage the business remains secondary. DeBry asked if the Commission felt it would be 49%, then suggested we look at other cities to see what they were doing. LaBonte would like a stricter percentage than the old. DeBry noted without inspections or monitoring, it would be hard to enforce a percentage and said a business would only come under scrutiny when a nuisance was reported. Olson wondered if we cared what percentage was used inside, if the business was quiet and there were no traffic issues.

Gonzales thought the City should encourage E-Commerce, which would typically begin as

a Home Occupation business, and said the City needed to be sure to have all Home Occupation rules in place. Nunnenkamp agreed if a property had issues, the City would need rules to back up enforcement and felt the City would want to be able to better monitor Home Occupation businesses. He asked whether they fell under the same rules as any normal business with fire marshal inspections, etc. DeBry noted no inspections were done at this time. King wondered if we shouldn't look into requirements of the Fire Marshall in Home Occupation situations with Olson noting at this time a business could be filled with combustibles without the City knowing of the danger.

Since a Home Occupation should not be visible from the outside of a residence, Nunnenkamp was concerned about removing item 1(e) regarding "no product or equipment being visible from outside the structure." Olson agreed that 1(e) should remain so that home occupations in residential areas not look like businesses. King added that the whole idea is that Home Occupation businesses appear as residential which meant no signs or product showing. DeBry noted the storage issue being addressed under ***2. Storage***. with no changes in wording of this section anticipated.

***3. Employees*** (c) reworded to not allow the assembly of employees. ***4. Advertising and Signs*** shortened to have signs simply comply with City Sign Regulations.

***5. Vehicles, Parking and Traffic.*** Traffic was discussed as to volume and timing. DeBry felt there would be no need to limit commercial deliveries as it would be too hard to monitor, but some Commissioners felt it was important. Olson and Nunnenkamp liked leaving the three (3) commercial vehicle deliveries per day as a limit under (a). Disallowed delivery times were changed under (c) to 7 pm – 8 am. Nunnenkamp also liked limiting the number of customer's vehicles to the site per day under (d) at four (4) instead of eight (8), noting too much traffic would be disruptive to a residential neighborhood. DeBry asked if the City really cared how many commercial vehicle deliveries or customer vehicles came to a Home Occupation business. She said professionals working from home could have a lot of clients and unless it was disruptive, why would there be a problem. The group left the number of client vehicles at eight (8) per day. Olson noted if traffic only became a problem when a nuisance was called in to the City, the rules should be more strict so the City had the tools to use for enforcement. LaBonte said she had a business in her neighborhood and the constant delivery trucks in and out were disturbing to the neighborhood.

***6. Business Hours.*** The Commission was fine with changing the business hours to be limited between 8 am-7 pm. ***7. Businesses Required to Obtain Home Occupation Permits*** spelled out the criteria for requiring the Home Occupation Permit. DeBry also noted that the Home Occupation permit are a one time permit approving the business for that zone. These businesses would also be required to have a Business License which would be renewed yearly.

***8. Prohibited Home Occupation Uses.*** The introduction says "**any** vibrations….detectable beyond any property line is prohibited." DeBry said (A) states the criteria for vibration causing immediate termination. There was discussion on the duration, etc. of the vibrations resulting in termination. With the assertion of ANY vibration being prohibited in the introduction, it was agreed not to delete (A). Lenahan asked if under item 8(B) Noise, (1) it could be changed for consistency to say Monday through Sunday. The change was noted.

8(B)(1) The noise section was changed to state a business cannot generate noise audible beyond the property lines except between the hours of 8 am-7 pm. 8(B)(2) This noise is not to exceed 100 dB under any circumstance. DeBry felt it would be hard to enforce noise issues being unable to effectively measure noise. LaBonte felt strongly that nothing should show outside the building of a Home Occupation; no traffic, no noise, nothing beyond common residential noise. King also felt the business should be entirely contained within the building. Olson and Nunnenkamp felt the noise definition as currently written would allow a business to be disruptive in residential neighborhoods during daytime hours. The Commission felt allowing 100 dB of noise all day, in a residential neighborhood, between 8 am and 7 pm, would be too much since 45-50 dB is the sound level in a normal neighborhood. Lenahan noted for comparison, a lawnmower is 90 dBs. Olson asked why a business should be allowed to create noise in a residential neighborhood above what is typical. DeBry asked how the City could measure noise.

Nunnenkamp stated he was not opposed to running small businesses in residential areas but felt there comes a time when the size and impact of a Home Occupation business might become a problem in a residential area and may mean moving the business to commercial or industrial zoned property. Gonzales asked if the problem could be addressed on a case by case without a dB level stated in the code. DeBry noted it would only be enforceable with a specific level stated. Olson asked if it wouldn't make sense to have a lower level stated in the code to better be able to enforce it.

8(C) Odor, states odor prohibited from property line and verified odors could be cause for immediate termination. 8(D) removed veterinary services from the prohibited list and expanded on Auto Services. ***9. Exemptions for Home Occupation Permits*** was updated.

**16.85.010 Standards for Home Occupations that Require a Conditional Use Permit**. This section was removed since it would be addressed in the Zoning Code. **16.85.020 Application** and **16.85.030 Penalty** sections were added. Gonzales asked for confirmation that the Home Occupation permit is not transferable if a residence sells. DeBry confirmed.

**7.** **UNFINISHED BUSINESS**. DeBry had no unfinished business to report on but

Nunnenkamp asked to speak about the application that was approved by City Council after being denied by Planning Commission. A discussion followed.

**8.** **STAFF REPORT.** DeBry said the Sunset Terrace subdivision off NW Gordon would begin building houses this summer and noted the Sunset Ridge subdivision at NW Jackson School Road, was moving slowly. Nunnenkamp asked if DR Horton was done and when Curtis Street would be opened. DeBry noted they were working on the last house and the street would be opened when the last of the construction was done.

Nunnenkamp asked what was happening with the McKay Fields property. DeBry and King both agreed that it seemed as if the house would be removed. Revised plans had been submitted with the house staying but then the applicant asked that the work be discontinued on that new application. The developer intends to submit the Public Works improvements soon and work should begin this summer. Some discussion of the review process followed.

Nunnenkamp noted he didn't see many people using their iPads and said his wasn't working correctly. He also said Dropbox doesn't work for him. King said he has problems with large agenda packets. Olson uses the internet which works for him and does not use Dropbox. LaBonte noted Parks works for her but Planning does not in Drop Box. King wondered if more training wasn't needed. Martha said she was willing to help anyone.

**9.** **ADJOURNMENT**. King noted the next meeting would be on May 14, 2014, and would probably be held at the Senior Center. The meeting was adjourned at 8:49 pm.

Submitted by:

_____
Pamela L. Smith, Account Clerk II

Minutes Approved: _____

STAFF REPORT

Date: April 22, 2014

To: Planning Commission

From: Martha DeBry, City Manager

Subject: Extension of Map Approval

**REQUEST:** Extend the subdivision approval for SD, VAR 07-0002

**APPLICANT** John Rankin, 26715 SW Baker Road, Sherwood Oregon 97140

**OWNER:** 1997 Vanderzanden Trust

**TAX LOT ID** Tax Lot 1N301DA3101 1N301DA3101

**SIZE:** 1.44 Acres

**LOCATION:** 30933 NW Commercial Street

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

**General vicinity** of lot.

North side of Commercial Street between 309th and 311th.

No existing structures on site

## I. APPLICABLE REGULATIONS

A. City of North Plains Comprehensive Plan

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

## II. AFFECTED JURISDICTIONS

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

## III. BACKGROUND:

The applicant is requesting an extension of an approval first granted in 2007. Due to a downturn in the economy the project was delayed and five extensions were subsequently granted. (2008, 2009, 2010, 2011, and 2012). The current extension is due to expire in May 2014. The applicant has requested the extension under 16.135.020 which provides the Commission with the authority to extend an approval if the delay is caused by circumstances out of the owner's control. In this instance the applicant is stating the economic downturn remains a barrier to the development of attached townhomes.

## IV. FINDINGS

### A. NORTH PLAINS COMPREHENSIVE PLAN

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

### B. NORTH PLAINS ZONING AND DEVELOPMENT ORDINANCE

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

**16.00.080 Termination of Approvals and Extensions**

### 16.00.080 Termination of Approvals and Extensions

Except as otherwise provided in this Ordinance, approval of an application or permit is void after one year or such lesser time as the approval may specify unless substantial construction has taken place or the proposed use has occurred. Approval of a subdivision or PUD is void after two years or such lesser time as the approval may specify unless substantial construction has taken place or the proposed use has occurred.

The Planning Commission may grant two year extensions for subdivisions and PUDs and one year extensions for all other applications. The Planning Commission may also grant two-year extensions of a PUD, land partition or subdivision approval that expired between January 1, 2008 and January 1, 2013. Extensions may be granted administratively if the original approval was made administratively. The request for an extension must be filed with the City on or before the expiration date.

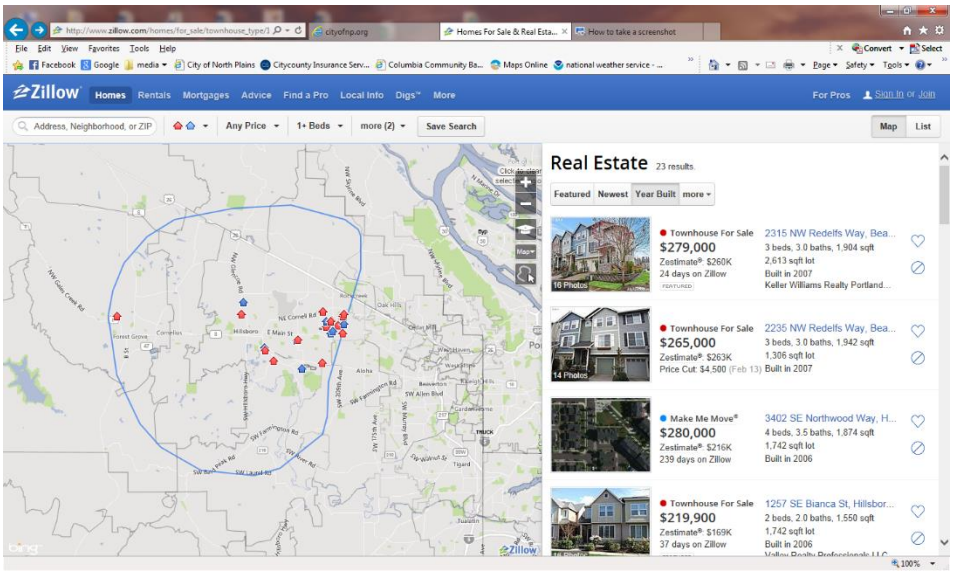
The applicant is responsible for requesting an extension. An extension is a discretionary decision and is not granted automatically. The following criteria must be satisfied in order for the City to approve an extension:

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

B. No significant changes to the applicable standards of this Ordinance or the applicable regulations of other affected jurisdictions (Clean Water Services, Washington County, Washington County Fire District, etc) have been made. Any extension requests shall be referred to affected city departments or other governmental jurisdictions for comment.

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

Previously the City has recognized the economic downturn as a valid reason for extending an approval. With the applicantion, the applicant did not provide any hard evidence that the "market for attached townhouse residential developments is still presently very difficult and sales of such developments are very few." At this time there are no townhomes for sale in North Plains. Sales of attached single family homes has been successful in North Plains, as demonstrated by the completion of Cottage Pointe. There are approximately 23 townhomes for sale in the North Plains area (from Cornell east to Forest Grove) according to Zillow on 4/22/14. There is wide availability of condominiums in the area, which would suggest that attached housing is not scarce but also not readily available within a couple miles of North Plains. The Sunset Ridge development in the eastern part of the City includes townhouse units and is expected to break ground this year. Credit markets have improved in recent years, however funding may still be difficult for this kind of stand alone project. The applicant



was asked to provide additional information about the application, which is included as Attachment A of this report.

There has been no additional construction in the past two years in the immediate area of the property. One minor partition was approved on Commercial Street.

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

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

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

**Chapter 16.135 APPLICATION REQUIREMENTS AND REVIEW PROCEDURES**

**16.135.020 <u>Expiration of Tentative Approval</u>**

Approval of the tentative plan shall become null and void if a final plat in accordance with these regulations is not submitted within one year after the date of the approval of the tentative plan. If the subdivider cannot complete the preparation of the final plat within the one year time period, he may petition the commission an extension of the subdivision approval in accordance with the provisions of Section 16.00.080

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

**Chapter 16.170 APPLICATION REQUIREMENTS AND REVIEW PROCEDURES**

**16.170.000 <u>General Provisions</u>**

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

C. <u>Type III Quasi-Judicial Permits by Planning Commission</u>

4. Extensions for Type II and Type III permits

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

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

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

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

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

B. Application Requirements.

*Finding: the applicant met application requirements.*

C. Notice of Hearing.

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

   a. At least 20 days before the hearing date, notice shall be mailed…:

   b. Content of Notice. Notice of appeal of an application or notice of a public hearing to be mailed and published per Subsection 1 above shall contain the following information…

*Finding: Notices were mailed in accordance with code requirements to property owners within 250 feet.*

## V. SUMMARY AND CONCLUSIONS

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

Attachment A
Letter from John Rankin Regarding Economic Conditions:

Hi Martha:

Following up on our phone conversation today, I will plan on attending the Planning Commission Meeting at 7:00 pm on May 14th at the Senior Center and will be available to answer any questions or concerns.

Please kindly place this email and the following in your staff report for consideration by the Planning Commission.

Regarding additional information on the reasons why we have not been successful in marketing the 15-unit Townhome project to date and need the extension:

1. At the time we received preliminary approval the market for townhomes was strong and lenders were providing attractive terms for construction and take-out financing on townhomes.
2. We received approval just as the real estate market in general was collapsing.
3. Since receiving approval, we have been target marketing the property to developer/builders over the last many years with increased focus just this last year as the overall market began to appear to recover enough that a townhome project might be attractive again.
4. But townhome projects continue to be more difficult to market even in the recent improving real estate market, because:
    a. Construction and take-out lenders are very few or non-existent who are even interested in single family attached housing and if they are their terms are not attractive.
    b. I understand that Wells Fargo is the only lender who might do a take-out loan on townhome project which has been constructed using construction financing by others.
    c. We have no meaningful sales data on townhomes because very few have been constructed and sold in Washington County in recent years comparable to this project.
    d. When they do sell in the current market, townhomes usually now sell for about 15% less per square foot than single family detached homes.
    e. The current demographic for townhome buyers is very limited now and is predominantly divorced single females.
    f. The developer must create and prefund and stay in the homeowners association, and HOA's have fallen out of favor in the market place themselves with the market collapse and resulting HOA litigation.
5. Please note that this 15-unit project is a small project which is not part of a larger project single family detached housing project such as was recently approved by the City for Polygon NW. Only a very limited number of builders are interested in townhomes at this time and those few developers who build townhomes build them as the last units built after their single family detached homes. I have left a voice message for Fred Gast of Polgon to get additional information.
6. None of the problems now associated with townhomes existed when we obtained the original approval and the City liked (and I understand still likes) the idea of owner/occupied small lot detached and townhome density, instead of apartments.

7. To broaden the marketing effort, we placed a "for sale" sign on the property nearly one year, and received a flurry of calls from potential buyers from Habitat for Humanity to out of town developer/builders – none of whom have made an offer. Most were looking to make a purchase at the very depressed previous market prices.
8. Our target marketing has produced one letter of intent from a local Metro developer/builder for a purchase price of approximately two-thirds of what we and the owners think the reasonable market should be right now for townhomes. DR Horton, Lennar and Arbor/West Hills are still not interested in attached housing with Arbor moving solidly into the apartment market.
9. The current market continues to gradually improve (although the lenders are still not funding townhomes) and we are finally getting some traction with our target marketing effort, but we need more time to market the property and consider other options for the property.
10. We expect a reasonable price offer before the end of this year assuming the market continues to improve, and request the additional two year extension which we expect to be the last needed for this project.

I will provide more information and be available to answer questions at the PC meeting. If you have any questions or comments, please email or call me. Thanks for your help. All the best!

John
John A. Rankin, LLC.
26715 SW Baker Road
Sherwood, Oregon 97140
Voice: 503-625-9710/Fax: 503-625-9709
Email: john@johnrankin.com

**********

REC'D APR 10 2014


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


NORTH PLAINS
*City to the Sunset*

# GENERAL LAND USE APPLICATION

## Applicant General Information

Applicant Name: John A. Rankin, LLC.

Mailing Address: 26715 SW Baker Road
*Street* *Apartment/Unit #*

Sherwood, Oregon 97140
*City* *State* *ZIP Code*

Email Address: john@johnrankin.com Phone: (503-625-9710

Property Owner: Francis J. Vanderzanden, Trustee of 1997 Vanderzanden Trust

Mailing Address: c/o John A. Rankin, LLC.
*Street* *Apartment/Unit #*

*City* *State* *ZIP Code*

Email Address: same Phone: ( ) -

## Property Description

Address: 275 Commercial Ave New Address 30933
*Street* *Apartment/Unit #*

North Plains, Oregon 97133
*City* *State* *ZIP Code*

Tax Lot ID: 1N301DA 3101&3102 Existing Zoning: R 2.5

Property Area: 40,000 sq. ft. Existing Land Use: Vacant

General Development Description: Request for two-year extension of development permit approval dated May 11, 2007 (SD.VAR-07-0002) for a 15-unit townhouse project.

## Fees

| Land Use Process | Fee | Land Use Process | Fee |
|---|---|---|---|
| ☐ Annexation | $10,000 deposit* | ☐ Non-Conforming Use | $200 |
| ☐ Appeal | $218 | ☐ Subdivision | $2,615 |
| ☐ Comp Plan Amendment, Text | $8,000 | ☐ Manu Home Park | $3,372 |
| ☐ Comp Plan Amendment, Map | $5,000 | ☐ Modification – Minor | $142 |
| ☐ Conditional Use, Residential | $328 | ☐ Modification – Major | $1,941 |
| ☐ Conditional Use, Ind. & Comm. | $544 | ☐ SNR Permit | $1,486 |
| ☐ Design Review Type II | $175 | ☐ Similar Use | $567** |
| ☐ Design Review Type III | $879 | ☐ Street Vacation | $1,441 |
| ☐ Floodplain Permit | $1,699 | ☐ UGB Expansion | $28,000 |
| ☐ Partition, with street dedication | $669 | ☐ Variance, Administrative | $105 |
| ☐ Partition, no street dedication | $331 | ☐ Variance, PC Hearing | $1,078 |
| ☐ Lot Line Adjustment | $202 | ☐ Zoning Code Amendment | $2,621 |
| ☒ Other: Two-Year Extension of Development Permit Approval. | | | $146 – |

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

## Information to Include with Your Application

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

*<u>After initial review, the City may require additional information.</u>*

## Additional Information

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

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

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

Date: 4/10/14 Signature of Applicant: _____

Date: 4/10/14 Signature of Property Owner: _____

**FOR OFFICE USE**

Received by: Siena White Date: 4/10/14

Fee paid: $146.00 Receipt No. 0146076 Application No. _____

**JOHN A. RANKIN, LLC.**
**Attorney at Law**
**26715 SW Baker Road**
**Sherwood, Oregon 97140**
**(503) 625-9710 / Fax (503) 625-9709**
**email: john@johnrankin.com**

VIA EMAIL AND FAX (2 pages total)

April 9, 2014

Martha DeBry, City Manager
Planning Commission
City of North Plains
31360 NW Commercial Street
North Plains, OR 97133
Phone: 503-647-5555
FAX: 503-647-2031

**RE: Petition Request for Two Year Extension (Per ZDC Section 16.135.020) Of Planning Commission Tentative Plan Approval, dated May 11, 2007 Vanderzanden Townhouses – Subdivision & Variance – SD/VAR-07-0002. Applicant/Owner: John A. Rankin/Frank J. Vanderzanden.**

Dear Martha and Planning Commissioners:

Please accept this letter as Mr. Vanderzanden's and my request for an additional two-year extension of the City's original May 11, 2007 Tentative Plan approval for the above noted development of Mr. Vanderzanden's Commercial Avenue property which he has owned for a number of years. Please place this request on the agenda for your next regularly scheduled Planning Commission Meeting.

We have requested this extension because Section 16.135.020[1] gives the Planning Commission the

[1] **16.135.020 Expiration of Tentative Approval** Approval of the tentative plan shall become null and void if a final plat in accordance with these regulations is not submitted within one year after the date of the approval of the tentative plan. If the subdivider cannot complete the preparation of the final plat within the one year time period, he may petition the commission an extension of the subdivision approval in accordance with the provisions of Section 16.00.080.

**16.00.080 Termination of Approvals and Extensions** Except as otherwise provided in this Ordinance, approval of an application or permit is void after one year or such lesser time as the approval may specify unless substantial construction has taken place or the proposed use has occurred. Approval of a large-scale subdivision or PUD is void after two years or such lesser time as the approval may specify unless substantial construction has taken place or the proposed use has occurred. In the case of an administrative decision, the City may grant two year extensions for subdivisions and PUDs. The City may also grant two-year extensions of a PUD, land partition or subdivision approval that expired between January 1, 2008 and January 1, 2013. The request for an extension must be filed at City Hall on or before the expiration date. The applicant is responsible for requesting an extension. An extension is a discretionary decision and is not granted automatically. The following criteria must be satisfied in order for the City to approve an extension:

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

authority to grant an additional two year extension if the delay is caused by circumstances out of our control, and because, as you know, the housing market in Washington County as well as the rest of the United States although it continues to gradually improve, the market for attached townhouse residential developments is still presently very difficult and sales of such developments are very few.

We have finally and recently received our first offer for purchase of the property as approved, but the purchase price is 40% less than what the market should be for townhouse developments and nearly 15% of the asking price in 2006 before approval of the townhouse development and before the real estate recession.

Because I continue to have a number of clients who have raw land properties which I have been attempting to market to the development community, I regularly talk to developers, real estate brokers and lenders. There are clearly active locations in Washington County – North Bethany, for example, but for detached single family and apartment complexes only. You may have read in the Oregonian that one economist was quoted as saying that he expected the housing industry to not fully return until 2015 at the earliest.

Therefore, we respectfully request that you grant us an additional two-year extension on the City's original Tentative Plan Approval for the Vanderzanden Townhouse Subdivision.

Also, would the City entertain a modification of the current approval on this property to a multi-family apartment development.

If you have any questions or comments or need additional information or anything else, please call me or email me. Thank you for your help with this project and our extension request.

Very truly yours,

JOHN A. RANKIN

JAR/bhs
Attachments: None.
pc: Frank Vanderzanden via email
Rodney Linz via email

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B. No significant changes to the applicable standards of this Ordinance or the applicable regulations of other affected jurisdictions (Clean Water Services, Washington County, Washington County Fire District, etc) have been made. Any extension requests shall be referred to affected city departments or other governmental jurisdictions for comment.

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

30933 COMMERCIAL STREET

**COMMENTS:** I think if it is up for Sale, it Should not be Alowed to be zoned for 15 unit. future owner may have other ideas of what they would want to do w/ the property. They could Apply for appropriate zoning at that time.

I personally, owner of a single Family house across the Street from this property, do Not want multifamily on this property.

Name: Shamarie Valley

Organization or Business (If Any):

Address: 30856 NW Commercial St. N Plains

Phone # (Optional): 503-936-5201

Date: 4-28-14

Please return by one of the following ways:

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

Please contact City Hall at (503) 647-5555 with any questions
Thank you!