

**CITY OF NORTH PLAINS PLANNING COMMISSION  
REGULAR SESSION AGENDA**

North Plains Senior Center  
31450 NW Commercial Street  
WEDNESDAY, May 13, 2015 - 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 that appear on this agenda. Comments shall be limited as determined by the Chairperson.)*
5. **APPROVAL OF MINUTES**: Review and approval of April 8, 2015, Regular Session Minutes
6. **PUBLIC HEARING**
  - A. Legislative Hearing: 15-031 Receive comments regarding proposed amendments to the Municipal Code Chapter 16 (Zoning and Development): Submitted to DLCD in 2014: 16.05, 16.60, 16.125, 16.140, 16.170 and 16.205. Submitted to DLCD in 2015 and 16.20, 16.25, 16.30 and 16.45.
  - B. Legislative Hearing: File No: 15-002 Eggiman Property Comprehensive Plan proposed zone change from Commercial to R-2.5 Residential
  - C. Quasi-Judicial Hearing: File No: 15-032 31500 NW Cottage Lot Line Adjustment and Variance to Lot Width Standard
7. **NEW BUSINESS**
  - A. Review of Land Use/Building Permit Project List
8. **UNFINISHED BUSINESS**
  - A. Discussion of Residential Design Guidelines (Hierarchy List)
9. **COMMISSIONER COMMENTS**
10. **STAFF COMMENTS**
11. **ADJOURNMENT**

The Planning Commission meetings are normally held at the North Plains Senior Center, 31450 NW Commercial Street, North Plains, Oregon. Meetings will be held on the following dates at 7:00 p.m. Meeting location is subject to change.

**Wednesday, June 10, 2015**

**Wednesday, July 8, 2015**

**Wednesday, August 12, 2015**

**CITY OF NORTH PLAINS PLANNING COMMISSION.  
REGULAR SESSION MINUTES  
April 8, 2015, 7:00 P.M.  
North Plains Senior Center  
31450 NW Commercial Street**

1. Chairperson King called the meeting to order at 7:00 p.m.
2. The pledge of allegiance was led by Chairperson King.
3. **ROLL CALL**  
Members: Chair Stewart King, Vice Chair Heather LaBonte, Doug Nunnenkamp, Garth Eimers, Larry Gonzales and Lonnie Knodel.  
Ex-Officio: City Councilor Teri Lenahan  
Staff: City Manager Martha DeBry; City Recorder Margaret Reh  
Audience: James Fage

4. **PUBLIC COMMENTS**  
None were forthcoming.

5. **APPROVAL OF MINUTES**
  - A. Approval of the March 11, 2015, Regular Session Minutes.

LaBonte requested a statement be added to the minutes on item 6A reflecting that the applicant declined the opportunity to revise the plan.

Motion by LaBonte. Second by Eimers to approve the March 11, 2015, Regular Session Minutes as amended. Motion was approved unanimously.

6. **PUBLIC HEARING**  
None Scheduled

7. **NEW BUSINESS**
  - A. Interview applicant for open Planning Commission position: James Fage

The Planning Commission interviewed applicant James Fage for the open position on the Commission. Motion by Eimers. Second by LaBonte to make a recommendation to the City Council to appoint James Fage to the North Plains Planning Commission.

- B. Discussion of Community Vision Process: Kirstin Greene of Cogan Owens Greene, LLC

Kirstin Greene, Cogan Owens and Greene, has been retained to lead the Community Vision process for the City of North Plains. She introduced herself to the Commission and presented a brief update on the process and the steps that have taken place so far. She wanted to include the Planning Commission early on in this process to get a feel for the values and vision they have. This Envision campaign is to declare where the community is today and where the community wants it to be in the future. Community self-directedness is important to this process. She engaged each Commissioner in the survey questions that were developed for the web-based questionnaire that is being conducted right now. Discussion ensued.

Greene invited the Commissioners to attend the vision workshop which will take place on Saturday, April 25, 2015.

C. Discussion of Residential Design Guidelines (Hierarchy List)

Commissioner Eimers had previously submitted a list of design feature suggestions that could be implemented for the design of residential dwellings. The existing codes for residential zones provide little guidance regarding the quality and scale of buildings.

Staff had provided some samples of design guidelines from other cities as reference material. Eimers suggested that a program that we implement may not need to be as elaborate as these other cities. Design review can require an elaborate process. Eimers inquired about the process of implementing a design review, which he understands is another event in the process for development. Eimers would like to see some controls in place to mitigate what is starting to be cookie cutter homes in developments. It will be a balancing act to develop a hierarchy of implementing design standards and having staffing and budget resources to implement some type of design review process.

This would be an agenda item for a work session where the Commission can discuss the process of design review and look into the details of the suggestions listed on the hierarchy list.

D. Discussion and review of Municipal Chapters 16.05, 16.125, 16.130, 16.135, and 16.150 Street Standards

This item was placed on the agenda at the request of a few Commissioners. This will be further discussed at a work shop that is yet to be scheduled. This workshop will give the Commissioners an opportunity to work together on these codes.

Commissioner LaBonte presented some of her proposals for revisions to Municipal Chapters 16.05, 16.125, 16.130, 16.135, and 16.150.

Discussion ensued on street standards-including sidewalks and passive speed control measures.

E. Review of Land Use/Building Permit Project List

The Commission received a copy of the updated monthly project list. No discussion took place. DeBry stated that staff has been busier than in the past.

Jewett Cameron is working on completing an application for a design review for a commercial building that may be on the agenda for the Planning Commission next month.

**8. UNFINISHED BUSINESS**

The Planning Commission would like to schedule a workshop before the meeting on May 13. This would enable the group to get on the same page before the next hearing. Discussion ensued regarding the logistics of the work session. The Commissioners need to review the

chapters that have been added to both Dropbox and the city website. Chair King asked that the Commissioners present specific language, in writing, to staff regarding the specific ordinances to be discussed and to include suggestions to the Commission for changes or revisions.

The Eggiman zone change request is scheduled for next month. This is an application to rezone 4.69 acres from commercial property to R-2.5 residential.

Discussion on density ensued.

**9. COMMISSIONER COMMENTS**

Nunnenkamp stated the McKay Creek Crossing application is being appealed to the City Council on April 20, 2015. He suggested if the members of the Commission want to be heard that they should attend the meeting. DeBry stated Commissioners can testify if they desire. Discussion ensued. Nunnenkamp stated he wants to recommend to Council to return the application to the Planning Commission because the Planning Commission is more knowledgeable than the Council on the code. Discussion ensued regarding de novo hearings.

Councilor Lenahan invited all the Commissioners to attend the Volunteer Recognition night that will be held on April 9, 2015. She hoped to see everyone there.

**10. STAFF COMMENTS**

No additional staff comments.

**11. ADJOURNMENT.**

Chairperson King adjourned the meeting at 8:56 p.m. The next scheduled regular session of the Planning Commission is Wednesday, May 13, 2015, which is currently scheduled to be held at the North Plains Senior Center.

Submitted by:

\_\_\_\_\_  
Margaret L. Reh, City Recorder

Date 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

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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 noted 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 does not abut a public street; and
2. The pole, which connects the flag to a public street; provides the only street frontage for the lot; and at any point is less than 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.

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**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 sight 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 16.125  
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:

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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. 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 feet in width for two lots and increased by four feet for each additional lot, except as required by the Uniform Fire Code. A two foot wide vegetated planter strip shall be provided between the access strip and the abutting side lot lines.~~

6. 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. 15 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 facing the garage door or carport entrance shall be a minimum of 20 feet.~~

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- 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.

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- 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. Properties with alley access 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.

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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.~~

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~~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.

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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.

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- 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 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.

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## **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 accommodates 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.

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~~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 two paper copies 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

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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.~~

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**Chapter 16.170**  
**APPLICATION REQUIREMENTS AND REVIEW PROCEDURES**  
**Administrative, Limited Land Use, Quasi-Judicial & Legislative Decisions**

**16.170.000 General Provisions**

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

A. Type I Administrative Permits by City Staff

1. Accessory Structures, residential
2. Building Permit
3. Dwelling, Single Family and Duplex
4. Extension for a Type I Permit
5. Fence, Wall and Hedge Permit
6. Grading Permit
7. Home Occupation Permit type 1)
8. Lot Line Adjustment Permit
9. Right-of-way Permit
10. Sign Permit
11. Temporary Use Permit for a sales office or model home

B. Type II Land Use Permit by the City

1. Accessory Structures, non-residential up to 500 square feet or 20% of existing structure, whichever is greater
2. Code Interpretation
3. Heritage Tree
4. Historic Overlay Alterations
5. Lot of Record Determination
6. Minor Design Review

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7. Minor Modifications to development approvals per code

~~7.8.~~ Minor Modification of subdivision approval

~~8.9.~~ Minor Variance Permit

~~9.10.~~ Other application not specifically described

~~10.11.~~ Temporary use for seasonal and special events

C. Type III Quasi-Judicial Permits by Planning Commission

1. Appeal of Type II Land Use Decisions
2. Conditional Use Permit
3. Design Review Permit
4. Extensions for Type II and Type III Permits
5. Flood Plain Development Permit
6. Historic Overlay Demolitions
7. Home Occupation (type 2)
8. Minor Land Partition Permit
9. Multi-family Dwellings
10. Nonconforming Structure/Use Permit
11. Planned Unit Development Permit
12. Significant Natural Resource Permit
13. Similar Use Permit
14. Subdivision Permit
15. Temporary Use Permit for a building, kiosk or structure
16. Variance Permit

D. Type IV Legislative & Other Decisions made by both the Planning Commission and City Council

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1. Appeal from Planning Commission
2. Annexation
3. Comprehensive Plan Map or Text Amendment
4. Zoning Code Map or Text Amendment

#### **16.170.001 Pre-application Conference**

A pre-application conference is required for Type II, III and IV permits. The City Manager may waive this requirement.

The applicant shall file the appropriate application, pay the review fee and meet with the City Planner, other city staff and affected agencies. At the conference the City Planner shall identify the relevant comprehensive plan policies, map designations, zone and development standards and procedural requirements applicable to the application. The planner and affected agencies shall provide technical data and identify opportunities or constraints concerning the application.

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

#### **16.170.002 Neighborhood Meeting**

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

#### **16.170.003 Traffic Impact Study**

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

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minimize impacts to and protect transportation facilities; what must be in a Traffic Impact Study; and who is qualified to prepare the Study.

- A. When a Traffic Impact Study is required. The City or other road authority with jurisdiction may require a Traffic Impact Study (TIS) as part of an application for development, a change in use, or a change in access. A TIS may ~~shall~~ be required when a land use application involves one or more of the following actions:
1. A change in zoning or a plan amendment designation;
  2. Any proposed development of land use action that a road authority states may have operational or safety concerns along its facility;
  3. An increase in site traffic volume generation by 300 Average Daily Trips (ADT) or more; or
  4. An increase in site traffic volume of a particular movement to and from the State Highway by 20 percent or more; or
  5. An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or
  6. The location of the access driveway does not meet minimum sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the State Highway, creating a safety hazard; or
  7. A change in internal traffic patterns that may cause safety problems, such as back up onto a street or greater potential for traffic accidents.
- B. Traffic Impact Study Preparation. A Traffic Impact Study shall be prepared by a professional engineer in accordance with the requirements of the road authority. If the road authority is the Oregon Department of Transportation (ODOT), consult ODOT's regional development review planner and OAR 734-051-180.
- C. City Street Improvement Requirements. In addition to street improvement requirements in this code for new development, see Chapters 16.145 and 16.150 for street improvement requirements related to single family homes and commercial and industrial expansions.

**16.170.010 Type I Administrative Review by City Planner**

Type I administrative applications are reviewed under clear and objective criteria that do not involve the exercise of discretion. If a Type I application requires the exercise of discretion, the City shall process the request as a Type II application. Review of a Type

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I administrative applications described in Section 16.170.000A shall be reviewed by the City Planner or Public Works Director according to the following procedures:

- A. An application shall be made on forms provided by the City and shall include the property owners signature of consent. Entities with condemnation authority are not required to provide a consent signature.
- B. A dated notice shall be given to the applicant when the application is deemed complete. Within 120 days of this notification, unless extended with the consent of the applicant, the City Planner shall issue a written decision.
- C. The decision shall be based on all applicable provisions of this development code and accompanied by written findings of fact which support the decision, where applicable.
- D. Written notice of the decision shall be provided to the applicant and anyone who requested notice of the decision in writing.
- E. The decision of the City Planner or Public Works Director shall be final. The decision may be appealed to the circuit court in the manner provided in ORS 30.010 to 30.100.

**16.170.011 Type II Land Use Decisions by City Planner**

A Type II land use application described in Section 16.170.000.A shall be reviewed according to the following procedures. A pre-application conference is required pursuant to Section 16.170.001. The City Manager may waive this requirement.

- A. Application Requirements.
- B. Application forms. An application shall be made on forms provided by the City Planner or designee. If the application is referred to a quasi-judicial hearing, either voluntarily by the applicant or staff, or upon appeal, a new application is not required.
- C. Submittal Information.

The application shall:

- 1. Be made on forms provided by the City and shall include the property owner's signature of consent. Entities with condemnation authority are not required to provide a consent signature
- 2. Be filed with one copy of a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making.

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3. Be accompanied by the required fee pursuant to Chapter 16.00.070; and
4. Include one set of pre-stamped and pre-addressed envelopes for all real property owners of record who will receive a notice of the application within 250 feet. The records of the Washington County Assessor's office are the official records for determining ownership. The applicant shall produce the notice list. At the applicant's request, and upon payment of a fee noted on the City's fee list, the City may prepare the public notice mailing list. The City or the applicant shall use the most current County real property assessment records to produce the notice list. The City shall mail the notice of application.

D. Completeness.

Within 30 days of receiving the application, the City shall provide a dated notice to the applicant indicating whether the application is deemed complete or incomplete. If the application is incomplete the City shall notify the applicant in writing of exactly what information is missing. If deemed incomplete, the applicant has 180 days to submit the missing information, or 14 days to submit a refusal statement or withdraw the application. If the applicant refuses to submit the required information and does not withdraw, the application shall be deemed complete upon receipt of the refusal letter.

E. Final Action.

Final action on the application shall occur within 120 days of the date the application is deemed complete unless extended by the applicant in writing.

F. Hearing Option.

The City Planner may request a public hearing on the application before the Planning Commission. The applicant may also request a public hearing before the Planning Commission. The procedures for the public hearing are described in Section 16.170.012 C. The applicant is responsible for the additional city costs associated with the public hearing.

G. Notice.

The City shall mail notice of the application to:

1. All owners of record or real property within 250 feet of the subject site.
2. Any person who submits a written request to receive a notice and any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City, or required by State statute.

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3. The road authority, and/or rail authority and owner, when there is a proposed development abutting or affecting the transportation facility.
4. The City may notify other affected agencies, as appropriate, of the application.

H. Contents of Notice.

The notice shall:

1. Provide a 14-day period for submitting written comments.
2. Identify the specific land use decision or decisions requested.
3. Describe the street address or other easily understandable reference to the location of the site.
4. List the relevant criteria by name and number of Code sections.
5. State the place, date and time the comments are due and the person to whom the comments should be addressed.
6. Include the name and telephone number of a contact person regarding the Decision.
7. State that the failure to address an issue with enough detail may preclude an appeal to the Land Use Board of Appeals or Appeals or Circuit Court on that issue. Only comments on the applicable criteria are considered relevant evidence.
8. State that all evidence relied upon by the City to make this decision is in the public record and available for public review. Copies of the evidence may be obtained at a reasonable cost from the City.
9. State that after the comment period closes, the City shall issue a decision. The decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice.

I. Decision.

The City Planner shall review the application and make a decision based on an evaluation of the application, the evidence and the applicable criteria as set forth in this Code.

J. Conditions of Approval.

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1. Authorization of Approval. Approval of a land use application may be granted subject to conditions. Conditions shall be designed to protect public health, safety and general welfare from potential adverse impacts caused by a proposed land use described in an application. Findings shall either assure compliance with standards of the Code or conditions may be added to fulfill the need for public service demands created by the proposed use.
2. Timing of Conditions and Development Agreement. All conditions of approval required by the City shall be completed prior to the issuance of an occupancy permit. When an applicant provides information which demonstrates that it is not practical to fulfill all conditions prior to issuance of such permit, the City Planner may require a performance bond or other guarantee to assure compliance with zoning regulations or fulfillment of required conditions. The City may also require a development agreement between the City and the owner or developer to specify the developer's or owner's obligations for completing construction and any public improvements.
3. Modify Conditions. A request to change or alter conditions of approval shall be processed as a new land use action under the same procedure that was used for the initial approval.

K. Notice of Decision.

1. Within five (5) working days after a decision is made, a Notice of Decision shall be sent by mail to:
  - a. The applicant and all property owners or contract purchasers of record.
  - b. Any person who submits a written request to receive notice, or provides comments during the application review period.
  - c. Any governmental agency entitled to notice under an intergovernmental agreement entered into with the City, and other agencies that were notified or provided comments during the application review period.
2. The City Planner or designee shall cause an affidavit of mailing the notice to be prepared and made a part of the file. The affidavit shall show the date the notice was mailed, demonstrate that the notice was mailed to the parties above and was mailed within the time required by law.
3. The Notice of Decision shall contain a description of the proposal, where to obtain the decision, the date the decision becomes final unless appealed, and a statement of who may file an appeal, how to file an appeal and the deadline to file an appeal.

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4. **Effective Date:** The Decision is final for purposes of appeal, when it is mailed by the city. The decision is effective the day after the appeal period expires or as otherwise provided in the decision.

L. **Appeals.** - A decision issued by the City Planner under this section may be appealed to the Planning Commission as follows:

1. **Who may appeal.** The following people have legal standing to appeal a Type II Limited Land Use Decision:

- a. The applicant or owner of the subject property;
- b. Any person who was entitled to written notice of the decision;
- c. Any other person who participated in the proceeding by submitting written comments.

2. **Appeal filing procedure.**

- a. **Notice of appeal.** Any person with standing to appeal, as provided in subsection 1, above, may appeal the decision by filing a Notice of Appeal according to the following procedures;
- b. **Time for filing.** A Notice of Appeal shall be filed with the City Planner or designee within 14 days of the date the Notice of Decision was mailed;
- c. **Content of notice of appeal.** The Notice of Appeal shall contain:
  - i. An identification of the decision being appealed, including the date of the decision;
  - ii. A statement demonstrating the person filing the Notice of Appeal has standing to appeal;
  - iii. A statement explaining the specific issues being raised on appeal;
  - iv. Filing fee.

3. **Scope of appeal.**

The appeal of a Type II Limited Land Use Decision by a person with standing shall be a hearing de novo before the Planning Commission. The appeal shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the review by the City Planner. The Planning Commission may allow additional evidence, testimony or argument concerning any relevant standard, criterion, condition, or issue.

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4. Appeal procedures.

Quasi-Judicial notice, hearing procedures and decision process shall also be used for all appeals under this section;

5. Further Appeal to City Council.

The decision of the Planning Commission regarding an appeal of a Type II Limited Land Use Decision is the final decision of the City unless appealed to City Council. An appeal to City Council shall be de novo and follow the same notification and hearing procedures as for the Planning Commission hearing. The decision of the City Council on an appeal is final and effective on the date it is mailed by the City. The City Council's decision may be appealed to the State Land Use Board of Appeals pursuant to ORS 197.805 – 197.860.

**16.170.012 Type III Quasi-Judicial Decisions by the Planning Decision**

Pre-application Conference. 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.

B. Application Requirements.

1. Application form. A quasi-judicial application shall be made on forms provided by the City Planner or designee. The application shall include the property owner's signature of consent. Entities with condemnation authority are not required to provide a consent signature.
2. Submittal Information. When a quasi-judicial application is required, it shall include:
  - a. The information requested on the application form;
  - b. One copy of a narrative statement that explains how the application satisfies each of the relevant criteria and standards in sufficient detail for review and decision-making.
  - c. The required fee pursuant to Chapter 16.00.070; and
  - d. One set of pre-stamped and pre-addressed envelopes for all real property owners of record who will receive a notice of the application within 250 feet. The records of the Washington County Assessor's office are the official

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records for determining ownership. The applicant shall produce the notice list. At the applicant's request, and upon payment of a fee noted on the City's fee list, the City may prepare the public notice mailing list. The City or the applicant shall use the most current County real property assessment records to produce the notice list. The City shall mail the notice of application.

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

C. Notice of Hearing.

1. Mailed notice. The City shall mail the notice of the Type III application. The records of the Washington County Assessor's Office are the official records for determining ownership. Notice of the initial hearing or an appeal hearing shall be given by the City in the following manner:
  - a. At least 20 days before the hearing date, notice shall be mailed to:
    - i. The applicant and all owners or contract purchasers of record of the property that is the subject of the application;
    - ii. All property owners of record within 250 feet of the site;
    - iii. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City. The City may notify other affected agencies. The City shall notify the road authority, and rail authority and owner, when there is a proposed development abutting or affecting their transportation facility and allow the agency to review, comment on, and suggest conditions of approval for the application.
    - iv. Owners of airports in the vicinity shall be notified of a proposed zone change in accordance with ORS 227.175;

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- v. Any neighborhood or community organization recognized by the City Council and whose boundaries include the property proposed for development;
  - vi. Any person who submits a written request to receive notice;
  - vii. For appeals, the appellant and all persons who provided testimony in the original decision; and
  - viii. For a land use district change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS227.175.
  - ix. The City Planner or designee shall prepare an affidavit of notice. The affidavit shall state the date that the notice was mailed to the persons who must receive notice.
  - x. At least 14 business days before the hearing, notice of the hearing shall be printed in a newspaper of general circulation in the City. The newspaper's affidavit of publication of the notice shall be made part of the administrative record.
- b. Content of Notice. Notice of appeal of an application or notice of a public hearing to be mailed and published per Subsection 1 above shall contain the following information:
- i. The nature of the application and the proposed land use or uses that could be authorized for the property;
  - ii. The applicable criteria and standards that apply to the application;
  - iii. The street address or other easily understood geographical reference to the subject property;
  - iv. The date, time, and location of the public hearing;
  - v. A statement that the failure to raise an issue in sufficient detail to afford the decision-maker an opportunity to respond to the issue may preclude an appeal based on that issue with the State Land Use Board of Appeals or the circuit court;
  - vi. The name of a City representative to contact and the telephone number where additional information on the application may be obtained;

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- vii. A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards can be reviewed at North Plains City Hall at no cost and that copies shall be provided at a reasonable cost;
- viii. A statement that a copy of the City's staff report and recommendation to the hearings body shall be available for review at no cost at least seven days before the hearing, and that a copy shall be provided on request at reasonable cost;
- ix. A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings; and
- x. The following notice: "Notice to mortgagee, lien holder, vendor, or seller: The City of North Plains Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."

**D. Conduct of the Public Hearing**

1. At the commencement of the hearing, the hearings body shall state:
  - a. The applicable approval criteria and standards that apply to the application or appeal;
  - b. That testimony and evidence must address the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations that the person testifying believes to apply to the decision;
  - c. That failure to raise an issue with sufficient detail to give the hearings body and the parties an opportunity to respond to the issue, means that no appeal may be made to the State Land Use Board of Appeals on that issue;
  - d. Before the conclusion of the initial evidentiary hearing, any participant may ask the Planning Commission for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing. The hearings body shall grant the request by scheduling a date to finish the hearing (a "continuance") per paragraph 2 of this subsection, or by leaving the record open for additional written evidence or testimony per paragraph 3 of this subsection.
2. If the Planning Commission grants a continuance, the completion of the hearing shall be continued to a date, time, and place at least seven days after the date of the first evidentiary hearing. An opportunity shall be provided at the second hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the second hearing, any person may request, before the conclusion of the second hearing, that the record

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be left open for at least seven days, so that they can submit additional written evidence or testimony in response to the new written evidence;

3. If the Planning Commission leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the City in writing for an opportunity to respond to new evidence submitted during the period that the record was left open. If such a request is filed, the Planning Commission shall reopen the record.
4. When the Planning Commission reopens the record to admit new evidence or testimony, any person may raise new issues that relate to that new evidence or testimony;
5. An extension of the hearing or record is subject to the limitations of ORS 227.178 ("120-day rule"), unless the continuance or extension is requested or agreed to by the applicant;
6. If requested by the applicant, the City shall allow the applicant at least seven (7) days after the record is closed to all other persons to submit final written arguments in support of the application, unless the applicant expressly waives this right. The applicant's final submittal shall be part of the record but shall not include any new evidence;
7. The record shall contain all testimony and evidence that is submitted to the City and that the hearings body has not rejected;
8. In making its decision, the hearings body may take notice of facts not in the hearing record (e.g., local, state, or federal regulations; previous city decisions; case law; staff reports).
9. Participants in a land use hearing are entitled to an impartial review authority as free from potential conflicts of interest and pre-hearing ex parte contacts as reasonably possible.
  - a. At the beginning of the public hearing, hearings body members shall disclose the substance of any pre-hearing ex parte contacts concerning the application or appeal. The member shall state whether the contact has impaired the member's impartiality or their to vote on the matter and shall participate or abstain accordingly;
  - b. A member of the hearings body shall not participate in any proceeding in which they have a direct or substantial conflict of interest. Any actual or potential conflict of interest shall be disclosed at the hearing;
  - c. A member of the hearings body may be disqualified due to contacts or conflict and may be ordered not to participate in the vote by a majority of the

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members present and voting. The person who is the subject of the motion may not vote on the motion to disqualify;

- d. If a member of the hearings body abstains or is disqualified, the City may provide a substitute in a timely manner subject to the impartiality rules in this section. In this case, a member of the City Council appointed by the Mayor may substitute for a member of the Planning Commission.
- e. If all members of the Planning Commission abstain or are disqualified, the City Council shall be the hearing body. If all members of the City Council abstain or are disqualified, a quorum of those members present who declare their reasons for abstention or disqualification shall be re-qualified to make a decision;
- f. Any member of the public may raise conflict of interest issues prior to ordering the hearing, to which the member of the hearings body shall reply in accordance with this section.

E. Ex parte communications

No decision or action of the hearings body shall be invalid due to ex parte contacts or bias resulting from ex parte contacts, if the person receiving contact:

- 1. Places in the record the substance of any written or oral ex parte communications concerning the decision or action; and
- 2. Makes a public announcement of the content of the communication and of all participants' right to dispute the substance of the communication made. This announcement shall be made at the first hearing following the communication during which action shall be considered or taken on the communication.
- 3. Communication between City staff and the hearings body is not considered an ex parte contact.

F. Presenting and receiving evidence.

- 1. The hearings body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant or personally derogatory testimony or evidence;
- 2. Verbal testimony shall not be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing, only as provided in Section D. Conduct of Hearing;
- 3. Members of the hearings body may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if

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the information relied upon is disclosed at the beginning of the hearing and an opportunity is provided to dispute the evidence.

G. The Decision Process.

1. Basis for decision. Approval or denial of an appeal of a land use application shall be based on standards and criteria in the development code. The standards and criteria shall relate approval or denial of a discretionary development permit application to the development regulations and, when appropriate, to the comprehensive plan for the area in which the development would occur and to the development regulations and comprehensive plan for the City as a whole;
2. Findings and conclusions. The written decision shall include written findings that explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts;
3. Form of decision. The Planning Commission shall issue a final written order containing the findings and conclusions stated in subsection 2. The Planning Commission may also issue appropriate intermediate rulings when more than one permit or decision is required;
4. Decision-making time limits. A final order for an action under this Section shall be filed with the City Planner or designee within ten business days after the close of the deliberation;
5. Notice of Decision. Written notice of a decision under this Section shall be mailed to the applicant and to all participants of record within ten business days after the hearings body decision. Failure of a person to receive mailed notice shall not invalidate the decision, provided that a good faith attempt was made to mail the notice.
6. Final Decision and Effective Date. The decision of the hearings body on an application is final for purposes of appeal on the date it is mailed by the City. The decision is effective on the day after the appeal period expires. If an appeal is filed, the decision becomes effective on the day after the appeal is decided by the City Council. The notice and hearings procedures for a quasi-judicial application on appeal to the City Council shall be the same as for the initial hearing. An appeal of a land use decision to the State Land Use Board of Appeals must be filed within the period required by state law.

**16.170.013 Type IV Legislative Decisions**

A. Pre-Application Conference

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A pre-application conference is required for all Type IV legislative applications initiated by a party other than the City of North Plains. The City Manager may waive this requirement.

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

**B. Timing of Requests.**

The City accepts legislative requests at any time. The City Council may initiate its own legislative proposals at any time.

**C. Application Requirements.**

1. Application forms. A legislative application shall be made on forms provided by the City.
2. Submittal Information. The application shall contain:
  - a. The information requested on the application form;
  - b. A map and/or plan addressing the appropriate criteria and standards insufficient detail for review and decision (as applicable);
  - c. The required fee pursuant to Chapter 16.00.070; and
  - d. One copy of a letter or narrative statement that explains how the application satisfies all of the relevant approval criteria and standards.

**D. Notice of Hearing**

1. Required hearings. A minimum of two hearings, one before the Planning Commission and one before the City Council, are required for all legislative applications.
2. Notification requirements. Notice of public hearings for the application shall be given by the City in the following manner: At least 20 days, but not more than 40 days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, rezone property, or amend the development code a notice shall be mailed to:
  - a. Each owner whose property would be rezoned in order to implement the ordinance (including owners of property subject to a comprehensive plan amendment if a zone change will be required to implement the proposed comprehensive plan amendment);

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- b. Any affected governmental agency;
  - c. Any person who requests notice in writing;
  - d. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175;
  - e. For a zone change affecting an airport, the owners of the airport in accordance with ORS 227.175.
3. At least 10 days before the scheduled Planning Commission public hearing date and 14 days before the City Council hearing date, public notice shall be published in a newspaper of general circulation in the City.
4. The City Planner or designee shall:
- a. For each mailing of notice, file an affidavit of mailing in the record as provided by subsection 2.a; and
  - b. For each published notice, file in the record the affidavit of publication in a newspaper that is required in subsection 3.
  - c. The Oregon Department of Land Conservation and Development (DLCD) shall be notified in writing of proposed comprehensive plan and development code amendments at least 35 ~~45~~ days before the first public hearing at which public testimony or new evidence will be received, or at such lesser time as the law may allow. The notice to DLCD shall include a DLCD Certificate of Mailing.
  - d. Notice of a proposed annexation shall follow the provisions of Chapter 16.205.
  - e. Content of notices. The mailed and published notices shall include the following information:
    - i. The number and title of the file containing the application, and the address and telephone number of the City Planner or designee's office where additional information about the application can be obtained;
    - ii. The proposed site location;
    - iii. A description of the proposed site and the proposal in enough detail for people to determine what change is proposed, and the place where all relevant materials and information may be obtained or reviewed;

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- iv. The time(s), place(s), and date(s) of the public hearing(s); a statement that public oral or written testimony is invited; and a statement that the hearing will be held under this title and rules of procedure adopted by the Council and available at City Hall (See Section 3. below); and
- v. Each mailed notice required by Section D above shall contain the following statement: "Notice to mortgagee, lien holder, vendor, or seller: The City of North Plains Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."
- f. Failure to receive notice. The failure of a person to receive notice shall not invalidate the action, provided:
  - i. Personal notice is deemed given where the notice is deposited with the United States Postal Service;
  - ii. Published notice is deemed given on the date it is published.

E. Hearing Process and Procedures

Unless otherwise provided in the rules of procedure adopted by the City Council:

1. The presiding officer of the Planning Commission and of the City Council have the authority to:
  - a. Regulate the course, sequence, and decorum of the hearing;
  - b. Direct procedural requirements or similar matters;
  - c. Impose reasonable time limits for oral presentations.
2. A person may not address the Commission or the Council without:
  - a. Receiving recognition from the presiding officer; and
  - b. Stating the person's full name and address.
3. Disruptive conduct such as applause, cheering, or display of signs may be cause for expulsion from the hearing, termination or continuation of the hearing, or other appropriate action determined by the presiding officer.
4. Unless otherwise provided in the rules of procedures adopted by the Council, the presiding officer of the Commission and of the Council shall conduct the hearing as follows:

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- a. The presiding officer shall begin the hearing with a statement of the nature of the matter before the body, a general summary of the procedures, a summary of the standards for decision-making, and whether the decision which will be made is a recommendation to the City Council or the final decision of the Council;
- b. The City Planner or designee's report and other applicable staff reports shall be presented;
- c. The public shall be invited to testify. The public hearing may be continued to allow additional testimony or it may be closed; and
- d. The body's deliberation may include questions to the staff, comments from the staff, and inquiries directed to any person present.

F. Continuation of the Public Hearing

The Planning Commission or the City Council may continue any hearing and no additional notice of hearing shall be required if the matter is continued to a specified place, date, and time.

G. Approval Process and Authority

1. The Planning Commission shall:
  - a. After notice and a public hearing, prepare and vote on a recommendation to the City Council whether to approve, approve with modifications, approve with conditions or deny the proposed change, or adopt an alternative; and
  - b. Within 14 business days of adopting a recommendation, the presiding officer shall sign the written recommendation and it shall be filed with the City Planner or designee.
  - c. Any member of the Planning Commission who votes in opposition to the Planning Commission's majority recommendation may file in the City planning file a written statement of opposition prior to the hearing on the proposal before the City Council. City planning staff shall send a copy to each Council member and place a copy in the record;
2. If the Planning Commission fails to adopt a recommendation to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative proposal within 60 days of its first public hearing on the proposed change, City staff shall:

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- a. Report the failure together with the proposed change to the City Council; and
  - b. Provide notice and put the matter on the City Council's agenda for the City Council to hold a public hearing and make a decision. Thereafter, no further action shall be taken by the Commission.
3. The City Council shall:
- a. Approve, approve with modifications, approve with conditions, deny, or adopt an alternative to an application for legislative change. The City Council also may remand the application to the Planning Commission for rehearing and reconsideration on all or part of the application;
  - b. Consider the recommendation of the Planning Commission; however, the City Council is not bound by the Commission's recommendation; and
4. The City Council shall approve any legislation by ordinance, which shall be signed by the Mayor after adoption.

H. Vote Required for a Legislative Change

- 1. A vote by a majority of the qualified voting members of the Planning Commission present is required for a recommendation for approval, approval with modifications, and approval with conditions, denial or adoption of an alternative.
- 2. A vote by a majority of the qualified members of the City Council present is required to decide any motion made on the proposal.

I. Notice of Decision

Notice of a Legislative decision shall be mailed to the applicant, all participants of record, and the Department of Land Conservation and Development, within five (5) business days after the City Council's decision. The City shall also provide notice to all persons as required by other applicable laws.

J. Final Decision and Effective Date

A Legislative decision, if approved, shall take effect and shall become final as specified in the enacting ordinance, or if not approved, upon mailing of the notice of decision to the applicant.

K. Record of the Public Hearing.

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1. A verbatim record of the proceeding shall be made by stenographic, mechanical or electronic means. It is not necessary to transcribe an electronic record. The minutes and other evidence presented as a part of the hearing shall be part of the record;
2. All exhibits received and displayed shall be marked to provide identification and shall be part of the record;
3. The official record shall include:
  - a. All materials considered by the hearings body;
  - b. All materials submitted by City staff to the hearings body regarding the application;
  - c. The verbatim record made by the stenographic, mechanical or electronic means; the minutes of the hearing; and other documents considered;
  - d. The final ordinance;
  - e. All correspondence; and
  - f. A copy of the notices that were given as required by this Chapter.

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**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.

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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 145<sup>th</sup> 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

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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.

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### **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.

**16.205 - 3**

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.

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

a. Provide .pdf electronic versions of application materials which can be posted on standard webpage to be maintained by the City.

i. The applicant shall revise materials if requested by the City in writing.

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

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

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

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

4. The applicant shall receive unedited copies of the comment form at an email address designated by the applicant.

b. Conduct a minimum of 3 public information meetings:

i. One within 30 days of submitting an application to the City.

ii. One prior to the hearing with the City Council

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16.205 - 4

- iii. One prior to the election on the annexation.
- c. 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 by the City, which will be mailed with water bills at least once 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.

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**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.

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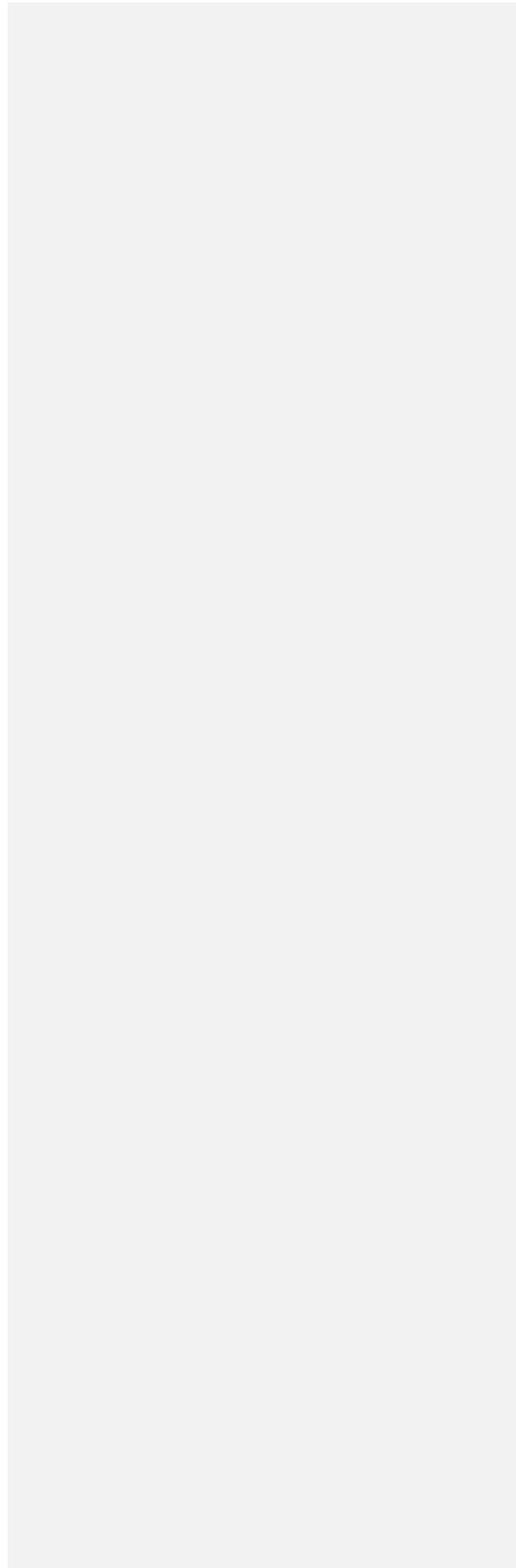
**16.205.060 Effective Date of District Designation.**

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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**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.

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**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 16.20  
ZONING DISTRICT R-7.5**

**16.20.000 Purpose**

The purpose of the **R7.5 District** is to provide for the development of ~~single family uses and limited multi-family~~ residential uses, and to implement the housing policies of the Comprehensive Plan.

**16.20.005 Permitted Uses**

Permitted uses subject to the requirements of Design Review in this chapter, if applicable. Refer to Zoning Code Use Table.

- A. Single family detached dwelling
- B. Accessory Dwellings, Subject to Chapter 16.105, Accessory Uses, Structures & Dwellings
- C. Accessory Structures related to residential uses, Subject to Chapter 16.105, Accessory Uses, Structures & Dwellings
- D. ~~Child Care, Certified Home~~
- E. ~~Child Care, Registered Home~~
- F. ~~Home occupations, subject to Chapter 16.85, Home Occupations~~
- G. ~~Manufactured Homes, Subject to Chapter 16.110, Manufactured Homes~~
- H. ~~Planned Unit Development, Subject to Chapter 16.140, Planned Unit Development~~
- I. Residential Home
- J. ~~Single family detached dwelling~~

**16.20.010 Conditional Uses**

Subject to the requirements of Design Review section of this chapter, if applicable. Refer to Chapter 16.15, Zoning Code Use Table.

The following uses and their accessory structures may be permitted in the R7.5 District when authorized by the Planning Commission pursuant to Conditional Use Permit section of this chapter.

- A. Child Care, Certified Center
- B. Civic /Governmental use
- C. Educational Facility

~~D.~~ Extended Care Facility / Convalescent / Nursing Home

~~D-E.~~ Child Care, Certified Home

~~E-F.~~ Child Care, Registered Home

~~K-G.~~ Home occupations, subject to Chapter 16.85, Home Occupations

~~L-H.~~ Manufactured Homes, Subject to Chapter 16.110, Manufactured Homes

~~M-I.~~ Planned Unit Development, Subject to Chapter 16.140, Planned Unit Development

~~F.~~

~~G.~~ Fraternal Lodge

~~H.~~ Places of Worship

~~I.~~ Utility Facilities

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### 16. 20.015 Dimensional Standards

The following dimensional standards shall be the minimum requirements for all development in the R7.5 District except for modifications permitted under Lot, Building, & Yard Exceptions or Planned Unit Development sections of this chapter. ~~In addition, a minor adjustment of up to 10% of the required setback, area, lot size, lot depth or lot width may be granted by the City pursuant to Variance Review section of this chapter.~~

#### A. Lot/Parcel Size

~~1.~~ Single family detached dwelling: 7,500 square foot minimum lot/parcel size

~~2-1.~~ All other uses ~~minimum;~~ 7,500 square feet

~~3-2.~~ ~~,000 square foot maximum for lots created by subdivision. Subdivisions greater than 10 acres must average a minimum of 4 dwelling units per net acre~~

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#### B. Lot/Parcel Depth and Width

1. The minimum average lot width shall be 60 feet.
2. The minimum average lot depth shall be 80 feet.

#### C. Minimum Setback Requirements

1. Principle structures, accessory dwellings, and accessory structures with a floor area greater than 200 square feet shall maintain the following minimum yard setbacks, ~~except that development on flag lots shall be subject to the setback standards of 16.125.010.~~
2. Front Yard (Principle structure) 20 feet
3. Garages, carports, accessory dwellings and accessory structures shall be flush with, or recessed behind, the front building elevation of the principle structure.
4. Rear Yard:
  - a. 10 feet for street-access lots
  - b. 6 feet for alley-access lots

c. 5 feet for Accessory Structures and Accessory Dwellings

~~e.~~

5. Side Yard:

- a. Interior 5 feet
- b. Adjacent to street 10-feet plus additional necessary to comply with the standards of Clear Vision Areas section of this chapter.

~~e.~~ Accessory Structures and Accessory Dwellings: **5-10 foot** Side Yard (adjacent to street) setback, except as provided for in 16.105.

c.

~~d. Flag Lots approved 10 feet for all yards, except pursuant to 16.125.010, that the yard facing the garage door shall be a minimum of 20 feet, except as otherwise provided in this chapter.~~

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D. Height of Buildings

Buildings shall not exceed a height, measured from grade, of 35 feet. Accessory dwellings and accessory structures shall not exceed 25 feet.

E. Lot/Parcel Coverage

In the R7.5 District, the maximum impervious surface coverage shall not exceed

sixty five (65) percent of the total area of ~~any the~~ lot.

F. Flag Lots

Flag lots are subject to the standards set forth in Chapter 16.125.010.C.

**16. 20.020 Parking Requirements**

At least two (2) off-street parking spaces shall be provided for each single family detached dwelling unit. Parking requirements for all other uses are specified in the Off Street Parking and Loading section of this chapter.

**16. 20.025 Development Standards**

The following standards will be applied to all single family dwellings (site-built, modular and manufactured homes) to be constructed or located in the City of North Plains:

- A. All single family units shall utilize at least two of the following design features to provide visual relief along the front of the home:
  - 1. dormers;
  - 2. gables;
  - 3. recessed entries;
  - 4. covered porch entries;
  - 5. cupolas;
  - 6. pillars or posts;
  - 7. bay or bow windows;
  - 8. eaves (minimum 6" projection);
  - 9. offsets on building face or roof (minimums 16");
- B. All manufactured homes shall also comply with the requirements of Chapter 16.100, Manufactured Homes.

**Chapter 16.25**  
**HOW LAND MAY BE USED AND DEVELOPED**  
**ZONING DISTRICT R-5**

**16.25.000 Purpose**

The purpose of the R5 District is to provide for the development of single family residential uses and limited multi-family residential uses, and to implement the housing policies of the Comprehensive Plan.

**16.25.005 Permitted Uses**

Permitted Uses subject to the requirements of the Design Review section of this chapter, if applicable. Refer to Zoning Code Use Table

- A. Single family detached dwelling
- B. Accessory Dwellings, Subject to Chapter 16.105, Accessory Uses, Structures, & Dwellings
- ~~C. Accessory Structures related to residential uses, Subject to Chapter 16.105, Accessory Uses, Structures, & Dwellings~~
- ~~D. Child Care, Certified Home~~
- ~~E. Child Care, Registered Home~~
- ~~F. Duplex dwellings, Subject to Chapter 16.105, Duplex, Triplex, and Attached Single Family Dwellings~~
- ~~G. Home occupations, subject to Chapter 16.85, Home Occupations~~
- ~~H. Manufactured Homes, Subject to Chapter 16.110, Manufactured Homes~~
- ~~I. Manufactured Home Parks, Subject to Chapter 16.110, Manufactured Homes~~
- ~~J. Planned Unit Development, Subject to Chapter 16.140, Planned Unit Development~~
- ~~K. Residential Home~~
- ~~L. Single family attached homes/row houses, Subject to Chapter 16.100, Duplex, Triplex, and Attached Single Family Dwelling~~
- M.C. Single family detached dwelling

**16.25.010 Conditional Uses**

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

The following uses and their accessory structures may be permitted in the R.5 District when authorized by the Planning Commission pursuant to Conditional Use Permit section of this chapter.

- A. Bed & Breakfast
- B. Child Care, Certified Center
- C. Civic /Governmental Use
- D. Educational Facility
- E. Extended Care Facility / Convalescent / Nursing Home
- F. Fraternal Lodge
- G. Places of Worship

H. Utility Facilities

~~N-I.~~ Child Care, Certified Home

~~Q-J.~~ Child Care, Registered Home

~~P-K.~~ Duplex dwellings, Subject to Chapter 16.105, Duplex, Triplex, and Attached Single Family Dwellings

~~Q-L.~~ Home occupations, subject to Chapter 16.85, Home Occupations

~~R-M.~~ Manufactured Homes, Subject to Chapter 16.110, Manufactured Homes

~~S-N.~~ Manufactured Home Parks, Subject to Chapter 16.110, Manufactured Homes

~~T-O.~~ Planned Unit Development, Subject to Chapter 16.140, Planned Unit Development

~~U-P.~~ Residential Home

~~V.~~ Single family attached homes/row houses. Subject to Chapter 16.100, Duplex, Triplex, and Attached Single Family Dwelling

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**16.25.015 Dimensional Standards**

The following dimensional standards are the minimum requirements for all development in the R5 District except for modifications permitted under the Lot, Building, & Yard Exceptions or Planned Unit Development sections of this chapter. ~~In addition, a minor adjustment of up to 10% of the required setback, area, lot size, lot depth or lot width may be granted by the City. For land within the city limits of the City of North Plains as of July 1, 2004, a minor adjustment of up to 10% of the lot size may be granted by the City pursuant to the Variance Review section of this chapter.~~

**A. Lot/Parcel Size**

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

~~• Within a Planned Unit development 4,000 square feet minimum~~

~~• Lots created by Subdivision 6,000 square feet maximum~~

~~2. Two family dwelling (duplex), triplex & attached single family dwelling - 45,000 square feet minimum per unit~~

2. All other uses - 5,000 square feet minimum

3. Lots created by Subdivision shall have a 7,500 square feet maximum

**B. Lot/Parcel Depth and Width**

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

2. The minimum average lot depth shall be 80 feet.

**C. Minimum Setback Requirements**

Principle structures, accessory dwellings accessory structures with a floor area greater than 200 square feet shall maintain the following minimum yard setbacks ~~except that development on flag lots shall be subject to the setback standards of 16.125.010(C).~~

**1. Front Yard**

- Garage - 20 feet
- All other structures - 15 feet

With alley access garages, carports, accessory dwellings and accessory

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structures shall be flush with, or recessed behind, the front building elevation of the principle structure.

## 2. Rear Yard

- Street-access lots - 10 feet
- Alley-access lots - 6 feet
- Accessory Structures and Accessory Dwellings - 5 feet

## 3. Side Yard

- Interior – 5 feet
- adjacent to street - 10 feet plus additional necessary to comply with the standards of the Clear Vision Areas section of this chapter
- Accessory Structures and Accessory Dwellings:
  - 5 feet interior
  - 5-10 foot feet Side Yard (adjacent to street) setback
  - ~~, except as provided in the Accessory Uses Structures and Dwellings section of this chapter.~~

## 4. Flag Lots

~~All yards shall have setbacks of 10 feet, except that the yard facing the garage shall be a minimum of 20 feet. Flag lots are subject to the standards set forth in Chapter 16.125.010.C.~~

## 5. Height of Buildings

Buildings shall not exceed a height, measured from grade, of 35 feet. Accessory dwellings and accessory structures shall not exceed 25 feet.

## 6. Lot/Parcel Coverage

In the R5 District, the maximum impervious surface lot coverage shall not exceed ~~65% the following percentage~~ of the total area of ~~the any~~ lot.

- ~~Single family detached dwellings – 65%~~
- ~~Duplexes, triplexes and single family attached dwellings – 65%~~
- ~~Non-residential uses – 65%~~

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**16.25.020 Parking Requirements**

At least two (2) off-street parking spaces shall be provided for each single family detached dwelling unit. Parking requirements for all other uses are specified in Off Street Parking and Loading of this chapter.

**16.25.025 Development Standards**

- A. The following standards will be applied to all single family dwellings (site-built, modular and manufactured homes) to be constructed or located in the City of North Plains:

All single family units shall utilize at least two of the following design features to provide visual relief along the front of the home:

1. dormers;
2. gables;
3. recessed entries;
4. covered porch entries;
5. cupolas;
6. pillars or posts;
7. bay or bow windows;
8. eaves (minimum 6" projection);
9. offsets on building face or roof (minimums 16");

- B. All manufactured homes shall also comply with the requirements of the Manufactured Homes section of this chapter.

**Chapter 16.30**  
**ZONING DISTRICT R-2.5**

**16.30.000**    **Purpose**

The purpose of the R2.5 District is to provide for the development of multi-family high density housing, and to implement the housing policies of the Comprehensive Plan.

**16.30.005**    **Permitted Uses**

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

- A. Single family detached dwelling
- B. Accessory Dwellings, Subject to Chapter 16.105, Accessory Uses, Structures & Dwellings
- C. Accessory Structures related to residential uses, Subject to Chapter 16.105, Accessory Uses, Structures, & Dwellings
- ~~D. Child Care, Certified Home~~
- ~~E. Child Care, Registered Home~~
- ~~F. Duplexes, Subject to Chapter 16.100, Duplex, Triplex, and Attached Single Family Dwellings~~
- ~~G. Home occupations, Subject to Chapter 16.85, Home Occupations~~
- ~~H. Manufactured Homes, Subject to Chapter 16.110, Manufactured Homes~~
- ~~I. Manufactured Home Parks, Subject to Chapter 16.110, Manufactured Homes~~
- ~~J. Multi family dwellings, Subject to Chapter 16.175 Multi Family Dwelling(s) Section and Chapter 16.100, Duplex, Triplex, and Attached Single Family Dwelling~~
- ~~K. Planned Unit Development, Subject to Chapter 16.140, Planned Unit Development~~
- ~~L. Residential Facility~~
- ~~M. Residential Homes~~
- ~~N. Single family attached homes row houses, 4 units. Subject to Chapter 16.100, Duplex, Triplex, and Attached Single Family Dwellings~~
- ~~O. Single family detached dwelling~~

~~P. Townhomes/condominiums, subject to Subject to Chapter 16.175, Multi Family Dwelling(s) Section and Chapter 16.100, Duplex, Triplex, and Attached Single Family Dwelling~~

~~Q. Triplexes, Subject to Chapter 16.100, Duplex, Triplex, and Attached Single Family Dwelling~~

**16.30.010 Conditional Uses**

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

The following uses and their accessory structures may be permitted in the R2.5 District when authorized by the Planning Commission pursuant to Conditional Use Permit.

- A. Bed & Breakfast
- B. Extended Care Facility / Convalescent / Nursing Home
- C. Child Care, Certified Center
- D. Civic /Governmental Use
- E. Educational Facility
- F. Places of Worship
- G. Fraternal Lodge
- H. Utility Facilities
- I. Child Care, Certified Home
- J. Child Care, Registered Home
- K. Duplexes, Subject to Chapter 16.100, Duplex, Triplex, and Attached Single Family Dwellings
- L. Home occupations, Subject to Chapter 16.85, Home Occupations
- M. Manufactured Homes, Subject to Chapter 16.110, Manufactured Homes
- N. Manufactured Home Parks, Subject to Chapter 16.110, Manufactured Homes
- O. Multi-family dwellings, Subject to Chapter 16.175 Multi-Family Dwelling(s)Section and Chapter 16.100, Duplex, Triplex, and Attached Single Family Dwelling

P. Planned Unit Development, Subject to Chapter 16.140, Planned Unit Development

Q. Residential Facility

R. Residential Homes

S. Single family attached homes row houses, 4 units. Subject to Chapter 16.100, Duplex, Triplex, and Attached Single Family Dwellings

T. Townhomes/condominiums, subject to Subject to Chapter 16.175, Multi-Family Dwelling(s) Section and Chapter 16.100, Duplex, Triplex, and Attached Single Family Dwelling

H.U. Triplexes, Subject to Chapter 16.100, Duplex, Triplex, and Attached Single Family Dwelling

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### 16.30.015 Dimensional Standards

The following dimensional standards shall be the minimum requirements for all development in the R 2.5 District except for modifications permitted under Lot, Building, & Yard Exceptions or Planned Unit Development sections of this chapter. ~~In addition, a minor adjustment of up to 10% of the required setback, area, lot size, lot depth or lot width may be granted by the City pursuant to Variance section of this chapter provided the adjustment complies with administrative variance review criteria.~~

#### A. Lot/Parcel Size

1. Single-family dwelling shall have a 4,000 square feet minimum
- ~~2. Lots created by subdivision shall have a maximum: 6,000 square feet maximum lot size of 6,000 per dwelling unit~~
- ~~Single family dwelling: 2,500 square feet minimum~~
- ~~3. Two-family dwelling (duplexes), Triplexes & attached single family dwellings: 2,500, 4,000 square feet per unit minimum lot size~~
- ~~4. Multi-family dwelling developments (greater than 3 units): 410,000 square feet minimum foot lot;~~
- ~~5. All other uses 4,000 square feet minimum~~

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#### B. Lot/Parcel Depth and Width

- No minimum lot width or depth.

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### C. Setback Requirements

Principle structures, accessory dwellings and accessory structures with a floor area greater than 200 square feet shall maintain the following minimum yard setbacks except that development on flag lots shall be subject to the setback standards for Flag Lots.

#### D.a. Front Yard:

- For all structures: 10 feet
- Garage: 20 feet

Garages, carports, accessory dwellings and accessory structures shall be flush with, or recessed behind, the front building elevation of the principle structure.

#### E.b. Rear Yard:

- street-access lots 10 feet
- alley-access lots 6 feet
- Accessory Structures and Accessory Dwellings 5 feet

#### F.c. Side Yard:

- Side yards should be established to create separation between structures and meet fire codes and provide space for pervious surface area
- Single family dwellings created by subdivision must have at least one side yard
- Adjacent to street - 10 feet plus additional space necessary to comply with the standards of Clear Vision Areas section of this chapter.
- Accessory Structures and Accessory Dwellings - 5 foot Adjacent to street setback, except as provided for in the Accessory Use, Structures and Dwellings section of this chapter.

#### G.d. Flag lots approved:

~~10 feet for all yards, except pursuant to that the yard facing the garage shall be a minimum of 20 feet.~~ Flag lots are subject to Chapter 16.125 Lot Development Standards.

#### H.e. Height of Buildings

Buildings shall not exceed a height, measured from grade, of 35 feet. Accessory

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dwellings and accessory structures shall not exceed 25 feet.

Maximum height for multi-family buildings containing 4 or more units shall be 40 feet measured from grade.

h. Lot/Parcel Coverage

In the R2.5 District, the maximum lot coverage for impervious surfaces shall not exceed 65%

**16.30.020 Parking Requirements**

Parking requirements are specified in Chapter 16.155 Off Street Parking and Loading.

**16.30.025 Development Standards**

The following standards will be applied to all single family dwellings (site-built, modular and manufactured homes) to be constructed or located in the City of North Plains:

- A. All units shall utilize at least two of the following design features to provide visual relief along the front of the home:
  - A. dormers;
  - B. gables;
  - C. recessed entries;
  - D. covered porch entries;
  - E. cupolas;
  - F. pillars or posts;
  - G. bay or bow windows;
  - H. eaves (minimum 6" projection);
  - I. offsets on building face or roof (minimums 16");
  
- B. All manufactured homes shall also comply with the requirements of the Manufactured Homes section of this chapter.

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**Chapter 16.45**  
**Neighborhood Community Zone (NC)**

**16.45.000 Purpose**

The Neighborhood Community zone (NC) incorporates a number of design, development and infrastructure features indicative of a self-reliant neighborhood, including but not limited to: quality and craftsmanship in the built environment; an appropriate mix of architectural styles, residential types and densities and neighborhood commercial opportunities to serve the surrounding neighborhood; advantageous and sensitive use of natural resource features and open space; and innovative and imaginative site planning in order to develop a sense of place where amenities, facilities, features and overall urban design could not be achieved through application of individual or combinations of zones.

The NC zone ~~together with the Mixed Use (MU) zone~~ shall be used to implement the Neighborhood Community Comprehensive Plan designation.

~~Master planning of the non-exception expansion areas is necessary to achieve a cohesive vision for the build-out of these areas. No development may occur within the subject non-exception expansion areas prior to master plan approval. Master plans in these areas shall generally reflect the land use pattern and density ranges illustrated on the "Density/Land Use Plans" adopted as part of the Comprehensive Plan. Identification of multiple use areas and adjustments to the specific locations of proposed uses and/or street pattern may be considered during the master plan process.~~

**16.45.005 Objectives**

The following objectives shall be considered in reviewing an application for a master plan:

- A. To provide for a master planned neighborhood(s) that provide a mix of residential uses and densities ~~as illustrated on the Density/Land Use Plans prepared for the north and east non-exception expansion areas and adopted by reference in~~ that are consistent with the Comprehensive Plan.
- B. To encourage complete, pedestrian-oriented neighborhoods with a variety of housing types, ~~neighborhood-scale commercial uses~~, open spaces and parks, and appropriate institutional uses, which shall be complimented by adjoining MU zones.
- ~~C. To encourage development of the Urban Growth Boundary expansion areas consistent with Chapter 15 of the Comprehensive Plan.~~

**16.45.010 Permitted Uses**

The following uses are permitted outright within the NC zone when associated with an approved master plan:

- A. Single family detached housing.
- B. Single family attached housing.
- C. Duplexes.
- D. Row homes/Town homes.
- E. Multifamily dwellings.
- F. ~~Mixed Use. (In this case, mixed use is defined as a development in which a site or building provides more than one type of use, such as commercial, residential, or institutional.)~~
- G. Permanent open space.
- H. ~~Neighborhood commercial uses. (Neighborhood commercial uses are defined as small to medium sized shopping and service facilities and limited office use. Neighborhood commercial uses are intended for the shopping and service needs of the immediate urban neighborhood. Neighborhood commercial locations should be easily accessible by car and foot from neighborhoods in the area. These uses should have minimal negative impact on surrounding residential properties.)~~

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**16.45.015 Conditional Uses**

The following uses and their accessory structures may be permitted in the NC zone when authorized by the Planning Commission pursuant to this chapter.

- A. Church / Religious Institution.
- B. Governmental structure or use, including a fire station, library or museum.
- C. School: nursery, elementary, junior high, senior high, college or university.
- D. Geriatric care or assisted living facility.

~~H. Community service facility. Mixed Use. (In this case, mixed use is defined as a development in which a site or building provides more than one type of use, such as commercial, residential, or institutional.)~~

~~E.I. Neighborhood commercial uses.~~

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**16.45.020 Standards and Off Street Parking Requirements**

Development within the NC District shall comply with the standards for lot size and dimensional requirements, lot coverage, building height and setbacks as contained within Table NC-1: Development Standards, or as modified and approved during the Master Plan process.

Development within the NC District shall provide off street vehicular and bicycle parking as addressed in table NC-2: Off Street Parking Requirements, or as modified and approved during the Master Plan process.

**16.45.030 Standards and Requirements for Master Plans**

The following standards and requirements shall govern the application for master plan approval within the NC zone:

- A. The land uses in a master plan shall be those identified on the corresponding Density/Land Use Plan for each of the expansion areas. Flexibility in arrangement of uses and densities is permitted provided that the overall master plan is in substantial compliance with the area totals and density ranges as identified in Chapter 15 of the Comprehensive Plan.
- B. A master plan application must address the entirety of each expansion area individually or may combine the two.
- C. Neighborhoods shall have defined centers which include public spaces such as a plaza, park, school, or community square.
- D. Residential uses are encouraged to be designed so that garage doors and driveways face rear alleys where practicable to diminish conflicts with sidewalks along the public streets.
- E. Commercial buildings shall be designed to front on pedestrian-friendly streets rather than parking lots or arterial roadways.

**16.45.040 Procedure**

The following procedure shall be observed when a Master Plan proposal is submitted for consideration:

- A. The applicant shall submit 1 copy of a master plan application and ~~20 copies of an~~ electronic copy in .pdf format for all exhibits to the City for study at least 45 days prior to the scheduled public hearing. The master plan submittal shall include the following information in graphic and written form:
  - 1. Proposed land uses and housing unit densities.

2. Tables detailing the dimensional, area, and setback requirements for each of the proposed use categories.
  3. Proposed access and circulation.
  4. Proposed open space uses.
  5. Preliminary grading and drainage pattern.
  6. Preliminary utility plan for sanitary sewer and water.
  7. Relation of the proposed master plan to the surrounding area and the Comprehensive Plan.
  8. Phasing schedule identifying anticipated sequence and timing of each phase or phases.
- B. Public notice of the proposed Master Plan shall be provided in accordance with the public notice provision of this chapter.
- C. In considering the Master Plan, the Commission shall determine whether:
1. The minimum residential density of the north and east non-exception expansion areas shall be ~~8.4 units per net acre~~ consistent with the Comprehensive Plan. ~~If an applicant is seeking Master Plan approval for a single expansion area, the applicant must demonstrate that the single Master Plan achieves a minimum 8.4 residential units per net acre.~~
  2. The distribution of land uses and their associated acreage for each expansion area is consistent with Chapter 15 of the Comprehensive Plan.
  3. The proposed circulation system (including proposed street sections) is adequate to support the anticipated traffic and the development will not overload the streets outside the boundaries of the Master Plan.
  4. 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 Section 16.145.040 (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. 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
- E. Applications for individual phases within the Master Plan may be applied for concurrently with or subsequent to Master Plan approval. Applications for

individual phases within the Master Plan shall be reviewed under the provisions and requirements of this chapter.

F. In the process of reviewing applications for individual phases within an approved Master Plan, the Commission may approve the refinements to the Master Plan. Refinements to the Master Plan are defined as:

1. Changes to the street network or functional classification of streets that do not significantly reduce circulation system function or connectivity for vehicles, bicycles or pedestrians.
2. Changes to the nature or location of park type, trails, or open space that do not significantly reduce function, livability, usability, connectivity, or overall distribution or availability of these uses in the Master Plan area.
3. Changes to the location or mix of land uses that do not significantly alter the overall distribution or availability of uses in the Master Plan area.

G. Refinements meeting the above definition may be approved by the Commission upon finding that:

1. The refinement(s) will equally or better meet the conditions of the approved Master Plan.
2. The refinement will not preclude an adjoining phase from development consistent with the approved Master Plan.

Significant changes to an approved Master Plan shall be submitted to the Planning Commission for processing as an amendment to an approved Master Plan. Significant changes would be defined as any change not covered by Subsection F (1-3) above.

**TABLE NC-1: DEVELOPMENT STANDARDS**

<b>Building Type</b>	Min. Lot Size (sq. ft.)	Min. Lot Width (feet)	Min. Lot Depth (feet)	Max. Lot Coverage (percent)	Max. Building Height (feet)	Min. Front Setback Front / Alley Loaded	Min. Rear Setback Front / Alley Loaded	Min. Side Setback	Min. Street Side Setback
Single Family – small lot	<del>2,540</del> 00	30	70	<del>75</del> 65	35	12 / 10	5 / 0	0	7
Single Family – med. lot	<del>4,200</del> 50	45	85	65	35	15 / 12	15 / 0	0	7
Single Family – large lot	6,500	55	90	<del>55</del> 65	35	15 / 12	<del>15</del> -10 / 0	5	10
Duplexes (includes ancillary units)	4,000	45	85	65	35	12 / 10	10 / 0	4	7
Townhomes	N/A	15	50	80	45	12 / 10	none	none	7
Multifamily/Apartments	5,000	50	85	50	45	15 / 12	10 / 0	5	10
<del>Mixed Use Buildings</del>	<del>6,000</del>	<del>55</del>	<del>85</del>	<del>50</del>	<del>45</del>	<del>none</del>	<del>none</del>	<del>none</del>	<del>none</del>
<del>Commercial/Institutional</del>	<del>7,000</del>	<del>60</del>	<del>85</del>	<del>50</del>	<del>45</del>	<del>none</del>	<del>none</del>	<del>none</del>	<del>none</del>

Notes:

- 1 The garage setback from an alley shall be between 3 and 5 feet, or if providing an off-street parking space between the garage and alley the garage must be setback from the alley a minimum of 20 feet.
- 2 Street-loaded garages shall have a minimum 20-foot setback to the face of garage and the garage face must be set back a minimum of 5 feet from nearest front façade, front porch or stoop. In no cases shall the garage face extend beyond the front façade of the residential structure.
- 3 Porches, stoops, decks, balconies, and other similar building projections may extend 4 feet beyond a front setback.
- 4 Commercial/institutional/mixed use structures adjacent to a residential use shall have a minimum setback of 10 feet along the adjoining yard.
- 5 Lot sizes, widths and/or depths may be reduced to 90% of the standard provided the overall lot average meets the corresponding lot size requirement.

TABLE NC-2: OFF STREET PARKING REQUIREMENTS

<b>Permitted or Conditional Uses</b>	<b>Min. Vehicle Spaces</b>	<b>Min. Bike Spaces</b>
Single Family Detached Dwellings	2.0 / dwelling	none
Duplex *	2.0 / dwelling	none
Townhome	1.0 / 1 bedroom 1.5 / 2 bedroom 2.0 / 3 bedroom	none
Multifamily/Apartment	1.0 / 1 bedroom 1.5 / 2 bedroom 2.0 / 3 bedroom	1 per 10 units minimum of <del>2</del> 4
<b>Commercial Uses</b>		
Convenience store	3 / 1000 square feet	1 per 5000 s.f. minimum of <del>2</del> 4
Restaurant / Pub	3 / 1000 square feet	1 per 5000 s.f. minimum of <del>2</del> 4
Child Day Care	0.2 per student/staff	<del>None</del> minimum 4
Medical / Dental	3 / 1000 square feet	1 per 10000 s.f. minimum of <del>2</del> 4
All other commercial uses	3 / 1000 square feet	1 per 10000 s.f. minimum of <del>2</del> 4
<b>Conditional Uses</b>		
Church / Religious Institution	.25 per seat	1 per 2000 s.f. minimum of <del>2</del> 4
Elementary or Middle Schools	1 per classroom plus 1 per administrative employee, or 1 per 4 seats or 8 feet of bench length in the auditorium whichever is greater	6 per classroom
High School	.20 per student and staff member	4 per classroom
Government structure or use, including fire station, library or museum	3 / 1000 square feet	1 per 2000 s.f. minimum of 4
All other Conditional Uses	3 / 1000 square feet	1 per 10000 s.f. minimum of <del>2</del> 4

\* Ancillary dwelling units require 1 off-street parking space

Subject: Eggiman Zone Change  
From: Heather Austin, AICP, Consulting Land Use Planner

City Staff Report  
May 6, 2015

City File: #15-002

Application Purpose: An application for approval of a comprehensive plan map and zone change

Public Hearing Date: May 13, 2015

Applicant: **Mike Eggiman**  
North Plains Center, LLC  
22865 NW Yungen Road  
Hillsboro, OR 97124

Applicant's Representative: **Westlake Consultants, Inc.**  
15115 SW Sequoia Parkway, Suite 150  
Tigard, OR 97224  
Contact: Ken Sandblast, AICP

Site Location: Eastside of Glencoe Road between NW Kaybern St. and NW Pacific St.

TaxLot: 1N31DD002300

Size: 4.67 acres

City Land Use Classification: COMM (Commercial)

Application Deemed Complete: April 9, 2015  
120-Day Deadline: August 7, 2015

#### EXHIBITS

1. Applicant's application packet, dated March 11, 2015 and April 8, 2015

#### REQUEST

The applicant requests approval of the following:

- Comprehensive Plan Map Amendment
- Zoning Code Map Amendment

This request is subject to a Type IV process for quasi-judicial review by the Planning Commission. The proposal includes a comprehensive plan map amendment from Commercial to High-Density Residential and a zoning code map amendment from COMM to R-2.5.

#### SUMMARY CONCLUSIONS

This report includes findings regarding each applicable Comprehensive Plan and Zoning Code criterion. The proposal is generally consistent with the Comprehensive Plan and Zoning Code criteria for a Comprehensive Plan Map Amendment and a Zoning Code Map Amendment.

#### SITE DESCRIPTION

The property is located on the eastside of Glencoe Road between NW Kaybern Street and NW Pacific Street. The project site is 4.67 acres and is identified as Tax Lot 2300 on Map 1N31DD. The site is located within the City of North Plains and is zoned COMM for commercial development. A lot line adjustment was approved in July 2014 reconfiguring the lot lines of all properties owned by Mike Eggiman, the applicant for this zone change, and creating a single parcel that is the subject of this application.

The site is currently vacant of buildings but contains a stormwater pond treatment and detention facility located in the southeast corner of the site adjacent to the NW Pacific Street right-of-way. The stormwater facility was constructed as part of the Glencoe Road interchange improvements and is sized as a regional facility to include all runoff from future development of the subject site.

#### Compliance with City of North Plains Municipal Code

#### **16.200 COMPREHENSIVE PLAN & ZONING AMENDMENTS**

## 16.200.015 Review Criteria

### B. Map Amendment

An amendment to the Comprehensive Plan Map or Official Zoning Map may be authorized, provided that the proposal satisfies all applicable requirements of this Ordinance, and provided that the applicant demonstrates the following:

1. That the proposed amendment is consistent with the goals and policies of the Comprehensive Plan;

**Finding:** *The applicable goals and policies of the comprehensive plan are found in the following sections:*

15.02.010- Citizen Involvement  
15.02.020- Land Use Planning  
15.02.070- Economics  
15.02.080- Housing  
15.02.050- Areas Subject to Natural Disasters and Hazards  
15.02.090- Public Facilities and Services  
15.02.100- Schools Policy

*Each of the applicable comprehensive plan sections are addressed below.*

#### 15.02.010 Citizen Involvement

##### 15.02.014 Statewide Planning Goal 1

To develop a Citizen Involvement Program that insures the opportunity for citizens to be involved in all phases of the planning process.

**Finding:** *The City of North Plains has designated the Planning Commission as the Committee for Citizen Involvement. The City will conduct two public hearings for this amendment application; the first before the Planning Commission, who will then make a recommendation to the City Council for the second hearing before the City Council. The proposed application does not impact the City's compliance with Goal 1.*

#### 15.02.020 Land Use Planning

To insure an adequate supply of land for residential, commercial and industrial development purposes as well as land for uses related that provide for a complete community such as open space, institutional, public/private facility, community service, historic uses, the following categories have been developed for use in the comprehensive plan map, which will provide the basis for the City's zoning map. These categories are defined as follows:\*\*\*

**Residential:** The City's goal is to achieve a mix of low density (40%), medium density (40%), and high density (20%) residential use providing an average density of 8.4 units per acre.\*\*\*

**Commercial:** Encourages development of commercial uses supportive of the surrounding community. Placement of the commercial uses should encourage pedestrian and bicycle access to these areas.

**Finding:** *On the subject site, the adopted Comprehensive Plan currently designates 1.75 acres of the 4.67 acres as High Density Residential (HDR) and the remaining 2.92 acres as*

*Commercial. The proposal requests a map amendment to designate the 2.92 Commercial acres as High Density Residential, allowing the entire parcel to be designated as one land use designation.*

*The current North Plains Zoning Map has the entire subject site zoned Commercial (“COMM”), which for the 1.75 acres designated HDR in the Comprehensive Plan Map is an inconsistent zoning district. Thus, concurrent with the proposed comprehensive plan map amendment, this application requests a zoning code map amendment for the entire subject site to R-2.5 for consistency with existing and proposed HDR Comprehensive Plan designation.*

*The North Plains buildable land inventory has been reviewed and compiled into draft form through the City’s ongoing Comprehensive Plan update effort. Based upon a review of this information, the proposed Comprehensive Plan change of 2.92 acres from commercial to high density residential will not have a significant impact on the overall supply of either commercial or high-density residential land within the City.*

*At the policy level, the Plan update effort is indicating a desire by the North Plains community to have larger residential lot sizes in the R-2.5 zone. Exhibit H included with the application is a conceptual future development plan for the subject site demonstrating how this property can be divided into lot sizes averaging 4,000+ square feet with approval of this application, consistent with the Community’s vision for the R-2.5 zone.*

*The proposal has demonstrated compliance with this section.*

**15.02.070 Economics**

**15.02.074 Statewide Planning Goal 9**

**To diversify and improve the economy of the state.**

**15.02.075 City Objectives and policies**

**1. Objective: To increase local job opportunities.**

**2. Objective: Diverse businesses and industries should be encouraged to locate in North Plains.**

**Finding:** *The applicant’s submitted narrative states,*

*After a thorough review of the North Plains Economic Opportunities Analysis and Long Term Urban Land Needs Assessment July 2009 (“EOAA”), as well as a review of pending policies in Section 15.02.070 through the ongoing Envision North Plains Future citywide planning effort, the applicant notes the following qualitative site requirements from the EOAA for commercial retail development pattern types that are applicable to this proposed Comprehensive Plan Map Amendment and Zone Change from Commercial to R-2.5:*

*□ Commercial lands are free from environmental constraints such as slopes, floodplains*

*The subject site has areas of slopes in excess of 15% slope and an overall average of close to 10%. There is also an area of the site lying within the floodplain in the southeast corner. Both of these are environmental constraints for commercial lands.*

*□ High visibility from major arterials*

*The subject site is area that is topographically separated from Glencoe Road, a major arterial. There is not high visibility of the subject site from a major arterial.*

▫ *Site size for Retail Trade Type of Commercial Retail “Neighborhood Shopping Centers” is 3-10 acre*

*The subject site is owned by the applicant Mike Eggiman as is the 4.5 acres of land adjacent to the west and fronting on Glencoe Road and this will remain designated and zoned Commercial. In satisfaction of this factor, approval of this application retains total acreage of between 3-10 acres available for neighborhood shopping center commercial retail.*

*Thus, approval of this application satisfies all three of the above site requirements by removing commercially designated land that has poor visibility from a major arterial and is environmentally constraint while at the same time retaining 4.7 acres of the applicant’s property for a future neighborhood shopping center type commercial development.*

*The applicant has demonstrated that the subject site is not an ideal commercial property due to slope, floodplain and visibility, all factors identified in the City’s Economic Opportunities Analysis (EOA). In addition, the applicant has identified that the pieces of property under the same ownership that do meet the EOA criteria for a commercial site will be retained in commercial zoning. The portion of the property along Glencoe Road and less steeply sloped with no floodplain and greater than 3 acres in size will remain in commercial zoning. Any development on the remaining commercial portion of this site will retain the potential to serve existing residents of North Plains, as well as the future residents of the area proposed for the zone change to R-2.5 zoning. The proposed amendment is consistent with this section.*

#### **15.02.080 Housing**

#### **15.02.084 Statewide Planning Goal 10**

**To provide for the housing needs of citizens of the state.**

#### **15.02.085 City Objectives and Policies**

- 1. Objective: Future residential development should provide a variety of housing choices for North Plains’ citizens in a manner that is consistent with the City’s livability objectives.**
- 2. OBJECTIVE: To cooperate with the Federal, State and regional agencies to help provide for housing rehabilitation assistance to residents.**
- 3. OBJECTIVE: To evaluate proposals for new housing in terms of the impact of additional numbers of people on the natural environment, community services, utility support systems, and projected housing space needs.**

**Finding:** *The proposal is to amend the Comprehensive Plan Map and Zoning Code Map from commercial to high density residential (R-2.5 for zoning). The applicant has been notified of the City’s current zoning code amendment changing the minimum lot size in the R-2.5 zone from 2,500 square feet to 4,000 square feet and has submitted a conceptual subdivision layout reflecting this lot size. The increase in R-2.5 zoning proposed by this amendment is consistent with the Housing standard of the Comprehensive Plan.*

#### **15.02.050 Areas Subject to Natural Disasters and Hazards**

**Steep slopes pose no significant hazard to development within the City of North Plains. However, there is a potential threat to life and property due to the following:**

15.02.051 Flooding  
15.02.042 Soil Limitations

**Finding:** *The area of the property developed with the surface stormwater treatment and detention facility is located below the FEMA floodplain elevation of 168 ft. and, therefore, is within the designated floodplain. However, because this area is already a stormwater facility, future development within the floodplain will not be possible. No soil limitations have been identified on this site. The proposal is in compliance with this section.*

15.02.090 Public Facilities and Services

The City of North Plains adopted the “Water System Master Plan”, April 1980, and the “Sanitary Sewer Collection System”, January, 1978. More recently, the City adopted an updated Water Master Plan on September 23, 1999. The two documents are the specific development and policy documents for the provision of water and sanitary sewer.

15.02.094 Statewide Planning Goal 11

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban development consistent with the City’s livability objectives.

**Finding:** *There are existing sanitary and water lines in the public right-of-way and public utility easements adjacent to the subject site. There is an existing surface stormwater treatment and detention facility located in the southeast corner of the subject site that is sized to include all development on this property. Services exist or can be constructed to support development of this site in a timely, orderly and efficient manner. The proposal meets the requirements of this section.*

15.02.100 Schools Policy

- (1) The City shall coordinate with the Hillsboro School District to project all school land needs and to determine the location of future school sites.
- (2) The City will determine if park lands shall adjoin school lands.
- (3) The City will assure that school lands are accessible to all neighborhoods via efficient and safe linkages. The City defines efficient and safe linkages for school children as those linkages, such as pathways and sidewalks, which are designed for pedestrian and bicycle riding opportunities for school children, to enable them to make their way to and from school in a safe manner with a minimal amount of traffic conflicts.
- (4) The City shall encourage the Hillsboro School District to establish and maintain all school facilities within the City and UGB and to site new schools only in a manner that is consistent with the City’s livability objectives.

**Finding:** *The City notifies the Hillsboro School District of all land use applications. The Hillsboro School District has not identified this site as a potential school site. Adequate pedestrian and bicycle connections to this residential development will be conditioned at time of land use review for the subdivision. The proposed map amendment is consistent with the Schools Policy of the Comprehensive Plan.*

2. The purpose statement of the proposed zone can be met and the uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity. Allowed uses in the proposed zone can

be established in compliance with the development requirements of the Code;

**Finding:** *Permitted uses in the R-2.5 zone include single-family detached, single-family attached, duplexes, triplexes, townhomes and multi-family dwellings. Exhibit H is a conceptual future subdivision plan for the subject site. The submitted concept plan demonstrates that single-family dwellings, a permitted use in the proposed zone, can be established in compliance with applicable development requirements for subdividing land in the R-2.5 zone.*

3. That the proposed amendment is timely, considering the pattern of development in the area, surrounding land uses, any changes which may have occurred in the neighborhood or community to warrant the proposed amendment, and the availability of utilities and services to serve the proposed uses or other potential uses in the proposed zoning district; and

**Finding:** *The subject site is adjacent to High Density Residential zoning to the north, south and west and to Commercial zoning to the east (along Glencoe Road). The proposed pattern of development with commercial along Glencoe Road and residential set behind the commercial development is consistent with development in the area, surrounding land uses, changes (R-2.5 development) that have recently occurred in the neighborhood and community and available utilities and services. This proposal is timely and appropriate for this site.*

4. That the amendment conforms to the Transportation Planning Rule provisions under this Chapter 16.200.015 subsection 5.

**16.200.015.A Subsection 5**

5. Amendments that affect Transportation Plans. Except as provided in subsection 6 Exceptions, amendments to the Comprehensive Plan or land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity and level or service of the facility identified in the North Plains TSP. This shall be accomplished by one of the following:

A. Adopting measures that demonstrate that allowed land uses are consistent with the planned function of the transportation facility; or

B. Amending the North Plains TSP or Comprehensive Plan to provide transportation facilities, improvements, or services adequate to support the proposed land uses; such amendments shall include a funding plan to ensure the facility, improvement, or service will be provided by the end of the planning period; or

C. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation; or

D. Amending the planned function, capacity or performance standards of the transportation facility; or

E. Providing other measures as a condition of development or through a development agreement or similar funding method, specifying when such measures will be provided.

**Finding:** *The proposed comprehensive plan map amendment is from a commercial designation to a residential designation and, as such, a reduction in the number of vehicle trips to the site is anticipated. This proposed map amendment will not*

*significantly affect a transportation facility and, therefore, consistency with the adopted TSP will be maintained throughout future development of the site. At the time the applicant submits a subdivision application for the property, a traffic impact assessment will be required demonstrating further compliance with the City's TSP. The proposal complies with the Transportation Planning Rule provisions.*

#### **16.200.020 Findings**

Findings justifying a decision on an application shall be made in writing, and shall be provided to the applicant.

**Finding:** *Written findings have been provided for each of the applicable Comprehensive Plan and Zoning Code section in this staff report.*

#### **16.200.025 Conditions**

The granting of an approval of any land use action under Chapter 16.200 may be subject to such conditions as are reasonably necessary to protect the public health, safety or general welfare from potentially damaging effects resulting from approval of the permit, or to fulfill the public need for service demands created by approval of the request.

**Finding:** *Conditions are included at the end of this report, as necessary.*

### **16.170 APPLICATION REQUIREMENTS AND REVIEW PROCEDURES**

#### **Administrative, Limited Land Use, Quasi-Judicial & Legislative Decisions**

##### **16.170.000 General Provisions**

##### **D. Type IV Legislative and Other Decisions made by both the Planning Commission and City Council**

- 1. Appeal from Planning Commission**
- 2. Annexation**
- 3. Comprehensive Plan Map or Text Amendment**
- 4. Zoning Code Map or Text Amendment**

**Finding:** *This application is classified as Type IV because it includes a comprehensive plan map amendment and a zoning code map amendment.*

##### **16.170.001 Pre-application Conference**

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

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

application is deemed complete.

**Finding:** *A pre-application conference was held with the City prior to submittal of this land use application.*

#### **16.170.002 Neighborhood Meeting**

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

**Finding:** *The applicant held a neighborhood meeting regarding this proposal on February 18, 2015 and, as such, this standard is met.*

#### **16.170.003 Traffic Impact Study**

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

- A. When a Traffic Impact Study is required. The City or other road authority with jurisdiction may require a Traffic Impact Study (TIS) as part of an application for development, a change in use, or a change in access. A TIS shall be required when a land use application involves one or more of the following actions:
  - 1. A change in zoning or a plan amendment designation;
  - 2. Any proposed development of land use action that a road authority states may have operational or safety concerns along its facility;
  - 3. An increase in site traffic volume generation by 300 Average Daily Trips (ADT) or more; or
  - 4. An increase in site traffic volume of a particular movement to and from the State Highway by 20 percent or more; or\
  - 5. An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or
  - 6. The location of the access driveway does not meet minimum sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the State Highway, creating a safety hazard; or
  - 7. A change in internal traffic patterns that may cause safety problems, such as back up onto a street or greater potential for traffic accidents.
  
- B. Traffic Impact Study Preparation. A Traffic Impact Study shall be prepared by a professional engineer in accordance with the requirements of the road authority. If the road authority is the Oregon Department of Transportation

(ODOT), consult ODOT's regional development review planner and OAR 734-051-180.

**Finding:** *This submittal does not include a traffic impact study as there is no proposed development at this time. At the time that the applicant submits a development application for a subdivision of the residentially zoned property, a traffic impact study will be required as applicable.*

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

**Finding:** *The applicant will be required to meet all City and County street standards for construction and dedication at time of land use application for a development on the subject site.*

#### 16.170.013 Type IV Legislative Decisions

- A. Pre-application Conference. A pre-application conference is required for all Type IV legislative applications initiated by a party other than the City of North Plains. The City Manager may waive this requirement.

**Finding:** *As previously described, a pre-application conference was held with the City of North Plains in compliance with Section 16.170.001.*

- B. Timing of Requests. The City accepts legislative requests at any time. The City Council may initiate its own legislative proposals at any time.

**Finding:** *The timing of submittal of the legislative request is appropriate.*

- C. Application Requirements.
1. Application forms. A legislative application shall be made on forms provided by the City.
  2. Submittal Information. The application shall contain:
    - a. The information requested on the application form;
    - b. A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);
    - c. The required fee pursuant to Chapter 16.00.070; and
    - d. One copy of a letter or narrative statement that explains how the application satisfies all of the relevant approval criteria and standards.

**Finding:** *The applicant has met the requirements of 16.170.020 and was deemed to have submitted a complete application on April 9, 2015.*

#### **CONCLUSION**

The Planning Commission is considering a recommendation to the City Council of the proposed comprehensive plan map amendment and zoning code map amendment. The Planning Commission may recommend that the City Council approve, approve with Conditions or Deny the requested amendments.

# **Mike Eggiman**

## **Comprehensive Plan Map & Zone Change**

---

**Glencoe Rd. between Kaybern St. & Pacific St.**

**March 11, 2015**

**Mike Eggiman**  
**Comprehensive Plan Map Amendment & Zone Change**  
**Commercial to R-2.5**

*Prepared for:*

**Mike Eggiman**

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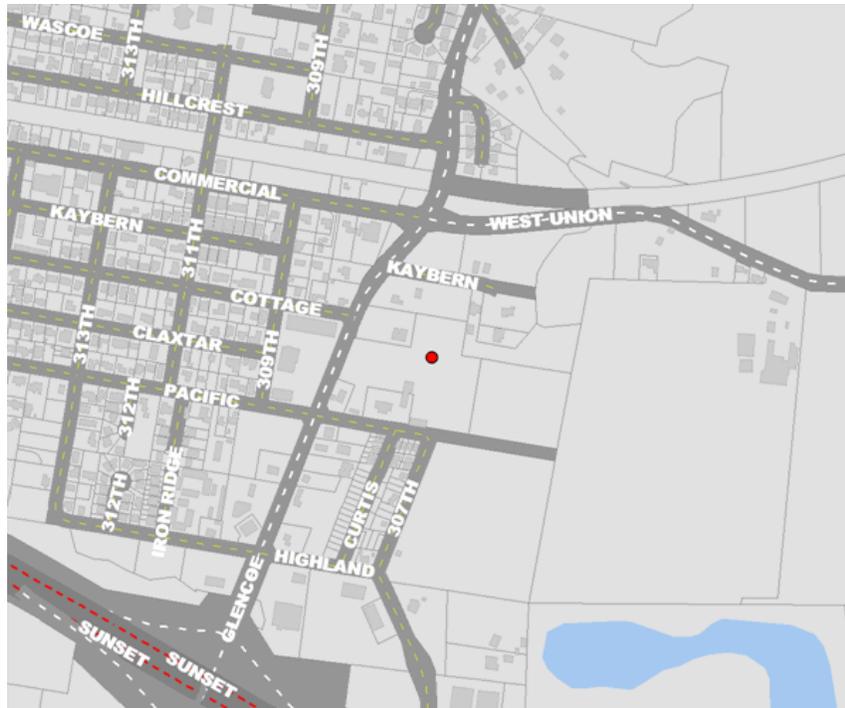
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# Application Description

## Proposal

This application requests approval for a Comprehensive Plan Map Amendment from Commercial to High-Density Residential and concurrent Zone Change from COMM to R-2.5. Exhibit D is the existing North Plains Comprehensive Plan Map for the subject site. Exhibit E is the existing North Plains Zoning Map for the subject site. Exhibit F is a map depicting the area proposed for rezoning upon the subject site.



**Figure 1 - Site Vicinity Map**

## Existing Conditions

The subject site property is located on the east side of Glencoe Road between NW Kaybern Street and NW Pacific Street, totals approximately 4.67 acres in size and is owned by Mr. Mike Eggiman, the applicant. Exhibit B is Washington County Tax Assessor Map 1N-3-1DD for the Subject Site.

A property line adjustment application was approved by North Plains in July 2014 reconfiguring the existing property lines for all property owned by Mr. Eggiman and creating a single parcel, Tax Lot 2300, that is subject of this application. Exhibit G depicts the approved property line adjustment. Mr. Eggiman is the owner of adjacent parcels to the west (Tax Lots 100, 101 and 2200) which are currently zoned Commercial and are not a part of this application.

The subject site is currently vacant. The only existing improvement is a stormwater pond treatment and detention facility located in the southeast corner of the subject site adjacent to the NW Pacific Street

public right-of-way. This facility was constructed as part of the Glencoe Road interchange improvements and is sized to serve future development of all of Mr. Eggiman's property.

The existing topography slopes predominantly from the west boundary to east boundary of the property. McKay Creek meanders through adjacent property to the east and at a curve, the creek bank is approximately 100 ft. east. A review of FEMA Floodplain information finds the only area of the subject site located within the 100-year floodplain is a small triangular shaped area entirely located within the existing surface water facility located at the southeast corner of the subject site.

Exhibit C is an aerial map of the subject site and the surrounding adjacent area. Existing development to the south across NW Pacific St. are single-family residences zoned and developing at R-2.5 density, adjacent to the east and north across NW Kaybern are larger residential parcels due to McKay Creek meandering through them, which are zoned currently R-2.5 and contain detached single-family residence and associated outbuildings.

## Public Facilities

- **Sanitary Sewer:** There is an existing 8" Clean Water Services public sanitary line in NW Pacific Street adjacent to the south property line of the subject site. There is also an existing 10" CWS public line located within an existing easement on adjacent property to the east. Both of these lines have been sized and planned to serve development on the subject site.
- **Water Service:** City of North Plains currently has an 12-inch public water main in the NW Pacific Street right-of-way that is adequate to serve future development on the subject site at its proposed rezone to R-2.5.
- **Stormwater Management:** There is an existing stormwater detention and treatment facility located on the subject site at the southeast corner adjacent to NW Pacific Street right-of-way. This facility was designed and constructed as part of the Glencoe Road interchange improvements and has been sized to accommodate development of all property owned by Mike Eggiman, including the 4.67 acre subject site being proposed by this application for rezoning from Commercial to R-2.5.
- **Streets:** NW Pacific Street is an existing 60-foot wide, public right-of-way adjacent to the south of the subject site and NW Kaybern Street is an existing 60-foot wide, public right-of-way adjacent to the north of the subject site. Both of these rights-of-ways are available and adequate to serve future development of the subject site at proposed R-2.5 zoning. Given this application involves rezoning the subject site and no site development is proposed, any needed street improvements will be reviewed by the City of North Plains through a separate land use application process in the future, if and when, site development is proposed.

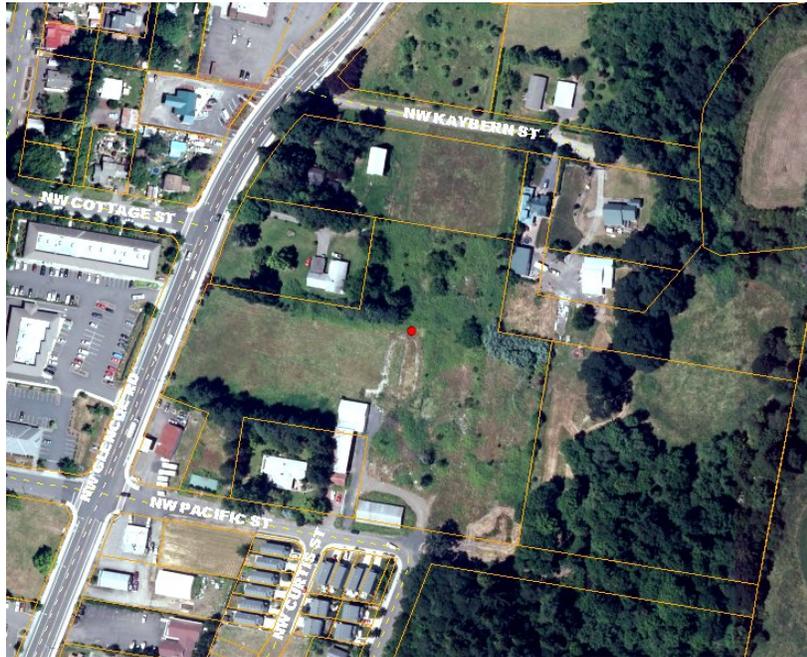


Figure 2 – Aerial Photograph

## North Plains Municipal Code Approval Standards & Criteria

### Applicant Narrative

The North Plains Municipal Code Chapters and sections applicable to this Comprehensive Plan Map Amendment and Zone Change application include:

North Plains Municipal Code

- Chapter 16.200
- Chapter 15.02

The specific applicable sections from these Chapters and associated applicant responses demonstrating compliance with each are as follows:

#### *Chapter 16.200 Comprehensive Plan & Zoning Amendments*

##### *16.200.000 Purpose and Scope*

##### *B. Quasi-Judicial Amendments*

*Quasi-judicial amendments may only be made for the application of established policy to specific properties in the City. Quasi-judicial amendments may be initiated by the property owner or owners, a contract purchaser or an agent authorized by the property owner or owners; by the Planning Commission; or, by the City Council. All quasi-judicial amendments shall be subject to the public notice requirements and public hearing requirements of the Application Review section of this chapter.*

### **Applicant Response:**

In satisfaction of this section, this application is initiated by the property owner, Mike Eggiman, and involves specific property located within the North Plains city limits. Applicable public notice and hearing requirements will be satisfied through the formal North Plains land use application review and decision making process required by City code.

*16.200.010 Application and Fee*

*An application for an amendment shall be filed with the City and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this section.*

**Applicant Response:**

Exhibit A is completed and signed City of North Plains land use application form and applicable fees are being paid at the time of this application submittal to the City Planning Department. The applicable review criteria are addressed herein by this applicant's narrative responses.

*16.200.015 Review Criteria*

*B. Map Amendment*

*An amendment to the Comprehensive Plan Map or Official Zoning Map may be authorized, provided that the proposal satisfies all applicable requirements of this Ordinance, and provided that the applicant demonstrates the following:*

**Applicant Response:**

The applicable requirements for a comprehensive plan map amendment from Commercial to High Density Residential and associated zone change from COMM to R-2.5 are addressed herein and will be confirmed through City Staff review and public hearing decisions on this application.

*1. That the proposed amendment is consistent with the goals and policies of the Comprehensive Plan;*

**Applicant Response:**

The North Plains Comprehensive Plan is acknowledged by the Oregon Department of Land Conservation and Development as in compliance with the Statewide Planning goals. This application proposes a comprehensive plan map amendment from Commercial to High Density Residential and associated zone change from COMM to R-2.5 totaling approximately 4.67 acres of the subject site's total 7.85 acres. Based upon the City pre-application meeting for this application and a review of the North Plains Comprehensive Plan, the following goals and policies are found to be applicable:

*Municipal Code Sections:*

*15.02.010 Citizen Involvement*

*15.02.015 City Objectives and Policies*

**Applicant Response:**

As per Section 16.170, this proposal is a Type IV land use application. The public notice requirements, application review process, and separate public hearings before the North Plains Planning Commission and then the North Plains City Council insure this application complies with the goals and policies of this Section 15.02.

*15.02.020 Land Use Planning*

*15.02.025 City Objectives and Policies*

**Applicant Response:**

This application proposes a comprehensive plan map amendment from Commercial to High Density Residential and associated zone change from COMM to R-2.5. The City of North Plains has been working through an update to the community's Comprehensive Plan and is planned to complete adoption of the updated plan later this year. In preparation of this

application, the applicant has reviewed the update work completed to date as well as the currently adopted and effective policies of the existing plan.

For the subject site, the adopted Comprehensive Plan currently designates 1.75 acres of the 4.67 acres as High Density Residential (“HDR”) and the remaining 2.92 acres as Commercial. This application requests a map amendment to designate the 2.92 acres as High Density Residential so the entire site has the same designation. The current North Plains Zoning Map has the entire subject site zoned Commercial (“COMM”), which for the 1.75 acres designated HDR is an inconsistent zoning district. Thus, concurrent with the proposed map amendment, this application requests a zoning map change for the entire subject site to R-2.5 for consistency with existing and proposed HDR Plan designation.

The buildable land inventory has been reviewed and compiled into draft form through the City’s ongoing Comprehensive Plan update effort. Based upon a review of this information, the proposed map amendment changing 2.94 acres from commercial to high density residential will not have a significant impact on the overall supply of either commercial or high-density residential land within the City.

At the policy level, the Plan update effort is indicating a desire by the North Plains community to have larger residential lot sizes in the R-2.5 zone. Exhibit H included with this application is a conceptual future development plan for the subject site demonstrating how this property can be divided into lot sizes averaging 4,000+ square feet with approval of this application.

*15.02.050 Areas Subject to Natural Disasters and Hazards*

*15.02.051 Flooding*

**Applicant Response:**

McKay Creek meanders through property adjacent to the East, coming no closer than approximately 100 feet of the subject site. Federal Emergency Management Agency (FEMA) floodplain maps establish the 100-year floodplain elevation as the 168 ft. elevation in this area of North Plains. As described above, the subject site currently has a surface water treatment and detention facility located in the southeast corner. The only area of the subject site located below the 168 ft. elevation is a small area within the existing stormwater facility, the remainder of the subject site is outside the 100-year floodplain.

*15.02.070 Economics*

*15.02.074 Statewide Planning Goal*

*15.02.075 City Objectives and Policies*

**Applicant Response:**

The majority of the policies in this section are being satisfied by the City of North Plains through its ongoing land use planning and economic development efforts. The applicant, Mike Eggiman, is the longtime owner of the subject site and an adjacent additional 4.77 acres of commercially zoned land. Over the course of time, Mike has worked with commercial developers and coordinated his efforts with City staff as he has worked to develop commercial uses serving North Plains and providing employment opportunities for residents. In satisfaction of the Policy 5, Mike and the City worked jointly to site, design and construct the surface water treatment and detention facility infrastructure constructed as part of the Glencoe Road improvements, the primary entry and commercial service district within North Plains.

- 15.02.080 Housing*
- 15.02.084 Statewide Planning Goal*
- 15.02.085 City Objectives and Policies*

**Applicant Response:**

This application proposes a comprehensive plan map amendment from Commercial to High Density Residential and associated zone change from COMM to R-2.5. The City of North Plains has been working through an update to the community's Comprehensive Plan and is planned to complete adoption of the updated plan later this year. In preparation of this application, the applicant has reviewed the update work completed to date as well as the currently adopted and effective policies of the existing plan.

At the policy level, the Plan update effort is indicating a desire by the North Plains community to have larger residential lot sizes in the R-2.5 zone. Exhibit H included with this application is a conceptual future development plan for the subject site demonstrating how this property can be divided into lot sizes averaging 4,000+ square feet with approval of this application.

- 15.02.090 Public Facilities and Services*
- 15.02.095 City Objectives and Policies*
- 15.02.096 Municipal Water Policy*
- 15.02.097 Sanitary Sewer System Policy*
- 15.02.098 Storm Water Runoff Policy*

**Applicant Response:**

This application proposes a comprehensive plan map amendment from Commercial to High Density Residential and associated zone change from COMM to R-2.5. In preparation of this application, the applicant has met with City staff to discuss existing and planned utility and transportation services in the area surrounding the subject site.

There are existing sanitary and water lines in the public rights-of-way and within public utility easements located adjacent to the subject site with adequate capacity to serve future development of the subject site at the request R-2.5 zoning designation. There is an existing surface water treatment and detention facility located in the southeast corner of the subject site which was designed and constructed with adequate capacity to serve all property owned by the applicant between NW Pacific and NW Kaybern Streets, including the subject site, at its current Commercial zoning designation. This application proposes a zone change to R-2.5 for 4.67 acres of the property and the resulting future development of single family residential lots with associated setbacks and landscaping is a net reduction in the total amount of impervious surface area from future commercial development upon the subject site. Thus, the existing storm facility serving the subject site has adequate capacity to serve the zoning proposed in this application.

- 15.02.100 Schools Policy*

**Applicant Response:**

In satisfaction of the applicable policies, this Hillsboro School District will be noticed and comments requested on this application through the North Plains land use review and approval process.

*16.200.015 Review Criteria*

*B. Map Amendment*

*2. The purpose statement of the proposed zone can be met and the uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity. Allowed uses in the proposed zone can be established in compliance with the development requirements of the Code;*

**Applicant Response:**

This application proposes a zone change to R-2.5. In accordance with provisions of this section, the purpose statement and permitted uses are addressed as follows:

*Chapter 16.30 Zoning District R-2.5*

*16.30.000 Purpose*

*The purpose of the R-2.5 District is to provide for the development of multi-family housing, and to implement the housing policies of the Comprehensive Plan.*

**Applicant Response:**

For the subject site, the adopted Comprehensive Plan currently designates 1.75 acres of the 4.67 acres as High Density Residential (“HDR”) and the remaining 2.92 acres as Commercial. This application requests a map amendment to designate the 2.92 acres as High Density Residential so the entire site has the same designation. The North Plains Zoning Map has the entire subject site zoned Commercial (“COMM”), which for the 1.75 acres designated HDR is an inconsistent zoning district. Thus, concurrent with the proposed map amendment, this application requests a zoning map change for the entire subject site to R-2.5 to both correct the existing inconsistency and to rezone the 2.92 acres consistent with the requested map amendment to HDR.

At the policy level, the currently underway Plan update effort is indicating a desire by the North Plains community to have larger residential lot sizes in the R-2.5 zone. Exhibit H included with this application is a conceptual future development plan for the subject site demonstrating how this property can be divided into lot sizes averaging 4,000+ square feet with approval of this application.

*16.30.005 Permitted Uses*

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

**Applicant Response:**

Permitted uses in the R-2.5 zone include single-family detached, single-family attached, duplexes, triplexes, townhomes and multi-family dwellings. Exhibit H is a conceptual future subdivision plan for the subject site. In satisfaction of Section 16.200.015(B)(2), this concept demonstrates that single-family dwellings, a permitted use in the proposed zone, can be established in compliance with applicable development requirements for subdividing land in the R-2.5 zone.

*16.200.015 Review Criteria*

*B. Map Amendment*

*3. That the proposed amendment is timely, considering the pattern of development in the area, surrounding land uses, any changes which may have occurred in the neighborhood or community to warrant the proposed amendment, and the availability of utilities and services to serve the proposed uses or other potential uses in the proposed zoning district; and*

**Applicant Response:**

Exhibit C is an aerial map of the subject site and the surrounding adjacent area. Existing development to the south across NW Pacific St. are single-family residences zoned and developing at R-2.5 density, adjacent to the east and north across NW Kaybern are larger residential parcels due to McKay Creek meandering through them, which are zoned currently R-2.5 and contain detached single-family residence and associated outbuildings. The R-2.5 zoning proposed by this application is compatible with surrounding existing R-2.5 zoning to the north, south and east while still retaining the existing commercial zoned property owned by the applicant as a viable for future development of commercial services to serve North Plains residents and businesses.

The community is currently completing a Comprehensive Plan update effort which the applicant, Mike Eggiman, continues to participate in given the property he owns on Glencoe Road between NW Pacific and NW Kaybern totals 9.44 acres of land near the Glencoe Road-Hwy 26 interchange primary entrance into North Plains. This application is being submitted by the Mike Eggiman in response to this update effort that has been ongoing and is scheduled to be completed later this year. In addition to detailed inventory data for existing and projected buildable land supply, this planning effort to date is indicating a desire by the North Plains community to have larger residential lot sizes in the R-2.5 zone. In acknowledgement of this policy direction, Exhibit H included with this application is a conceptual future development plan for the subject site demonstrating how this property can be divided into lot sizes averaging 4,000+ square feet with approval of this application

There are existing sanitary and water lines in the public rights-of-way and within public utility easements located adjacent to the subject site which are available and with adequate capacity to serve future development of the subject site at the request R-2.5 zoning designation. There is an existing surface water treatment and detention facility located in the southeast corner of the subject site which was designed and constructed with adequate capacity to serve all property owned by the applicant between NW Pacific and NW Kaybern Streets, including the subject site, at its current Commercial zoning designation. This application proposes a zone change to R-2.5 for 4.67 acres of the property and the resulting future development of single family residential lots with associated setbacks and landscaping is a net reduction in the total amount of impervious surface area from future commercial development upon the subject site. Thus, the existing storm facility serving the subject site has adequate capacity to serve the zoning proposed in this application

Given the existing development pattern surrounding the subject site, the planned adoption of an updated Comprehensive Plan, and the available of services, this application is timely for approval.

*16.200.015 Review Criteria*

*B. Map Amendment*

*4. That the amendment conforms to the Transportation Planning Rule provisions under this Chapter*

*16.200.015 subsection 5.*

*16.200.015.A Subsection 5*

*5. Amendments that affect Transportation Plans. Except as provided in subsection 6 Exceptions, amendments to the Comprehensive Plan or land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity and level or service of the facility identified in the North Plains TSP. This shall be accomplished by one of the following:*

*A. Adopting measures that demonstrate that allowed land uses are consistent with the planned function of the transportation facility; or*

*B. Amending the North Plains TSP or Comprehensive Plan to provide transportation facilities, improvements, or services adequate to support the proposed land uses; such amendments shall include a funding plan to ensure the facility, improvement, or service will be provided by the end of the planning period; or*

*C. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation; or*

*D. Amending the planned function, capacity or performance standards of the transportation facility; or*

*E. Providing other measures as a condition of development or through a development agreement or similar funding method, specifying when such measures will be provided.*

**Applicant Response:**

This application proposes a comprehensive plan map amendment from Commercial to High Density Residential and associated zone change from COMM to R-2.5. More specifically, the Comprehensive Plan Map currently designates 1.75 acres of the 4.67 acre subject site as High Density Residential (“HDR”) and the remaining 2.92 acres as Commercial. This application requests a map amendment to change the Commercial designation to High Density Residential on 2.92 acres of the subject site.

For the Comprehensive Plan Map amendment proposed in this application, the daily vehicular trips generated from allowed land uses on 2.92 acres of Commercial land is greater than the trips generated from the residential land uses allowed in the High Density Residential designation. For the concurrent zone change being requested as part of this application, the zoning is proposed to change on the entire 4.67 acre subject site from Commercial to R-2.5 and the vehicular daily trip reduction is even greater than the map amendment reduction.

Given that approval of the map amendment and zone change proposed through this application will result in a net reduction in the vehicular trips generated by future development on the subject site, there is not a significant affect upon the existing transportation facilities serving the subject site. Future development upon the site at R-2.5 zoning will be subject to review of specific trip generation and transportation facilities impacts through the land use application process at that time, including conditions if determined needed.

*16.200.020 Findings*

*Findings justifying a decision on an application shall be made in writing, and shall be provided to the applicant.*

**Applicant Response:**

This section will be satisfied through the land use application review and decision process required by North Plains Municipal Code applicable to Type IV applications in Section 16.170.

*16.200.025 Conditions*

*The granting of an approval of any land use action under Chapter 16.200 may be subject to such conditions as are reasonably necessary to protect the public health, safety or general welfare from potentially damaging effects resulting from approval of the permit, or to fulfill the public need for service demands created by approval of the request.*

**Applicant Response:**

The applicant acknowledges this section as providing the code basis under which conditions may be imposed upon land use applications by the City of North Plains. Given that this application results in a net reduction in vehicular trips generated by future development upon the subject site and, in addition,

no site development or land division is proposed through this application, conditions are anticipated to be placed upon this application. Instead, conditions are likely to be involved at the time future site development or land dividing of the subject site is proposed and reviewed by the City of North Plains.

## **CONCLUSION**

As proposed, this comprehensive plan amendment and zone change application demonstrates through a combination of the subject site's location, existing and available infrastructure serving the site, the findings in this narrative and submitted supporting information, that all applicable North Plains Municipal Code standards and criteria are met. Therefore, the property owner Mike Eggiman respectfully requests the City of North Plains approve this land use application.

## Exhibit A

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### North Plains Land Use Application Form



# City of North Plains

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

## GENERAL LAND USE APPLICATION

### Applicant General Information

Applicant Name: Mike Eggiman, North Plains Center, LLC.

Mailing Address: 22865 NW Yungen Road  
*Street*  
Hillsboro OR 97124  
*City* *State* *Apartment/Unit #*  
ZIP Code

Email Address: mike@eggiman.com Phone: (503) 523-6723

Property Owner: Mike Eggiman, North Plains Center, LLC.

Mailing Address: 22865 NW Yungen Road  
*Street*  
Hillsboro OR 97124  
*City* *State* *Apartment/Unit #*  
ZIP Code

Email Address: mike@eggiman.com Phone: (503) 523-6723

### Property Description

Address: Vacant - T.L. 2300 Between Kaybern & Pacific  
*Street*  
North Plains OR  
*City* *State* *Apartment/Unit #*  
ZIP Code

Tax Lot ID: IN-3-IDD T.L. 2300 Existing Zoning: COMM

Property Area: 4.67 Ac. Existing Land Use: Vacant

General Development Description: Comprehensive Plan Map Amendment from Commercial to High Density Residential and zone change from COMM to R-2.5

### Fees

Land Use Process	Fee	Land Use Process	Fee
<input type="checkbox"/> Annexation	\$10,000 deposit*	<input type="checkbox"/> Non-Conforming Use	\$265
<input type="checkbox"/> Appeal	\$315	<input type="checkbox"/> Subdivision	\$2,880
<input type="checkbox"/> Comp Plan Amendment, Text	\$8,000	<input type="checkbox"/> Manu Home Park	\$4,000
<input checked="" type="checkbox"/> Comp Plan Amendment, Map	\$5,000	<input type="checkbox"/> Modification – Minor	\$150
<input type="checkbox"/> Conditional Use, Residential	\$395	<input type="checkbox"/> Modification – Major	\$2,125
<input type="checkbox"/> Conditional Use, Ind. & Comm.	\$745	<input type="checkbox"/> SNR Permit	\$1,640
<input type="checkbox"/> Design Review Type II	\$185	<input type="checkbox"/> Similar Use	\$615
<input type="checkbox"/> Design Review Type III	\$890	<input type="checkbox"/> Street Vacation	\$1,675
<input type="checkbox"/> Floodplain Permit	\$1,925	<input type="checkbox"/> UGB Expansion	\$28,000
<input type="checkbox"/> Partition, with street dedication	\$640	<input type="checkbox"/> Variance, Administrative	\$145
<input type="checkbox"/> Partition, no street dedication	\$400	<input type="checkbox"/> Variance, PC Hearing	\$1,115
<input type="checkbox"/> Lot Line Adjustment	\$275	<input type="checkbox"/> Zoning Code Amendment	\$2,825
<input type="checkbox"/> Other:			

\* plus \$9,000 election deposit

**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 access ways/driveways
  - Location, number, dimensions, setbacks, and types of existing and proposed utilities, including water, sewer, storm water, 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 and 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.

After initial review, the City may require additional information.

**Additional Information**

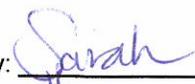
In order to expedite and complete the processing of this application, the City of North Plains requires that all pertinent material required for review of this application be submitted at the time application is made. If the application is found to be incomplete, review and processing of the application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

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

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

Date: 3/10/2015 Signature of Applicant: 

Date: 3/10/2015 Signature of Property Owner: 

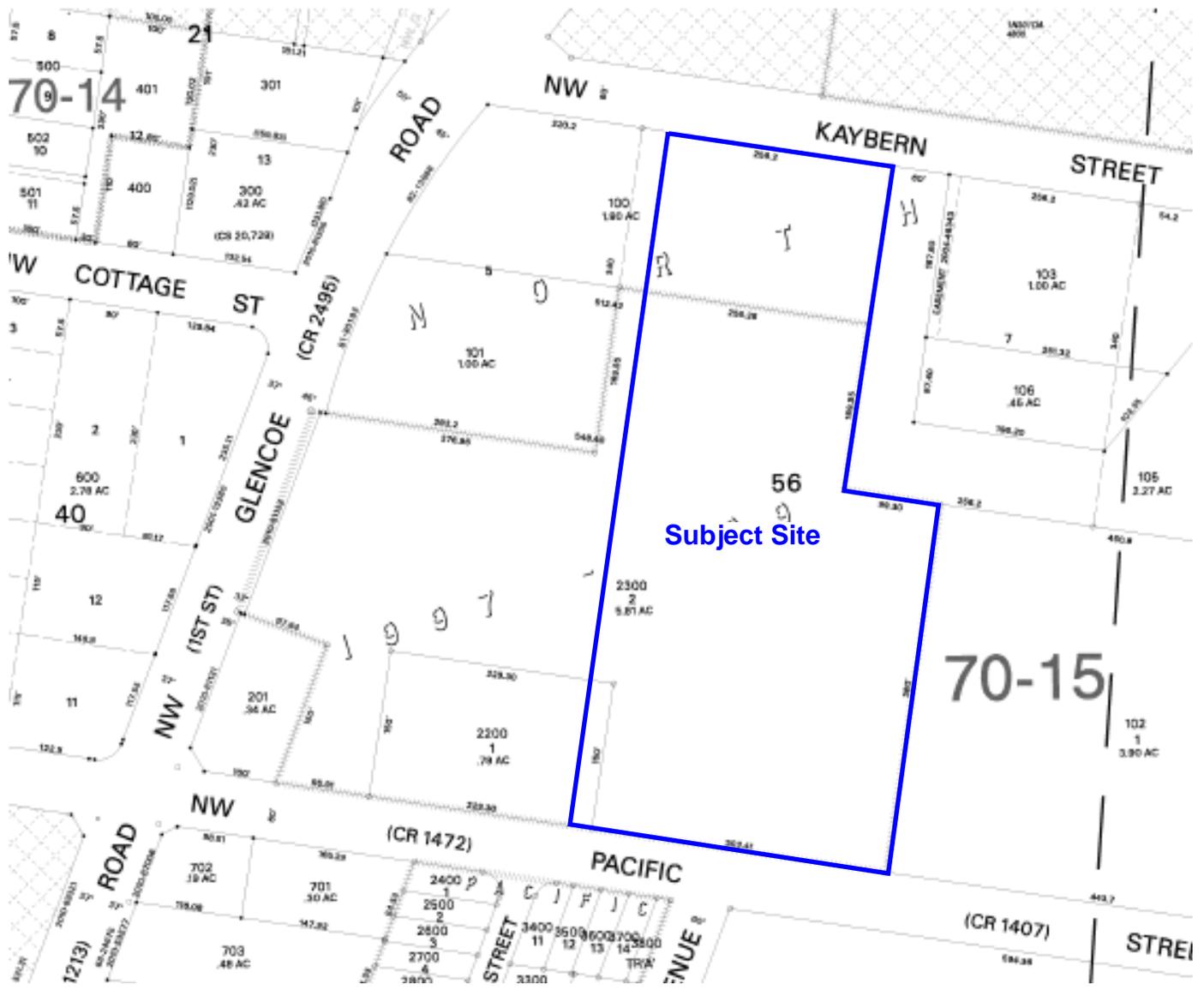
<b>FOR OFFICE USE</b>			
Received by: <u></u>		Date: <u>3/12/15</u>	
Fee paid: <u>\$5,000</u>	Receipt No. <u>076752</u>	Application No. _____	

## Exhibit B

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### Tax Assessor Map

# Exhibit B



Tax Assessor Map

## Exhibit C

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### Site Aerial Photograph

## Exhibit C



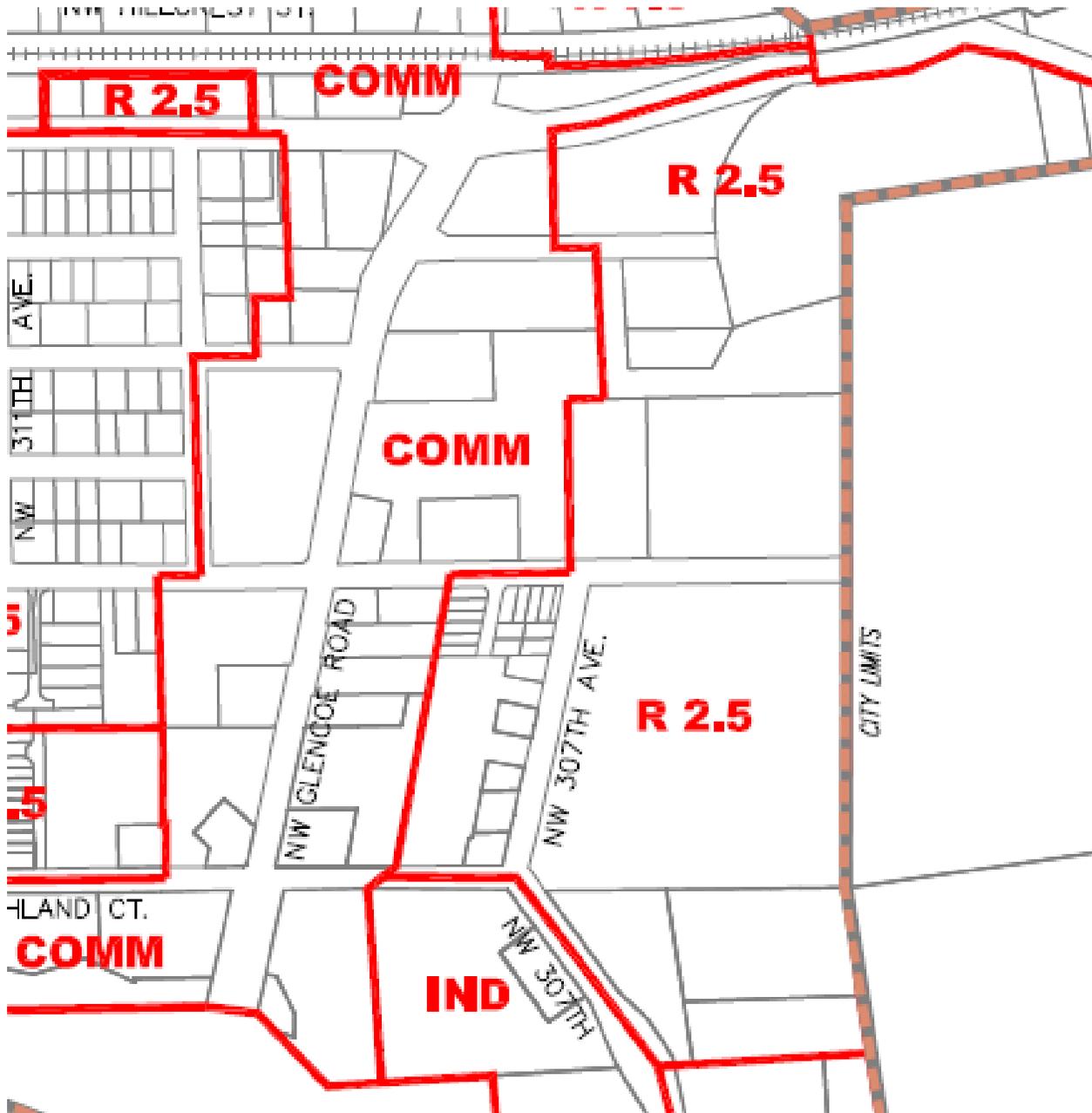
Site Aerial Photo

## Exhibit D

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### North Plains Comprehensive Plan Map

# Exhibit D



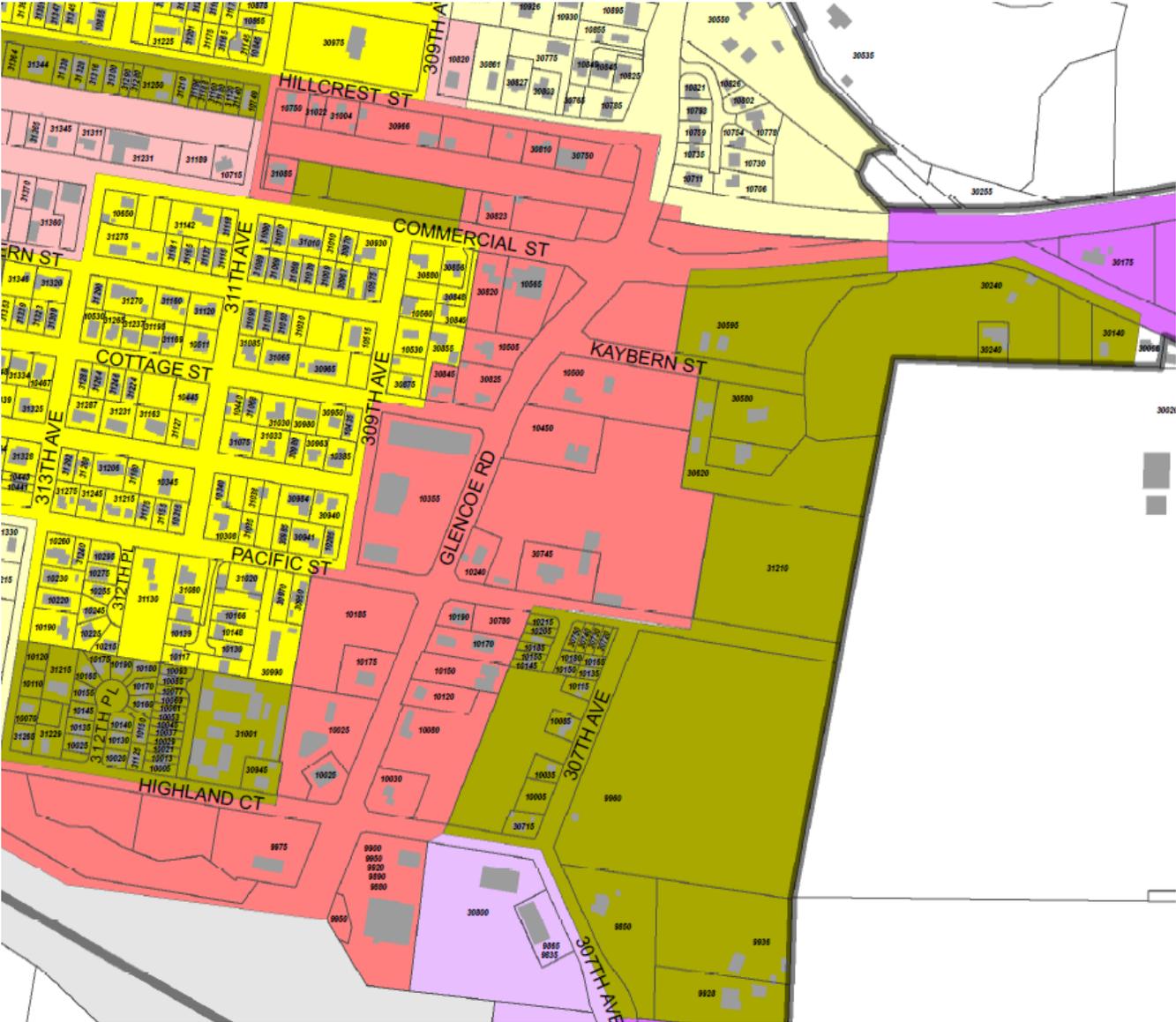
North Plains Comprehensive Plan Map

## Exhibit E

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### North Plains Zoning Map

# Exhibit E



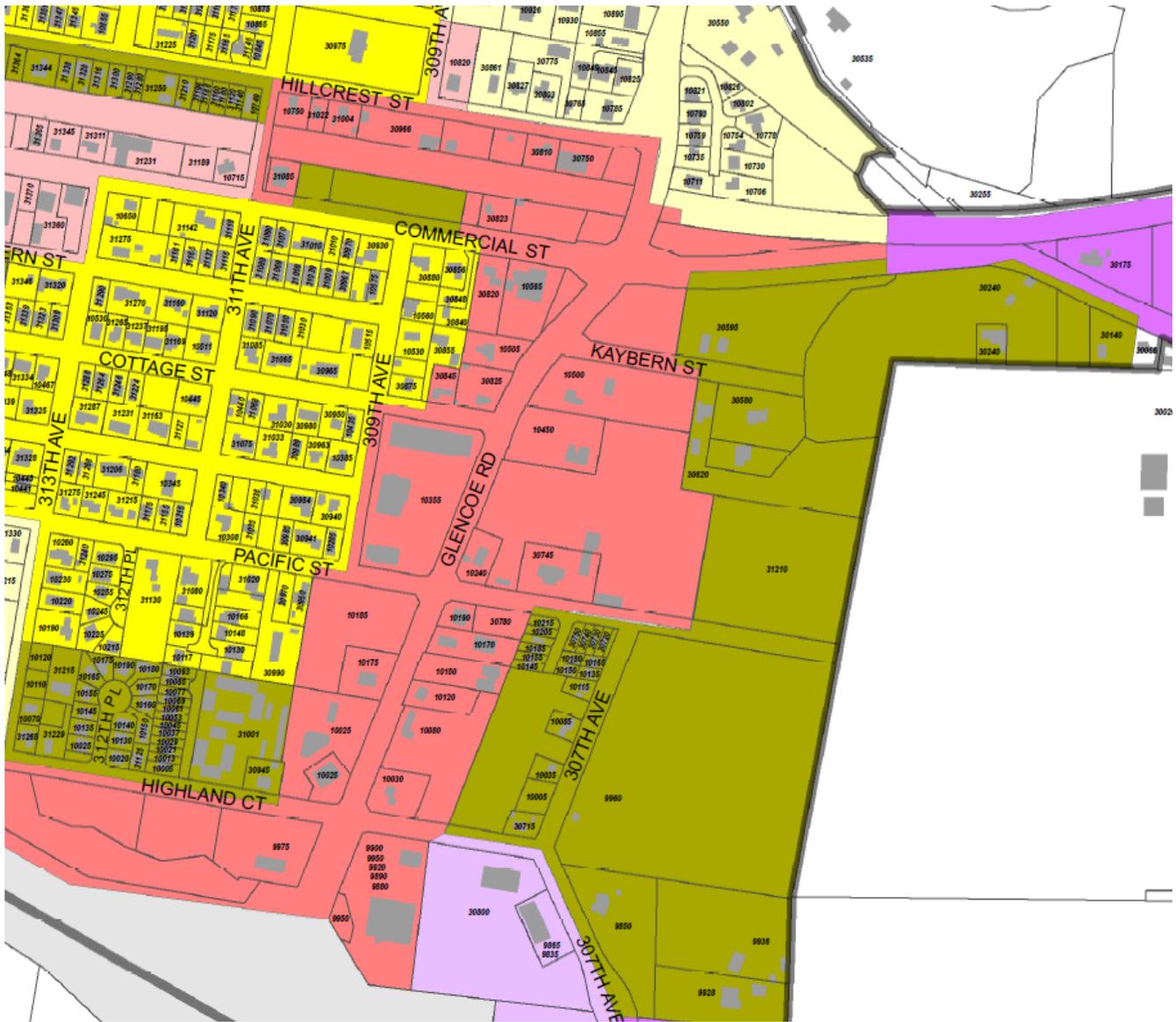
North Plains Zoning Map

# Exhibit F

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## Proposed Zoning Plan

# Exhibit F



## Proposed Zoning Map

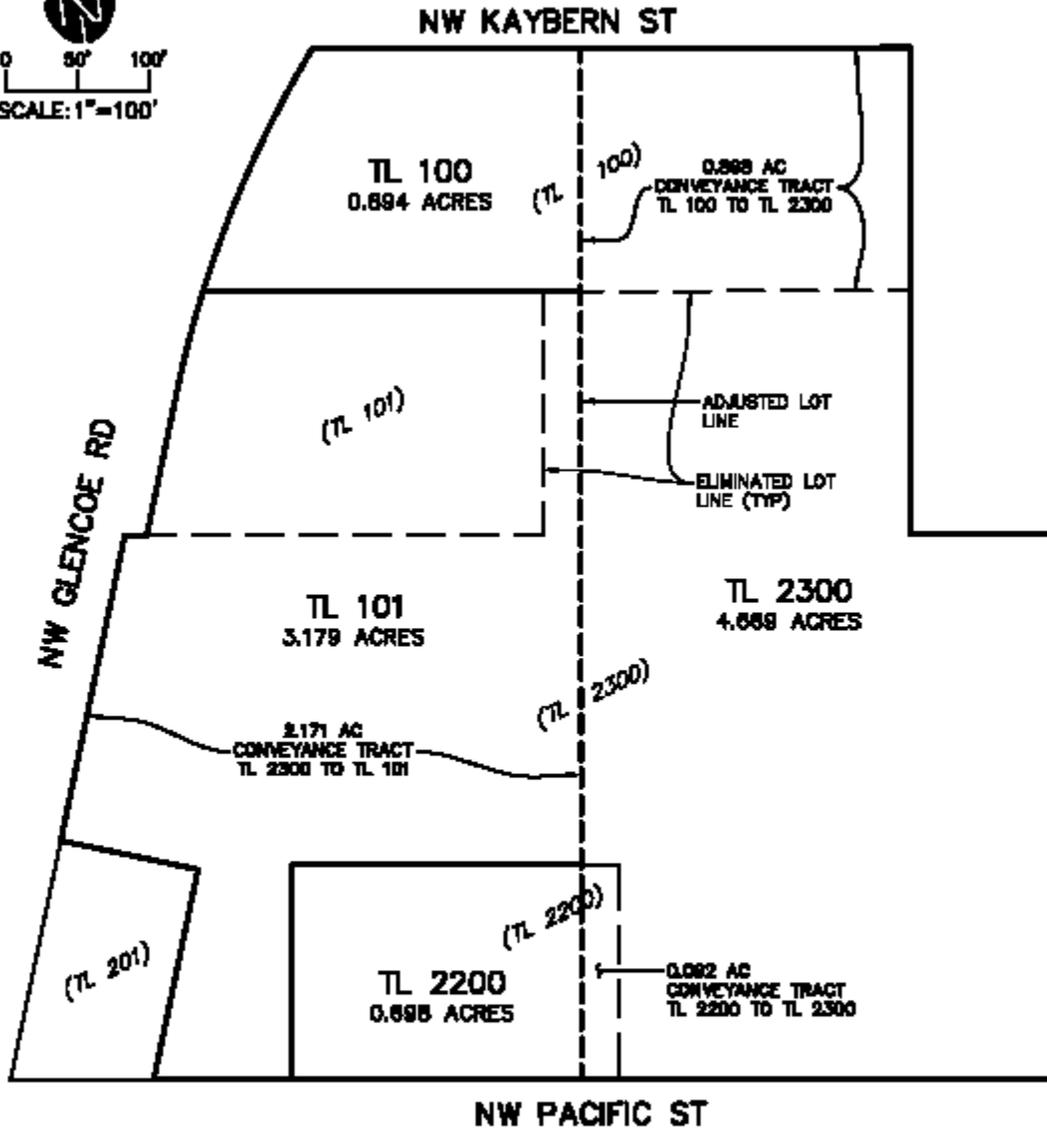
## Exhibit G

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### Approved Property Line Adjustment



0 50' 100'  
SCALE: 1"=100'



Drawing Name: J:\2527-001.15\Setup\P119-080 NP Center\Work in Progress\P119-080 PLA Exhibit.dwg    Mr. DE, 2015 - 2:07pm - pro

**EXHIBIT B**  
**PAGE 1 OF 1**

LOCATED IN THE SE 1/4 OF SECTION 1  
TOWNSHIP 1 NORTH, RANGE 3 WEST, W.M.  
WASHINGTON COUNTY, OREGON

DATE	2/4/2015
DRAWN BY	MJS
CHECKED BY	GRA
REVISION	0
JOB NO.	P119-080

**WESTLAKE**  
CONSULTANTS INC.

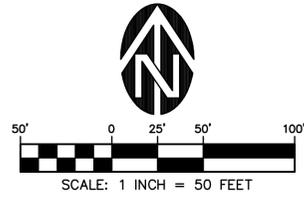
ENGINEERING • SURVEYING • PLANNING

PACIFIC CORPORATE CENTER  
18116 N.W. INDUSTRIAL PARKWAY, SUITE 100    (503) 884-0888  
WALTON, OREGON 97146    FAX (503) 884-0169

## Exhibit H

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### Conceptual Future Subdivision Plan



PROPOSED ZONE =  
R-2.5

AVERAGE LOT SIZE =  
4,000 SF.

Drawing Name: \\2527-001\15\Engin\CAD\Draw\Exhibits\2527001-Exhibits.dwg Feb 13, 2015 8:50am - sra



**WESTLAKE**  
CONSULTANTS INC.

ENGINEERING ♦ SURVEYING ♦ PLANNING

PACIFIC CORPORATE CENTER  
15115 S.W. SEQUOIA PARKWAY, SUITE 150 TIGARD, OREGON 97224  
(503) 684-0652  
FAX (503) 624-0157

# PRELIMINARY LOT LAYOUT

NW PACIFIC ST & NW GLENCOE RD  
SE 1/4, SEC. 1, T1N, R3W, W.M.  
WASHINGTON COUNTY, OREGON

THESE DRAWINGS ARE THE PROPERTY OF WESTLAKE CONSULTANTS INC. (WCI) AND ARE NOT TO BE REPRODUCED IN ANY MANNER EXCEPT WITH THE WRITTEN PERMISSION OF WCI

NO.	DATE	DESCRIPTION	DRAFT BY:	CHECK BY:

REVISIONS

SHEET  
**1** OF **1**

JOB NO.  
**2527-001**

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## Exhibit I

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### February 18, 2015 Meeting Sign-In Sheet

Trista Papen

10125 NW Curtis St.  
North Plains, OR 97133

Henry Schulte

7000 SW Hampton St  
Portland, OR 97225

RICK TROUTMAN 3059S  
NW KAYBERN

MUSE EGGIMAN

22865 NW YUNAKW RD  
HILLSBORO OR 97124

TERRY WISOW

9360 SW ADORAMA PL  
PORTLAND, OR 97225

Mark Hamburg

30620 NW Kaybern St  
P.O. Box 746  
North Plains, OR 97133

April 8, 2015

Ms. Martha DeBry  
City Manager  
City of North Plains, Oregon

RE: Eggiman Comprehensive Plan Map and Zone Change Application  
WCI Reference No. 2527-001

Dear Martha,

This letter and enclosed materials are submitted in reply to the April 3, 2015 completeness letter we received requesting additional information in order to deem Mike Eggiman's Comprehensive Plan Map and Zone Change land use application complete. Each of the requested items is addressed as follows:

**Exhibit F – Proposed Zoning Plan**

Revised to reflect the proposed zone change on the subject site.

**Exhibit D – Comprehensive Plan Map Designations**

In addition to the submitted Exhibit D which depicts existing designations on the subject site, Exhibit J is submitted to depict the proposed Comprehensive Plan Map designations.

**Written Narrative – Section 15.02.070**

As requested, enclosed is an updated applicant response to Section 15.02.070, including OAR 660-09 based upon the detailed review of the North Plains City Economic Opportunities Analysis and Assessment.

Please review the above supplemental materials and feel free to contact us with any questions at 503-684-0652. With submittal of these materials, it is our understanding this application is complete and will be scheduled for the North Plains Planning Commission meeting next month on Wednesday, May 13, 2015. Thank you for your time and assistance.

Sincerely,

**Westlake Consultants, Inc.**

Ken Sandblast, AICP

CC: Mr. Mike Eggiman, Property Owner and Applicant *via email*  
Ms. Heather Austin, 3J Consulting *via email*

## Section 15.02.070 - Applicant Response

15.02.070 Economics

15.02.074 Statewide Planning Goal

15.02.075 City Objectives and Policies

### **Applicant Response:**

The majority of the policies in this section are being satisfied by the City of North Plains through its ongoing land use planning and economic development efforts. The applicant, Mike Eggiman, is the longtime owner of the subject site and an adjacent additional 4.77 acres of commercially zoned land. Over the course of time, Mike has worked with commercial developers and coordinated his efforts with City staff as he has worked to develop commercial uses serving North Plains and providing employment opportunities for residents. In satisfaction of the Policy 5, Mike and the City worked jointly to site, design and construct the surface water treatment and detention facility infrastructure constructed as part of the Glencoe Road improvements, the primary entry and commercial service district within North Plains.

After a thorough review of the North Plains Economic Opportunities Analysis and Long-Term Urban Land Needs Assessment July 2009 (“EOAA”), as well as a review of pending policies in Section 15.02.070 through the ongoing Envision North Plains Future citywide planning effort, the applicant notes the following qualitative site requirements from the EOAA for commercial retail development pattern types that are applicable to this proposed Comprehensive Plan Map Amendment and Zone Change from Commercial to R-2.5:

- *Commercial lands are free from environmental constraints such as slopes, floodplains*  
The subject site has areas of slopes in excess of 15% slope and an overall average of close to 10%. There is also an area of the site lying within the floodplain in the southeast corner. Both of these are environmental constraints for commercial lands.
- *High visibility from major arterials*  
The subject site is area that is topographically separated from Glencoe Road, a major arterials. There is not high visibility of the subject site from a major arterial.
- *Site size for Retail Trade Type of Commercial Retail “Neighborhood Shopping Centers” is 3-10 acre*  
The subject site is owned by the applicant Mike Eggiman as is the 4.5 acres of land adjacent to the west and fronting on Glencoe Road and this will remain designated and zoned Commercial. In satisfaction of this factor, approval of this application retains total acreage of between 3-10 acres available for neighborhood shopping center commercial retail.

Thus, approval of this application satisfies all three of the above site requirements by removing commercially designated land that has poor visibility from a major arterial and is environmentally constraint while at the same time retaining 4.7 acres of the applicant’s property for a future neighborhood shopping center type commercial development.

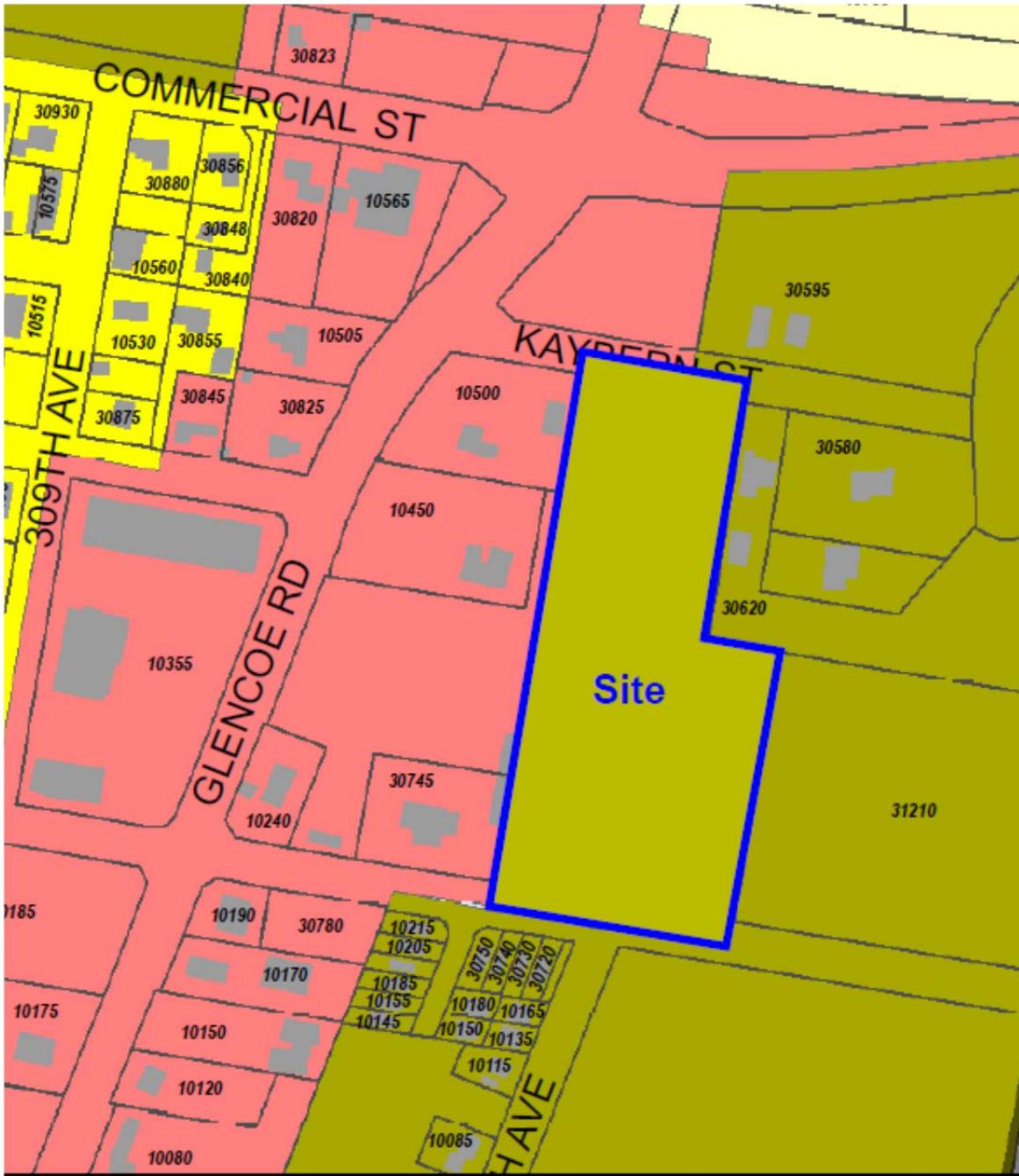
To demonstrate applicability of the above site requirement to the subject site:

Exhibit K is a two-page exhibit with existing site topography and a cross-section of slopes through both the subject site and the adjacent property to the west also owned by

Mike Eggiman and is Commercial designation and zoning.

Exhibit L is two-pages of photographic examples and information about existing commercial development in nearby communities, as well as a future development conceptual streetscape for the 4.7 acres of property adjacent to the subject site that is also owned by Mike Eggiman and is Commercial designation and zoning.

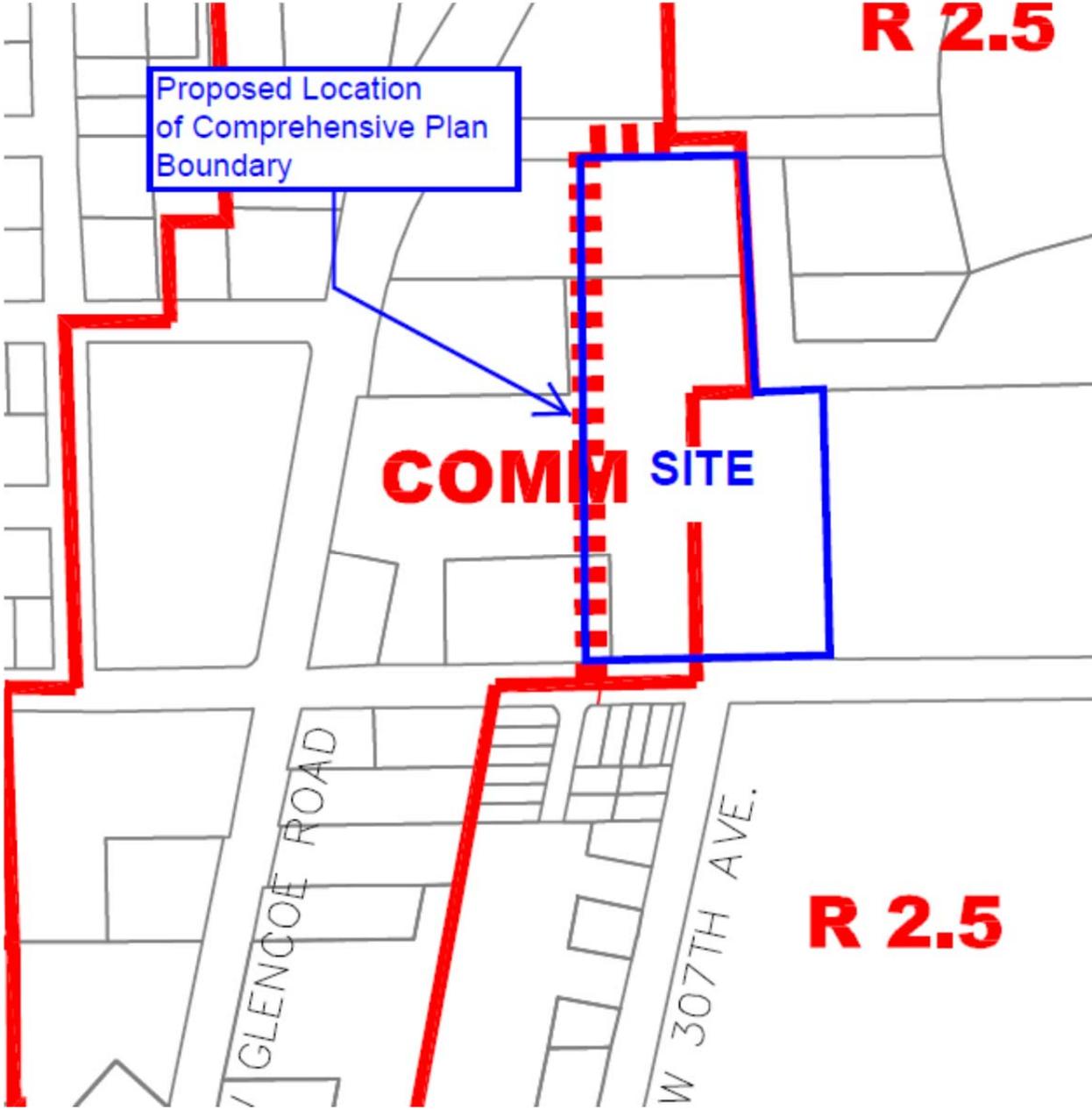
# Exhibit F



## Proposed Zoning Map

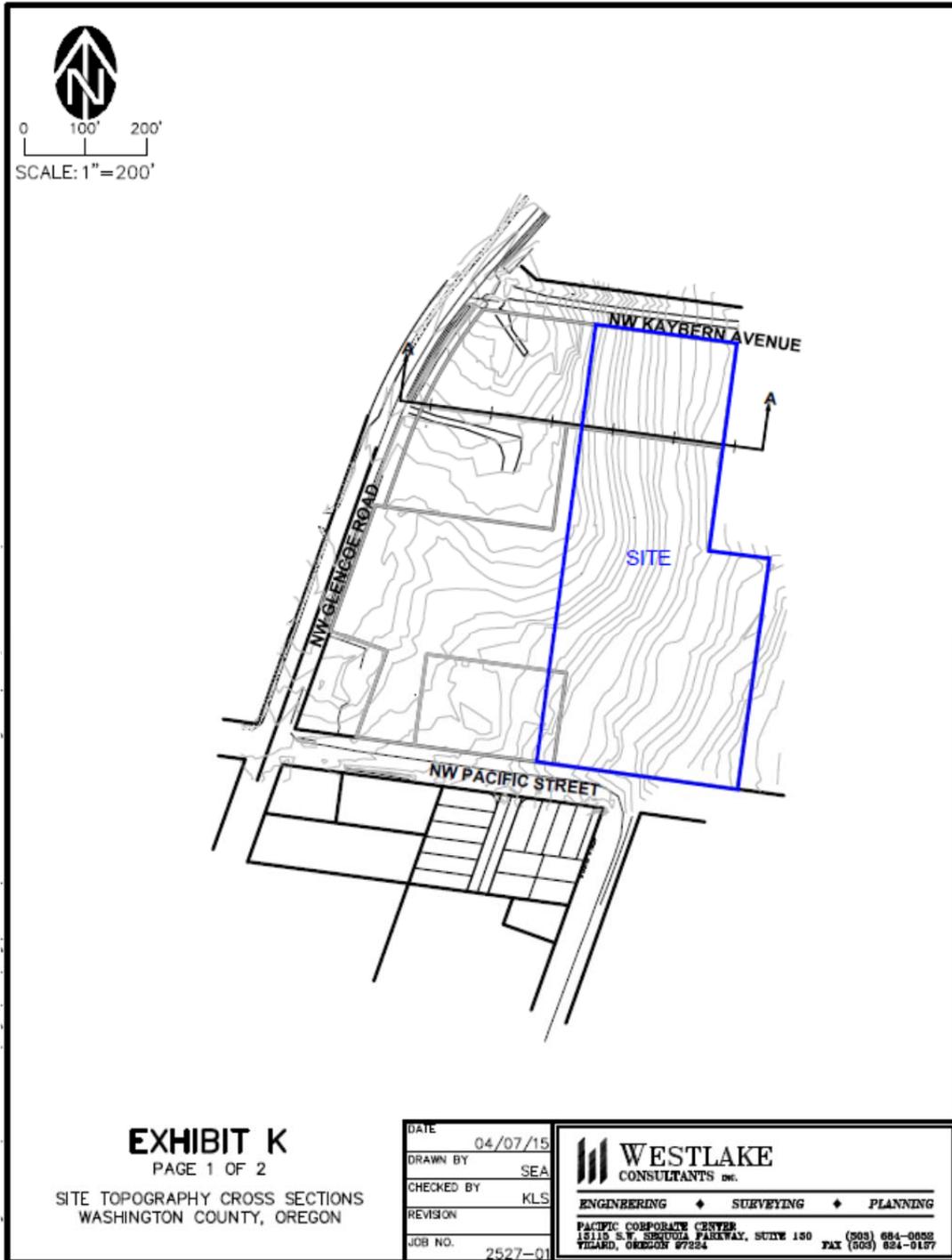
**Exhibit J**

**Proposed Comprehensive Plan Map**



# Exhibit K

## Existing Site Topography – Cross Section



### EXHIBIT K

PAGE 1 OF 2

SITE TOPOGRAPHY CROSS SECTIONS  
WASHINGTON COUNTY, OREGON

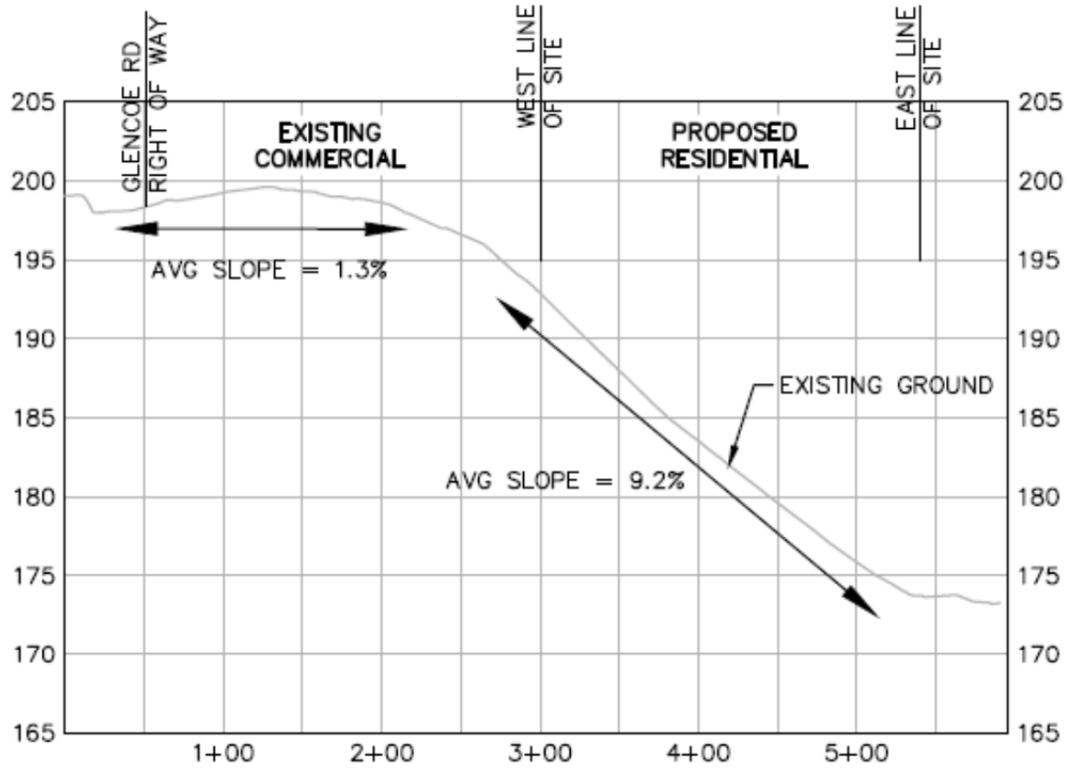
DATE	04/07/15
DRAWN BY	SEA
CHECKED BY	KLS
REVISION	
JOB NO.	2527-01

**WESTLAKE**  
CONSULTANTS INC.

ENGINEERING ♦ SURVEYING ♦ PLANNING

PACIFIC CORPORATE CENTER  
15115 S.W. SEQUOIA PARKWAY, SUITE 100 (503) 684-0558  
TILLAMOOK, OREGON 97141 FAX (503) 824-9187

# Exhibit K



## EXHIBIT K

PAGE 2 OF 2

SITE TOPOGRAPHY CROSS SECTIONS  
WASHINGTON COUNTY, OREGON

DATE	04/07/15
DRAWN BY	SEA
CHECKED BY	KLS
REVISION	
JOB NO.	2527-01

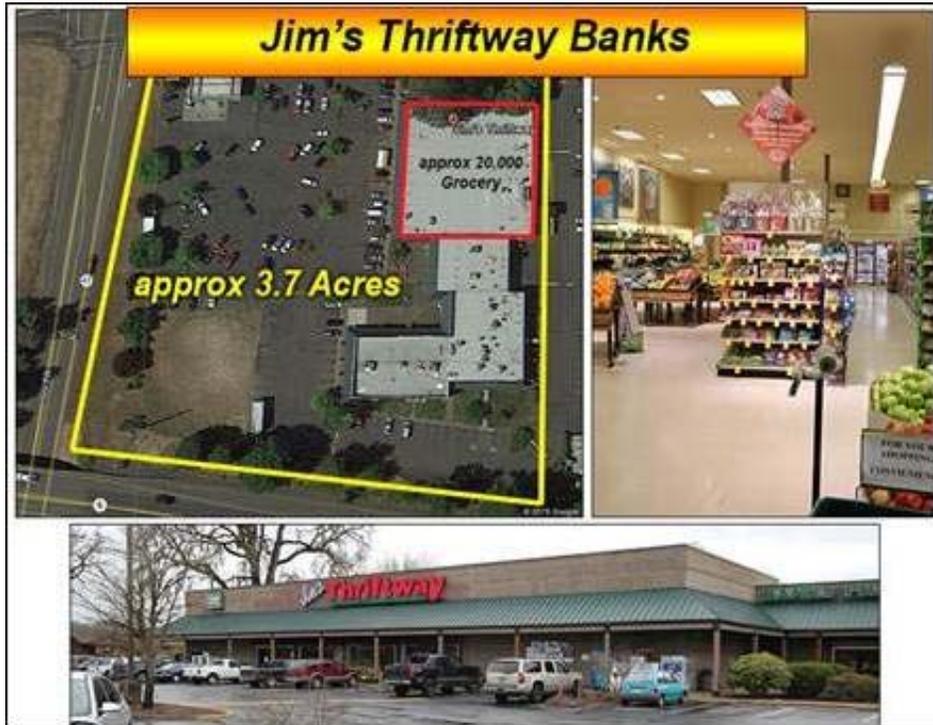
**WESTLAKE**  
CONSULTANTS INC.

ENGINEERING ♦ SURVEYING ♦ PLANNING

PACIFIC CORPORATE CENTER  
13115 S.W. SHENONIA PARKWAY, SUITE 150 (503) 684-0652  
TILLAMOOK, OREGON 97124 FAX (503) 624-0137

# Exhibit L

## Similar Commercial Property Information



Jim's Thriftway in Banks 20,000 s.f. Bldg. on 3.7 Acres



Hanks's Thriftway in Hillsboro - 40,000 s.f. Bldg. on 3.8 Acres

**4.7 Acre Eggiman Commercial Property**  
(Adjacent to West of Site)

**CURRENT VIEW**

Looking at SW Corner of Property From Corner of Glencoe Rd and Pacific



**CONCEPTUAL FUTURE VIEW**

CITY OF NORTH PLAINS PLANNING COMMISSION

Subject: NW Cottage Lot Line Adjustment and Variance  
From: Heather Austin, AICP, Consulting Land Use Planner

---

City Staff Report  
May 6, 2015

City File: #15-032

Application Purpose: An application for approval of a lot line adjustment and a variance

Public Hearing Date: May 13, 2015

Applicant: **Kent Campbell**  
PO Box 526  
Hillsboro, OR 97123  
e-mail: [kcamp@windermere.com](mailto:kcamp@windermere.com)

Property Owner: **Tim and Eldonna Graber**  
18735 NW Dixie Mtn Rd  
North Plains, OR 97133  
e-mail: [tandegraber@aol.com](mailto:tandegraber@aol.com)

Site Location: 31500 NW Cottage

Tax Lot: 1N301CD00300

Size: 10,000 square feet

City Land Use Classification: R-5 Single Family Residential

Pre-Application Meeting Date: N/A  
Application Submitted: April 2, 2015  
Application Deemed Complete: April 21, 2015  
120-Day Deadline: August 19, 2015

**EXHIBITS**

1. Applicant's application forms & narrative

**REQUEST**

The applicant requests approval of the following:

- Lot Line Adjustment
- Variance

This variance request is subject to a Type III process for quasi-judicial review by the Planning Commission. The proposed lot line adjustment is a Type I administrative process for review by City staff; however, the lot line adjustment will be reviewed concurrently with the variance request as approval of the proposed lot line adjustment is dependent upon approval of the variance.

### **Summary Conclusions**

The City accepts many of the Applicant's findings. Areas where information was missing from the Applicant's submittal or inconsistent with code criteria have been addressed with a recommended condition of approval of the lot line adjustment and variance application.

### **SITE DESCRIPTION**

The property is located on the south side of NW Cottage Street, just east of NW Main Street. The project site is 10,000 square feet and is located within Tax Lot 300 on Map 1N301CD. The site is located within the City of North Plains and is zoned R-5 for residential medium density development. The subject site is comprised of two lots of record, lots 5 and 6 of North Plains Block 44. There is an existing home on the site that will be retained. The existing home sits on the existing property line, thus necessitating the lot line adjustment for construction of a second home on the second lot.

### **Compliance with City of North Plains Municipal Code**

#### **Chapter 16.25 - HOW LAND MAY BE USED AND DEVELOPED ZONING DISTRICT R-5**

##### **16.25.000 Purpose**

The purpose of the R-5 District is to provide for the development of single family residential uses and limited multi-family residential uses, and to implement the housing policies of the Comprehensive Plan.

***Finding:*** *The existing use on the site is a single-family detached home. The proposed lot line adjustment and variance are requested to facilitate construction of one additional single-family detached home. Therefore, the proposal is consistent with the R-5 zoning district.*

##### **16.25.005 Permitted Uses**

Permitted Uses subject to the requirements of the Design Review section of this chapter, if applicable. Refer to Zoning Code Use Table\*\*\*

##### **J. Residential Home**

***Finding:*** *Residential homes are a permitted use in the R-5 zone and, as such, the proposal complies with this criterion.*

##### **16.25.015 Dimensional Standards**

The following dimensional standards are the minimum requirements for all development in the R5 District except for modifications permitted under the Lot, Building, & Yard Exceptions or Planned Unit Development sections of this chapter. In addition, a minor adjustment of up to 10% of the required setback, area, lot size, lot depth or lot width may be granted by the City. For land within the city limits of the City

of North Plains as of July 1, 2004, a minor adjustment of up to 10% of the lot size may be granted by the City pursuant to the Variance Review section of this chapter.

#### A. Lot/Parcel Size

1. Single family detached dwelling - 5,000 square feet minimum
  - Within a Planned Unit development - 4,000 square feet minimum
  - Lots created by Subdivision - 6,000 square feet maximum
2. Two family dwelling (duplex), triplex & attached single family dwelling - 4,000 square feet minimum per unit
3. All other uses - 5,000 square feet minimum

***Finding:** The proposed lot line adjustment and variance would result in two parcels, each 5,000 square feet in size, meeting this standard.*

#### B. Lot/Parcel Depth and Width

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

***Finding:** Proposed parcel 1 would have a lot width of 67 feet and a lot depth of 80 feet. Proposed parcel 2 would have a lot width of 33 feet and a lot depth of 100 feet. The lot width of proposed parcel 2 (33 feet) falls short of the required minimum average lot width of 40 feet and, as such, a variance is requested and discussed further in this report.*

#### C. Minimum Setback Requirements

Principle structures, accessory dwellings accessory structures with a floor area greater than 200 square feet shall maintain the following minimum yard setbacks except that development on flag lots shall be subject to the setback standards of 16.125.010(C):

##### 1. Front Yard

- Garage - 20 feet
- All other structures - 15 feet

With alley access garages, carports, accessory dwellings and accessory structures shall be flush with, or recessed behind, the front building elevation of the principle structure.

##### 2. Rear Yard

- Street-access lots - 10 feet
- Alley-access lots - 6 feet
- Accessory Structures and Accessory Dwellings - 5 feet

##### 3. Side Yard

- Interior - 5 feet
- adjacent to street - 10 feet plus additional necessary to comply with the standards of the Clear Vision Areas section of this chapter
- Accessory Structures and Accessory Dwellings: 5 foot Side Yard (adjacent to street) setback, except as provided in the Accessory Uses Structures and Dwellings section of this chapter.

##### 4. Flag Lots

All yards shall have setbacks of 10 feet, except that the yard facing the garage shall be a minimum of 20 feet.

##### 5. Height of Buildings

Buildings shall not exceed a height, measured from grade, of 35 feet. Accessory dwellings and accessory structures shall not exceed 25 feet.

#### 6. Lot/Parcel Coverage

**Finding:** *The lot line adjustment and variance are proposed to accommodate retention of the existing home while providing the opportunity to construct a new home on the second lot. The existing home will be retained on proposed Parcel 1 and will meet all required setbacks, as shown on the submitted plan. Proposed Parcel 2 is sized in a way that a new home could be located on the lot and meet all required setbacks. The setbacks of the new proposed home can be verified at time of building permit review and approval, as conditioned below.*

***RECOMMENDED CONDITION:*** *Prior to building permit issuance for the new home on Parcel 2, the location of the home on the parcel must be reviewed for compliance with all setback requirements of the R-5 zoning district.*

In the R5 District, the maximum impervious surface lot coverage shall not exceed the following percentage of the total area of any lot.

- Single family detached dwellings - 65%
- Duplexes, triplexes and single family attached dwellings - 65%
- Non-residential uses - 65%

**Finding:** *The existing home, driveway, and rear patio area are approximately 2,600 square feet, or 52% of a 5,000 square foot lot. The existing development meets the maximum impervious surface lot coverage area for the R-5 district. The proposed home and associated impervious surface will be required to meet this standard. This can be verified as conditioned below.*

***RECOMMENDED CONDITION:*** *Prior to building permit issuance for the new home on Parcel 2, the proposed building site plan shall be reviewed for compliance with the R-5 district standard of a maximum impervious surface lot coverage of 65%.*

#### 16.25.020 Parking Requirements

At least two (2) off-street parking spaces shall be provided for each single family detached dwelling unit. Parking requirements for all other uses are specified in Off Street Parking and Loading of this chapter.

**Finding:** *Each of the proposed lots have adequate space for at least two (2) off-street parking spaces each. The existing home has a driveway which accommodates two cars. This standard is met.*

#### 16.25.025 Development Standards

A. The following standards will be applied to all single family dwellings (site-built, modular and manufactured homes) to be constructed or located in the City of North Plains:

All single family units shall utilize at least two of the following design features to provide visual relief along the front of the home:

1. dormers;
2. gables;

3. recessed entries;
4. covered porch entries;
5. cupolas;
6. pillars or posts;
7. bay or bow windows;
8. eaves (minimum 6" projection);
9. offsets on building face or roof (minimums 16");

***Finding:*** *The proposed home on Parcel 2 will be required to meet this criteria, as conditioned below.*

***RECOMMENDED CONDITION:*** *Prior to building permit issuance for the new home on Parcel 2, the building plan shall be reviewed for compliance with Zoning Code Section 16.25.025- Development Standards, requiring inclusion of at least two of the listed design features.*

## **Chapter 16.120 - LOT LINE ADJUSTMENTS**

### **16.120.010 Review Criteria**

A lot line adjustment may be authorized provided the applicant demonstrates that the adjustment satisfies the following criteria:

A. No new lots or parcels are created as a result of the lot line adjustment.

***Finding:*** *The subject site consists of two existing parcels. No new lots or parcels will be created as a result of the lot line adjustment. The proposal meets this standard.*

B. The adjusted lot lines result in lots that comply with all standards of the underlying zone, access provisions and other applicable provisions of this ordinance.

***Finding:*** *The lot line adjustment is proposed so as to comply with all standards of the R-5 zone for the existing home on proposed Parcel 1. The lot width of proposed Parcel 2 (33 feet) falls short of the minimum average lot width of 40 feet required in the R-5 zone and, as such, a variance has been requested. A variance is an applicable provision of this ordinance when strict adherence to the standards is not possible. This standard has been met.*

### **16.120.015 Marking a Property Line Adjustment**

Pursuant to ORS 92.060, the initial point, also known as the point of beginning, of a Property Line Adjustment must be on the external boundary of the parcel and must be marked with a monument. The location of the monument shall be referenced by survey pursuant to state statute, unless the county surveyor determines otherwise.

***Finding:*** *Upon approval of the application, the applicant will be required to mark the property line adjustment according to this standard, as conditioned below.*

***RECOMMENDED CONDITION:*** *Prior to issuance of a building permit for the new home on Parcel 2, the property line adjustment must be marked with a monument pursuant to ORS 92.060.*

### 16.120.020 Recording

The applicant shall be responsible for recording the approved lot line adjustment's plat survey and deed with the Washington County Clerk's Office and/or Surveyor's office within 1 year of approval, unless an extension is granted by the City in accordance with Chapter 16.00.080.

***Finding:** Upon approval of this application, recording will be required pursuant to this standard, as conditioned below.*

**RECOMMENDED CONDITION:** *Prior to issuance of building permits for Parcel 2, the applicant shall record the approved lot line adjustment plat survey and deed with the Washington County Clerk's Office and/or Surveyor's office within 1 year of approval, or obtain an extension per Section 16.00.080.*

### 16.85 VARIANCE

#### 16.185.010 Type III Variance Review Criteria

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

A. That special conditions and circumstances exist which are peculiar to the land, building or structure involved;

***Finding:** The site is comprised of two lots. The existing home was constructed in 1986, straddling the two lots. The special circumstance of the location of the existing home necessitates this variance to be able to build the second home on the second existing lot.*

B. That granting the proposed variance would be in the public interest and would be in harmony with the purpose of the underlying zoning district and the intent and purpose of this Ordinance;

***Finding:** The Comprehensive Plan, written to express and serve the public interest, designates residential land for the construction of residential dwelling units. The subject site is designated R-5 for medium density residential construction. Granting of the variance would permit the construction of one additional home. This would result in two homes, each on an individual 5,000 square foot lot, in harmony with the purpose of the R-5 zoning district.*

C. That the variance would result in minimal detriment to the immediate vicinity;

***Finding:** The subject site is comprised of two, 5,000 square foot lots. The property owner could currently demolish the existing home and construct two new homes on the site with no land use action required. Retention of the existing home and construction of one new home is no more detriment to the immediate vicinity than what is currently permitted. Retaining the existing home and constructing one new home instead of two*

is arguable less detriment to the immediate vicinity.

D. That the variance requested is the minimum variance which would make possible the reasonable use of the applicant's land, building or structure; and

**Finding:** *The variance requested would allow retention of the existing home on proposed Parcel 1 with all required setbacks in place. This minimum variance would then allow construction of a second home on the second 5,000 square foot parcel, a reasonable use of land in the R-5 zone.*

E. That the special conditions and circumstances on which the application is based do not result from the negligent or knowing violation of this Ordinance by the applicant.

**Finding:** *The applicant purchased the property in 2008. The home was constructed straddling the property line prior to the current owner's purchase of the property. The special circumstances of this site are not a result from the negligent or knowing violation of the ordinance by the applicant.*

#### **16.185.020 Conditions of Approval**

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

**Finding:** *The approval of the variance will allow construction of one additional home on the subject site, on proposed Parcel 2. The construction of the home has been conditioned to meet all required standards. No additional conditions of approval are recommended.*

### **III. CONCLUSIONS**

The Planning Commission is considering approval of the lot line adjustment and variance application. The Planning Commission may approve, approve with conditions or deny the variance application and the lot line adjustment. However, the Planning Commission may not approve the lot line adjustment application if the variance application is denied as the criteria for lot line adjustment would not be satisfied.

**CONDITIONS OF APPROVAL**

**Prior to Issuance of a building permit for the new home on Parcel 2, the building plans shall be reviewed for compliance with:**

1. All setback requirements of the R-5 zoning district.
2. The R-5 district standard of a maximum impervious surface lot coverage of 65%.
3. Zoning Code Section 16.25.025- Development Standards, requiring inclusion of at least two of the listed design features.

**The property line adjustment must be marked with a monument pursuant to ORS 92.060.**

**The applicant shall record the approved lot line adjustment plat survey and deed with the Washington County Clerk's Office and/or Surveyor's office within 1 year of approval, or obtain an extension per Section 16.00.080.**



# City of North Plains

31360 NW Commercial St. North Plains, OR 97133

Ph. 503-647-5555 Fax 503-647-2031

Email: [info@northplains.org](mailto:info@northplains.org)

## GENERAL LAND USE APPLICATION

### Applicant General Information

Applicant Name: KENT Campbell

Mailing Address: PO Box 526

Hillsboro OR 97123  
Street City State ZIP Code

Email Address: KCamp@WINDERMERE.COM Phone: 503 680-9126

Property Owner: TIM & ELDONNA GRABER

Mailing Address: 18735 NW DIXIE MAN Rd

North Plains, OR 97133  
Street City State ZIP Code

Email Address: TANDE GRABER @ AOL.COM Phone: 503, 778-0246

### Property Description

Address: 31500 NW Cottage

North Plains OR 97133  
Street City State ZIP Code

Tax Lot ID: 1N301CD00300 Existing Zoning: R-5

Property Area: 10,000 SQ FT Existing Land Use: Single Family

General Development Description: PROPERTY LINE ADJUSTMENT

### Fees

Land Use Process	Fee	Land Use Process	Fee
<input type="checkbox"/> Annexation	\$10,000 deposit*	<input type="checkbox"/> Non-Conforming Use	\$265
<input type="checkbox"/> Appeal	\$315	<input type="checkbox"/> Subdivision	\$2,880
<input type="checkbox"/> Comp Plan Amendment, Text	\$8,000	<input type="checkbox"/> Manu Home Park	\$4,000
<input type="checkbox"/> Comp Plan Amendment, Map	\$5,000	<input type="checkbox"/> Modification - Minor	\$150
<input type="checkbox"/> Conditional Use, Residential	\$395	<input type="checkbox"/> Modification - Major	\$2,125
<input type="checkbox"/> Conditional Use, Ind. & Comm.	\$745	<input type="checkbox"/> SNR Permit	\$1,640
<input type="checkbox"/> Design Review Type II	\$185	<input type="checkbox"/> Similar Use	\$615
<input type="checkbox"/> Design Review Type III	\$890	<input type="checkbox"/> Street Vacallon	\$1,675
<input type="checkbox"/> Floodplain Permit	\$1,925	<input type="checkbox"/> UGB Expansion	\$28,000
<input type="checkbox"/> Partition, with street dedication	\$640	<input type="checkbox"/> Variance, Administrative	\$145
<input type="checkbox"/> Partition, no street dedication	\$400	<input checked="" type="checkbox"/> Variance, PC Hearing	\$1,115
<input checked="" type="checkbox"/> Lot Line Adjustment	\$275	<input type="checkbox"/> Zoning Code Amendment	\$2,825
<input type="checkbox"/> Other:			

\* plus \$9,000 election deposit

**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 access ways/driveways
  - Location, number, dimensions, setbacks, and types of existing and proposed utilities, including water, sewer, storm water, 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 and 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.

After initial review, the City may require additional information.

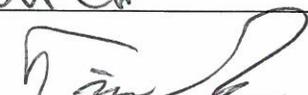
**Additional Information**

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

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

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

Date: 3/31/2015 Signature of Applicant: 

Date: 4-1-15 Signature of Property Owner: 

<b>FOR OFFICE USE</b>	
Received by: <u></u>	Date: <u>4/2/2015</u>
Fee paid: <u>1390-</u>	Receipt No. <u>026791</u>
	Application No. _____

Proposed Property line adjustment and Variance Application

Site address: 31500 NW Cottage, North Plains Lots 5 & 6, Block 44 Two lots, 50x100 each

Owner: Tim and Eldonna Graber

18735 NW Dixie Mountain Road

North Plains, OR 97133

Applicant: Kent Campbell

PO Box 526

Hillsboro, OR 97123

Chapter 16.120 Lot Line Adjustments

**16.185.000 Purpose and Scope**

The purpose of a variance is to provide relief when a strict application of the zoning requirements of lot width, lot depth, building height, setback, access, or other dimensional or site requirements would impose practical difficulties. These difficulties may result from geographic, topographic or other physical conditions on the site or in the immediate vicinity. No variance shall be granted which allows the establishment or expansion of use otherwise prohibited or subject to conditional use procedures.

**Proposed Use:**

The owners would like to re-create the two lots into separate tax lots, and build a new single family residence on the newly created lot. The property enjoys a land use designation as R-5. A detached single family residence is allowed in this zone on a lot with area of 5,000 square feet. Both of the proposed lots (after completion of the Property Line Adjustment) would have 5,000 square feet.

No variance for lot size is being requested.

**Current site Conditions:**

The site current has an existing single family residence on it. The site consists of two 50x100 lots (Lot 5 & 6, Block 44. Due to the location of the existing single family residence the property line adjustment can not be completed without a lot width variance. The existing residence is mostly on lot 5 appears to extend approx. 12 feet onto lot #6. Due to this the proposed newly created lot would not meet the 40 feet of lot width as required by the City Ordinance. The owner is requesting approval of a new lot with an approximate lot width of 33 feet.

There are several home plans that could accommodate a new single family home on a 33 foot wide lot and meet City criteria for off street parking and be a "positive influence" on the neighborhood. An example of one such home is attached. It was built in Hillsboro last year on a 30x110 lot. Prospective buyers purchased the house and are very happy with it.

The proposed "Variance" is being requested by the owner. Due to the location of the existing house the owner has no control over the site and the requested "Variance" allows for a 5' setback to the new proposed property line to the Western portion of the existing residence. The proposed "Variance" is the least variance possible while still allowing the owner to maximize use of the property (2 lots). The only other alternative would be to tear down the West 17 feet of the existing house.

Thank you for taking the time to consider the requested variance. We hope that you approve the variance and allow the owner full use of the site.

Presented by: **Kent Campbell**  
**Windermere West LLC**

3/31/2015 12:30:30  
PM

WASHINGTON COUNTY, OR

**Tax ID:** R0729581  
**Prop Addr:** 31500 NW COTTAGE ST  
**City/State/Zip:** NORTH PLAINS OR 97133-7114

**Latest Listing ID:** 8040269  
**County:** Washington  
**Carrier Rt:** R002

OWNER INFORMATION

**Owner Name:** GRABER TIM JAY & GRABER ELDONNA LEAH  
**Owner Addr:** 18735 NW DIXIE MOUNTAIN RD  
**City/State/Zip:** NORTH PLAINS OR 97133-8390

**Phone:**  
**Carrier Rt:** R002

LAND INFORMATION

**Lot SqFt:** 9595

**Acreage:** 0.22

BUILDING INFORMATION

<b>Year Built:</b> 1986	<b>Bedrooms:</b> 3	<b>Garage:</b> UNFINISHED
<b>Stories:</b>	<b>Bathrooms:</b> 1	<b>Parking SF:</b> 420
<b># of Bldgs:</b> 1	<b>Living SF:</b> 1008	<b>Foundation:</b> CONTINUOUS FOOTING
<b>Bldg Code:</b> SINGLE FAMILY	<b>Bldg SF Ind:</b> LIVING	<b>Floor Cover:</b>
<b>Fireplace:</b>	<b>Bsmnt SF:</b>	<b>Roof Cover:</b> COMPOSITION
<b>Heat Method:</b> WALL ELECTRIC	<b>Mobile Home:</b>	<b>Exterior Finish:</b> WOOD SHEATHING

SALES INFORMATION

	Deed Type	Sale Date	Sale Price	Document No
<b>Current:</b>		6/11/2008	\$175,000	000000053238
<b>Prior:</b>		10/1/1986	\$38,250	

**Title Co:** SECURITY TITLE CO  
**Lender:**  
**Loan Type:**

**Vest Type:**  
**Loan Amt:** \$0

TAX INFORMATION

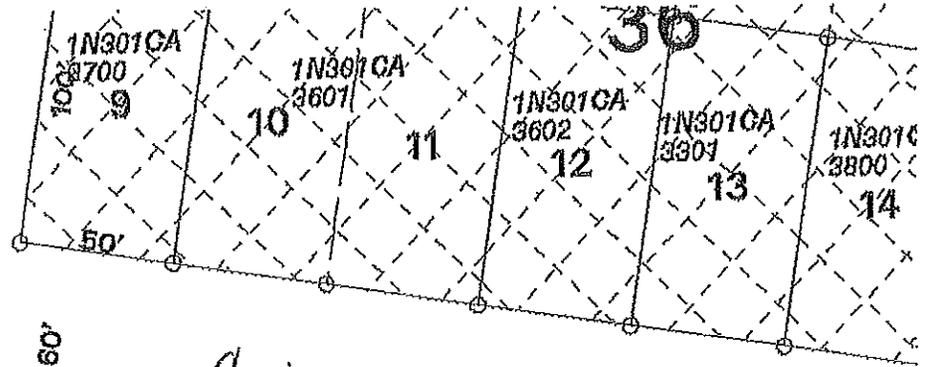
<b>Tax Period:</b> 14-15	<b>Market Land:</b> \$135,240	
<b>Tax Year:</b> 2014	<b>Market Impv:</b> \$65,710	
<b>Tax Amt:</b> \$2,366.98	<b>Market Total:</b> \$200,950	<b>Assessed Total:</b> \$157,090

LEGAL INFORMATION

<b>Map Page:</b> 563	<b>Map Code:</b> 1N-3W-01-SW-SE	<b>Census Tract:</b> 327002029
<b>Map Column:</b> B	<b>Township:</b> 01N	<b>Census Block:</b> 44
<b>Map Row:</b> 1	<b>Range:</b> 03W	<b>Lot:</b> 5
	<b>Section:</b> 01	<b>Zoning:</b> R5
<b>Nbrhd Code:</b> NPLN	<b>Qtr Section:</b> SW	<b>Tax Area Code:</b> 07014
<b>School Dist:</b> NORTH PLAINS	<b>16th Section:</b> SE	<b>Tax Rate:</b> 0.000

**Prop Class:** SINGLE FAMILY RESIDENCE / TOWNHOUSE  
**Land Use:** SFR

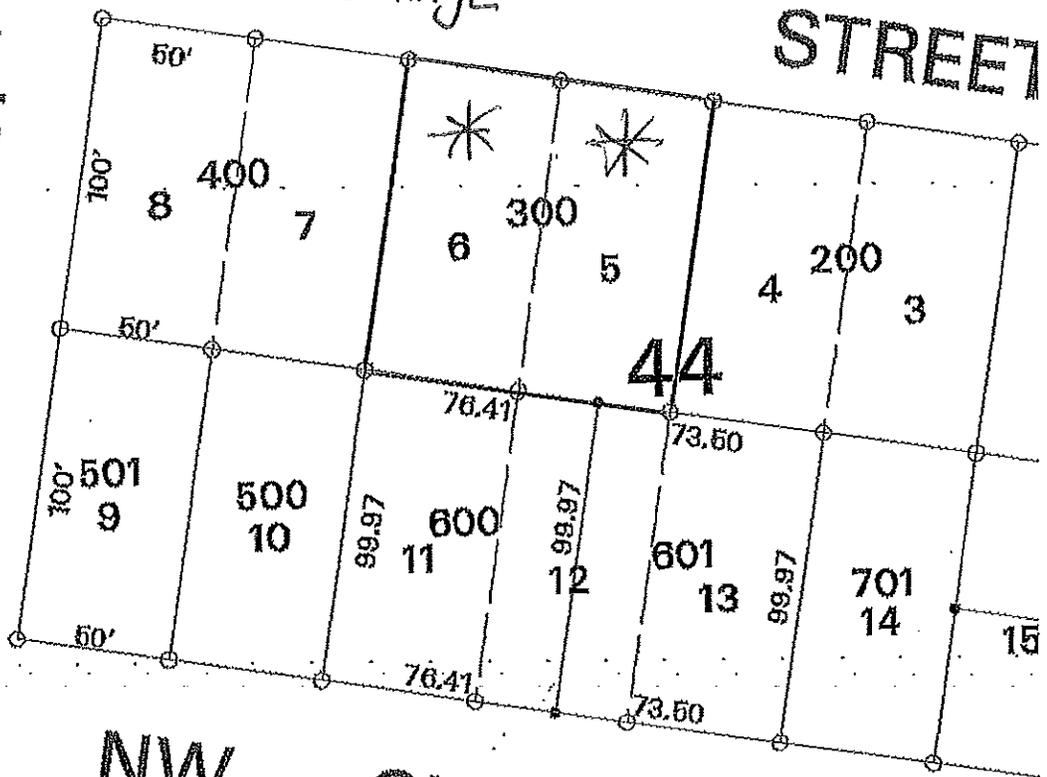
**Subdivision:**  
**Legal Desc:** NORTH PLAINS, BLOCK 44, LOT 5-6



STREET

Cottage

STREET

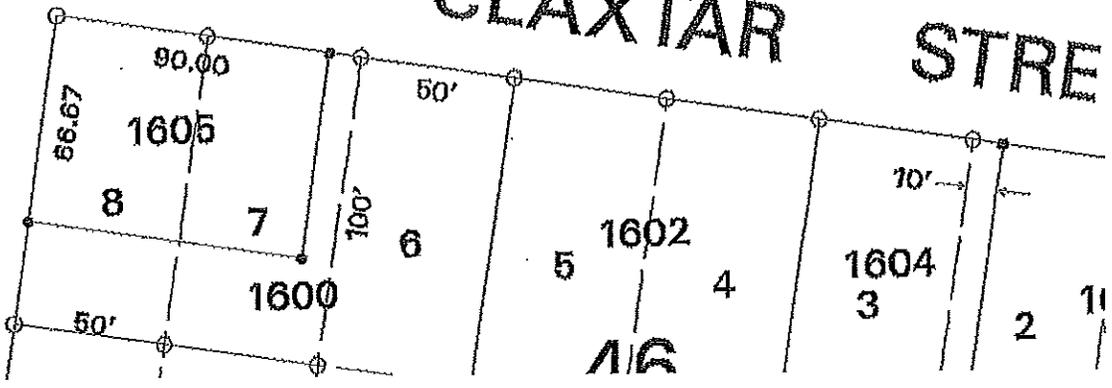


MAIN

NW

CLAXTAR

STRE



Proposed Property line adjustment and Variance Application

**Site address: 31500 NW Cottage, North Plains Lots 5 & 6, Block 44 Two lots, 50x100 each**

Owner: Tim and Eldonna Graber

18735 NW Dixie Mountain Road

North Plains, OR 97133

Applicant: Kent Campbell

PO Box 526

Hillsboro, OR 97123

Chapter 16.120 Lot Line Adjustments

**Chapter 16.120.101 Review criteria**

A lot line adjustment may be authorized provided the applicant demonstrates that

- A. No new parcels are being created
- B. The adjusted lot lines comply with all standards of the underlying zone
- C.

**Response** – The proposed property line adjustment does not create any new parcels. The legal description of the property is “lot 5 & 6” Block 44.

**Chapter 16.25.005 – Permitted Use**

Response - The proposed use of the property after approval of the proposed property line adjustment would be for residential use as allowed in the R-5 zone which the property is located in

**Chapter 16.25.015 – Dimensional Standards**

A - Lot/Parcel size

The ordinance requires that both parcels have a minimum of 5,000 square feet

B – Lot/Parcel depth and width

1 - The ordinance requires that the Minimum Lot width Average is 40 feet

2 – The ordinance requires that the minimum lot depth is 80 feet

C – Setbacks The R-5 zone requires the following setbacks for residential structures

1 - Front of house to the street – Minimum of 15 feet

2- Rear of the house to the back property line – minimum of 10 feet (street access lot such as the subject property)

3 - Side yard – Interior (not a corner lot), minimum of 5 feet

**Response –**

**Lot size** - The property enjoys a land use designation as R-5. A detached single family residence is allowed in this zone on a lot with area of 5,000 square feet. Both of the proposed lots (after completion of the Property Line Adjustment) would have 5,000 square feet.

No variance for lot size is being requested.

**Lot/Parcel depth and width –**

Proposed parcel 1 – lot width of 67 feet and lot depth of 80 feet

Proposed parcel 2 – Lot width of 33 feet and lot depth of 100 feet

The proposed property line adjustment meets all of the ordinance criteria other than the proposed lot with of the "Western Parcel" (33 feet of width) which is due to the location of the existing house. The site current has an existing single family residence on it. Due to the location of the existing single family residence the property line adjustment can not be completed without a lot width variance. The existing residence is mostly on lot 5 appears to extend approx. 12 feet onto lot #6. Due to this the proposed newly created lot would not meet the 40 feet of lot width as required by the City Ordinance. The owner is requesting approval of a new lot with an approximate lot width of 33 feet.

**Setbacks** – The setback requirements of the R-5 zone as noted above, the existing house would meet the setback requirements and the proposed new home to be built would meet the setback requirements.

There are several home plans that could accommodate a new single family home on a 33 foot wide lot and meet City criteria for off street parking and be a "positive influence" on the neighborhood. An example of one such home is attached. It was built in Hillsboro last year on a 30x110 lot. Prospective buyers purchased the house and are very happy with it. A photo of said house is attached.

**Chapter 16.185.010 – Type III Variance review criteria**

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

- A. That special conditions exist which are peculiar to the property/building
- B. That granting the proposed variance would be in the public interest and would be in harmony with underlying zone
- C. That the variance would result in minimal detriment to the immediate vicinity
- D. That the requested variance is the minimum variance which would make possible the reasonable use of the applicants land
- E. That the special conditions exist on which the application is based are not a result of the action of the owner

**Response -**

**Mimumum Variance to code**

A – The existing house was built in approx.: 1980 (prior to this owner purchasing the property). Said house was built across the property/Lot line.

B – Granting the proposed variance allows for reasonable use of the property for residential purposes

C – Approval of the proposed variance to the lot width standard will not significantly affect the neighboring houses

D - Due to the location of the existing house the owner has no control over the site and the requested "Variance" allows for a 5' setback to the new proposed property line to the Western portion of the existing residence. The proposed "Variance" is the least variance possible while still allowing the owner to maximize use of the property (2 lots). The only other alternative would be to tear down the West 17 feet of the existing house.

E – The special conditions on which this variance application is based are not the result of the current owner actions. The existing house was built prior to this owner purchasing the property. Said house was built across the property/Lot line. The location of the existing house was not caused by the current owner.

**Chapter 16.25.020 – Parking requirements**

At least two (2) off street parking spaces are required for each single family dwelling

**Response –**

The existing house does meet this criteria and the proposed new house would be able to meet this requirement

**Other notes –**

At the time the owner (Tim and Eldonna Graber) purchased the property the land use ordinances allowed the seller to remove the existing house and build two “ATTACHED SINGLE FAMILY HOMES” on both lot #5 and lot #6. This would have been a total of 4 dwelling units on the site. Due to economic conditions the owners were not able to construct said four (4) units on the site right after purchase of the property. Since said purchase of the property the land use opportunities for the site have changed. Approval of the proposed variance allows the owner reasonable development of the site while not adversely affecting the other homes in the neighborhood.

Thank you for taking the time to consider the requested variance. We hope that you approve the variance and allow the owner full use of the site.

# Proposed Property Line Adjustment

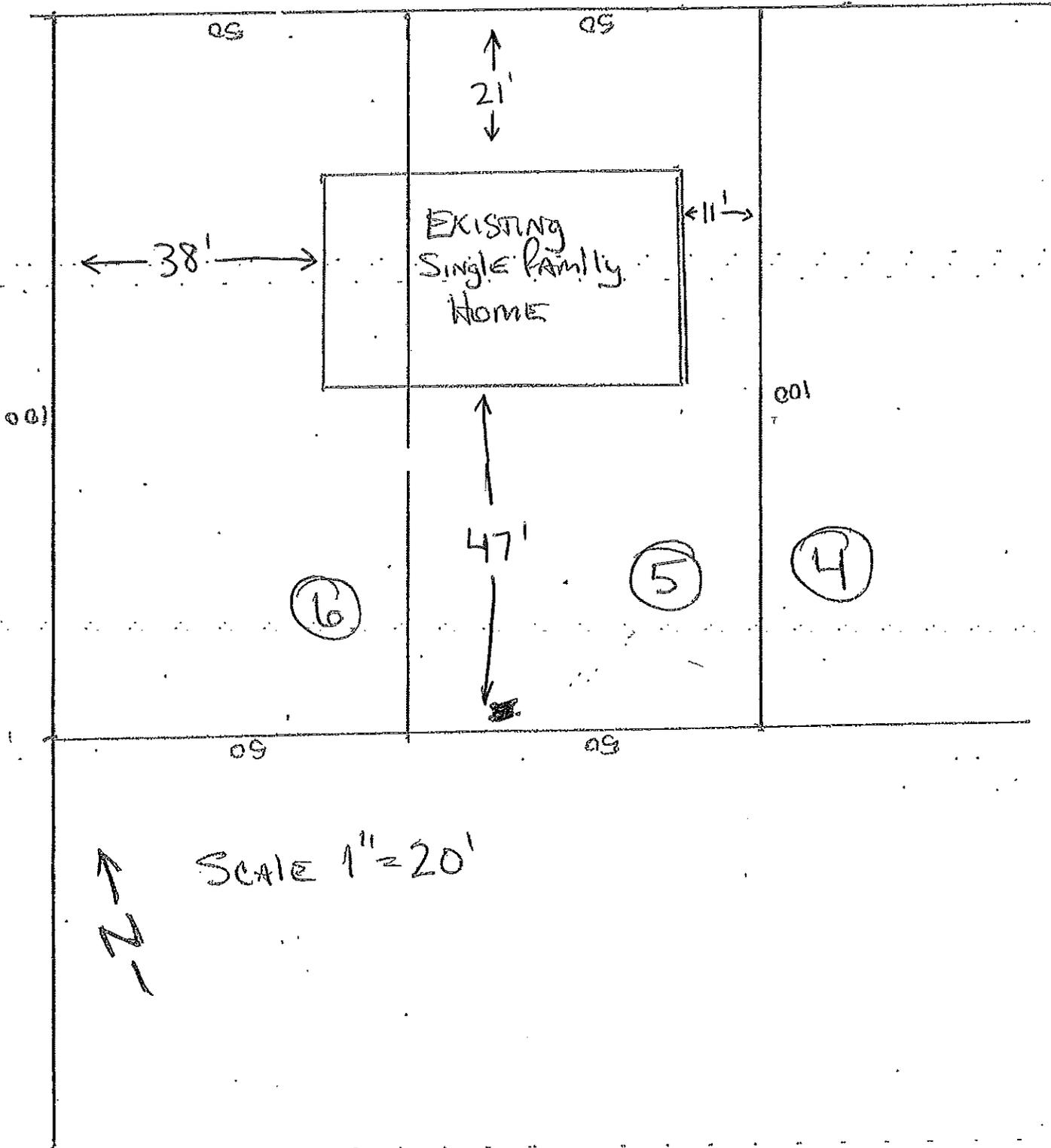
OWNER: Tim & Eldonna Graber

APPLICANT: KENT CAMPBELL

SITE ADDRESS: 31500 NW Cottage Street

Lots 5 & 6, Block 44

NW Cottage Street



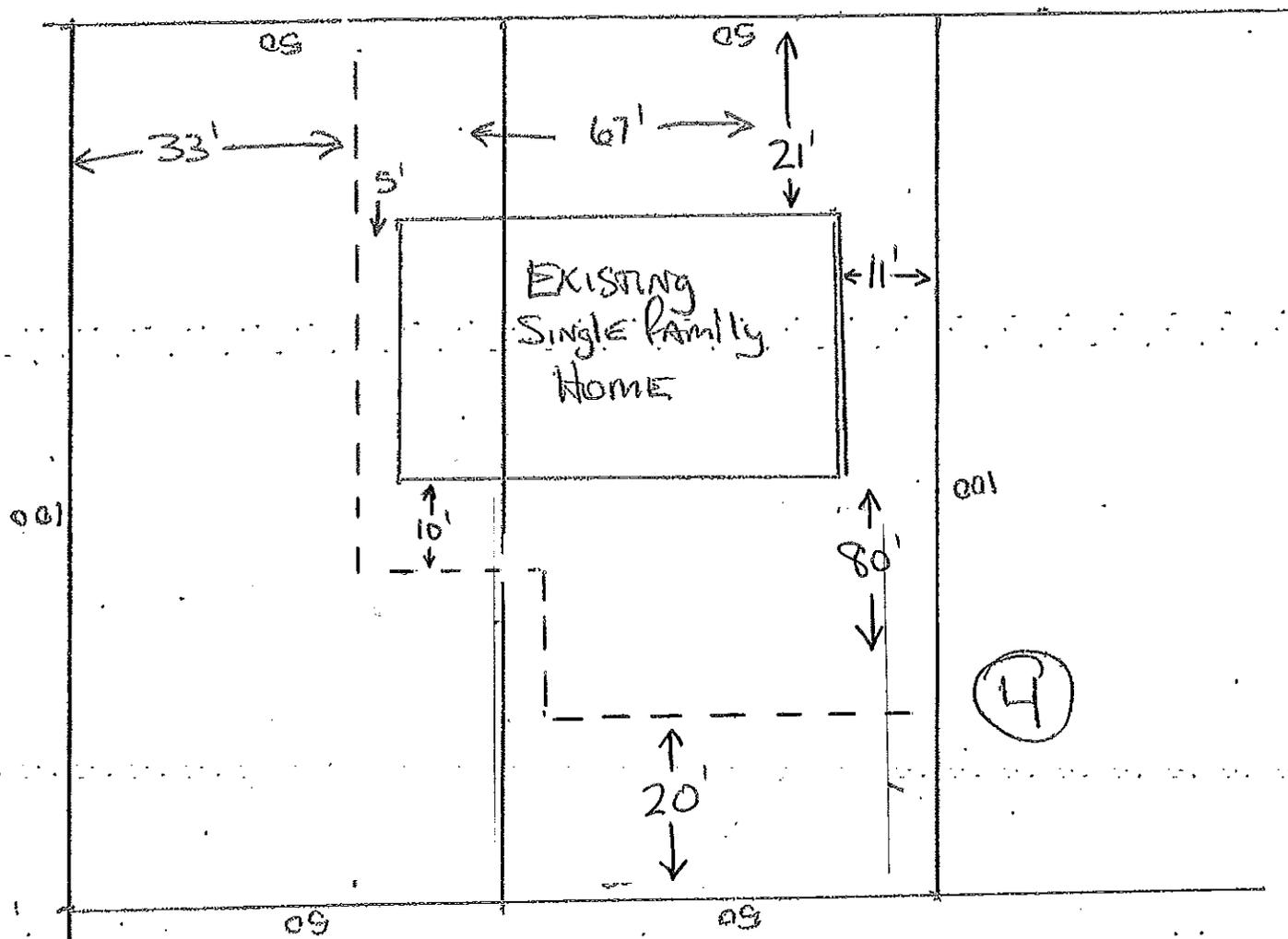
Lot Width VARIANCE

Proposed Property Line Adjustment

OWNER: Tim & Eldonna Graber

Applicant: Kent Campbell

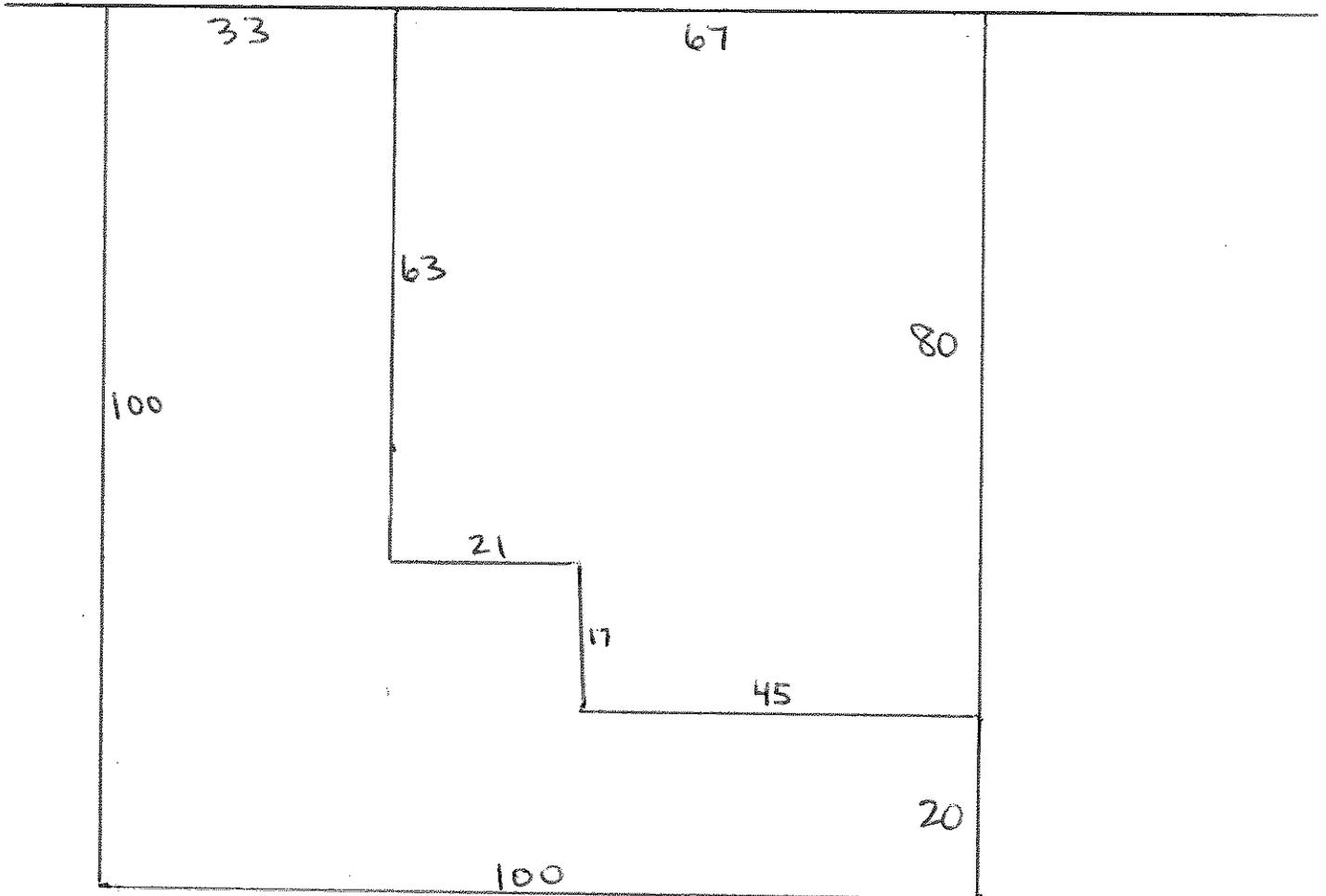
Site Address: 31500 NW Cottage / Lots 5 & 6, Block 44  
NW Cottage Street



SCALE 1" = 20'

AFTER PROPOSED PROPERTY LINE ADJUSTMENT  
BOTH LOTS WOULD HAVE 5,000 SQ FT OF LOT  
AREA.

# NW Cottage



SCALE 1" = 20'

PROPOSED PROPERTY LINE ADJUSTMENT

31500 NW Cottage - NORTH PLAINS

OWNER: TIM & ELDONNA GRABER

Application: 31500 NW Cottage Street

Name: BLAKE BOYLES

Organization or Business (If Any): CITY OF NORTH PLAINS

Address: 31360 NW COMMERCIAL ST NORTH PLAINS, OR 97133

Phone # (Optional): 503-389-1397

Date: 4/21/15

**COMMENTS:**

WATER METER IS ON THE NE CORNER OF LOT, LOT LINE SHOULD NOT CROSS PROPERTY LINE ADJUSTMENT

**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:** [planning@northplains.org](mailto:planning@northplains.org)

Please contact [planning@northplains.org](mailto:planning@northplains.org) with any questions

Thank you!

Application: **31500 NW Cottage Street**

Name: GLEN WOODWARD

Organization or Business (If Any):

Address: 31525 NW, COTTAGE ST.

Phone # (Optional):

Date: 5/6/15

**COMMENTS:**

WE SINCERELY PREFER NOT TO BECOME A ROW-HOUSE NEIGHBORHOOD. 50 FOOT LOTS HERE ARE SMALL ENOUGH. PLEASE DON'T MAKE THIS CHANGE.

AS LONG-TIME RESIDENTS AND HOMEOWNERS DIRECTLY ACROSS FROM 31500 COTTAGE ST., WE WOULD VERY MUCH APPRECIATE SOME CONSIDERATION FOR THE EXISTING RESIDENTS. WE ALREADY KNOW THAT THE PROPERTY OWNER OF 31500 DOES NOT CARE ABOUT THE APPEARANCE OF THE PROPERTY. JUST LOOK AT IT.

WE REALLY HOPE THAT THE HOMES TO BE BUILT THERE DONT BECOME RENTALS, BUT THERE IS THAT POSSIBILITY.

ALONG WITH STACKED HOUSES COME PARKING PROBLEM, UNWANTED PET NOISE, POSSIBILITY OF INCREASED CRIME, AND A SERIOUS LACK OF PEACEFULNESS ON OUR STREET WE NOW ENJOY. PLEASE TREAT THIS SITUATION AS THOUGH YOU LIVE HERE. I MIGHT ADD THAT THE 2-STORY DUPLEX NEXT TO 31500 WAS ONLY ACHIEVED BY THE OWNER AT THAT TIME - LIED TO EVERYONE IN OUR NEIGHBORHOOD.

**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:** [planning@northplains.org](mailto:planning@northplains.org)

Please contact [planning@northplains.org](mailto:planning@northplains.org) with any questions

Thank you!

Application: **31500 NW Cottage Street**

Name: MARIE WOODWARD

Organization or Business (If Any):

Address: 31525 COTTAGE ST. NORTH PLAINS

Phone # (Optional):

Date: 5/6/15

**COMMENTS:**

I AM OPPOSED TO REDUCING THE LOT WIDTH FROM 50' TO 33'. ALL OF THE EXISTING HOMES ON COTTAGE STREET FROM GLENCOE ROAD TO 318<sup>th</sup> ARE 50 FEET WIDE, SO REDUCING THE SIZE NOW WOULD CHANGE THE WHOLE CHARACTER OF OUR NEIGHBORHOOD.

WE LIVE DIRECTLY ACROSS THE STREET FROM THE LOTS ASKING FOR VARIANCE. EVEN WITH THE ONE HOME ON THE LOT THERE ARE OFTEN PROBLEMS WITH PARKING.

ADDING MORE HOMES TO THE SAME SPACE WILL ONLY MULTIPLY THE PARKING ISSUE.

THE NARROWER LOTS MAY WORK IN NEW DEVELOPMENTS, BUT WOULD BE A DISRUPTION IN ESTABLISHED NEIGHBORHOODS LIKE OURS ON COTTAGE STREET.

**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:** [planning@northplains.org](mailto:planning@northplains.org)

Please contact [planning@northplains.org](mailto:planning@northplains.org) with any questions

Thank you!

Application: 31500 NW Cottage Street

Name: Ralph Tramp

Organization or Business (If Any):

Address: 10485 NW 314th Ave.

Phone # (Optional):

Date: 5-6-15

**COMMENTS:** Absolutely Not - Keep the 50x100  
Lots.

**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:** [planning@northplains.org](mailto:planning@northplains.org)

Please contact [planning@northplains.org](mailto:planning@northplains.org) with any questions

Thank you!

**Planning and Building Activity**

Fiscal Year 2014-15

Applications Received

Building Activity	Review	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
New House Permit	1	0	4	11	3	34		1		23	5		
Remodel Permit	1	1	0	0			1				1		
Demolition	1	1	1	1							1		
Right of Way Permit	1		4	11	3	34							
Planning Activity	Review	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Annexation	3, C												
Comp Plan Amendment	3, C												
Conditional Use	3												
Design Review	3												
Fence	1								1	2			
Flood Plain Development	3					1				1			
Historic Overlay	2 or 3	1											
Home Occupation	2												
Lot Line Adjustment	2	4											
Mobile Home Park	3												
Non-Conformin Use	3												
Partition	2												
Sign permit	1				1	1							
Similar Use	3												
Significant Natural Resource	3					1				1			
Street Vacation	4												
Subdivision	3					1				1	1		
Subdivision Final Plat	3												
Subdivision Modification	2										1		
Subdivision Modification	3												
Temporary Use	1												
Variance	1 or 2	1								2			
Variance	3					1				1	1		
Zone Change	3												
Zone Code Amendment	3												
Appeal	3												
Appeal	C										1		
Pre- Application Conferences		1			1	1							

Review - 1 = Administrative, 2 = City Planner, 3 = Planning Commission, C = Council