



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>



NOTICE OF ADOPTED AMENDMENT

May 23, 2006

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of North Plains Plan Amendment
DLCD File Number 004-05

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: June 7, 2006

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist
Meg Fernekees, DLCD Regional Representative
Don Otterman, City of North Plains

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FORM 2

DEPT OF

MAY 18 2006

LAND CONSERVATION
AND DEVELOPMENT

D L C D NOTICE OF ADOPTION

This form must be mailed to DLCD within 5 working days after the final decision
per ORS 197.610, OAR Chapter 660 - Division 18

(See reverse side for submittal requirements)

Jurisdiction: CITY OF NORTH PLAINS Local File No.: ZC-05-00016
(If no number, use none)

Date of Adoption: MAY 15, 2006 Date Mailed: MAY 17, 2006
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 7/21/05

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: _____
(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

CHANGE OF COMPREHENSIVE PLAN DESIGNATION FROM
COMMERCIAL TO MED/HIGH DENSITY RESIDENTIAL AND
ZONING DESIGNATION FROM C-2 TO R-5

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

AMENDMENT APPROVED CHANGE OF DESIGNATION FROM
COMMERCIAL TO HIGH DENSITY RESIDENTIAL, ZONING
CHANGED FROM C-2 HIGHWAY COMMERCIAL TO
R-2 MULTI-FAMILY RESIDENTIAL

Plan Map Changed from: COMM to R-2,5

Zone Map Changed from: C-2 to R-2,5

Location: NW COMMERCIAL ST & 5TH AVE Acres Involved: 1.14

Specify Density: Previous: 0 UNITS/ACRE New: 17 UNITS/ACRE

Applicable Statewide Planning Goals: _____

Was an Exception Adopted? Yes: _____ No:

DLCD File No.: 004-05 (14528)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment FORTY FIVE (45) days prior to the first evidentiary hearing. Yes: No:

If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: _____

CITY OF NORTH PLAINS

Local Contact: DON OTTERMAN Area Code + Phone Number: 503-647-5555

Address: 31360 NW COMMERCIAL ST City: NORTH PLAINS

Zip Code+4: 97133 Email Address: don@northplains.org

ADOPTION SUBMITTAL REQUIREMENTS

This form must be mailed to DLCD within 5 working days after the final decision
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to Mara.Ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 343

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN MAP AND ZONING MAP FOR CERTAIN PROPERTY OWNED BY FRANK VANDERZANDEN IN THE CITY OF NORTH PLAINS, WASHINGTON COUNTY, OREGON.

WHEREAS, the City has received an application from Frank Vanderzanden for a Comprehensive Plan Map amendment from Commercial (COMM) to High Density Residential (R-2.5) and zoning map amendment to Multi-Family Residential (R-2.5) on property described on the map and legal description attached hereto and incorporated herein as "Exhibit A", pursuant to Chapter 16.50 of the City Zoning and Development Ordinance; and

WHEREAS, the Planning Commission conducted a public hearing on December 14, 2005 on the application and recommended approval of a change of zone to R-2.5, Multi-Family Residential to the City Council. The City Council conducted the final public hearing on January 17, 2006; and

WHEREAS, the City Council finds that the proposed amendments comply with the goals and policies of the Comprehensive Plan and the requirements of the Zoning and Development Ordinance.

THEREFORE, THE CITY OF NORTH PLAINS DOES ORDAIN AS FOLLOWS:

1. The City of North Plains Comprehensive Plan Map is hereby amended by the redesignation of the property described and shown in Exhibit A.
2. The City of North Plains Zoning Map is hereby amended by the rezoning of the property described and shown in Exhibit A.
3. The City Council hereby adopts by this reference the Final Findings and Order dated January 11, 2006.
4. There shall be a development agreement recorded on the title of the property requiring any development of the property to go through the Design Review procedures outlined in the zoning and development ordinance.

INTRODUCED on the 1st day of May, 2006, **AND ADOPTED** this 15th day of May, 2006.

CITY OF NORTH PLAINS, OREGON

BY: Cheri Olson
Cheri Olson, Mayor

ATTEST:

BY: Debbie Owens
Debbie Owens, City Recorder



Location of surrounding address

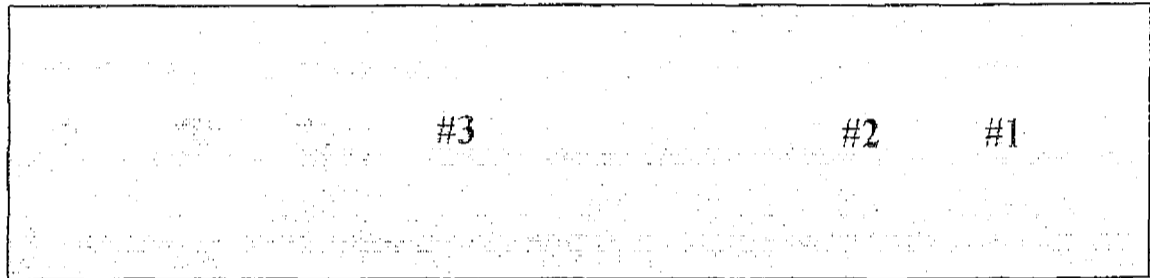
CURRENT USE

Commercial

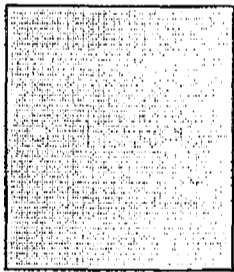
Vacant



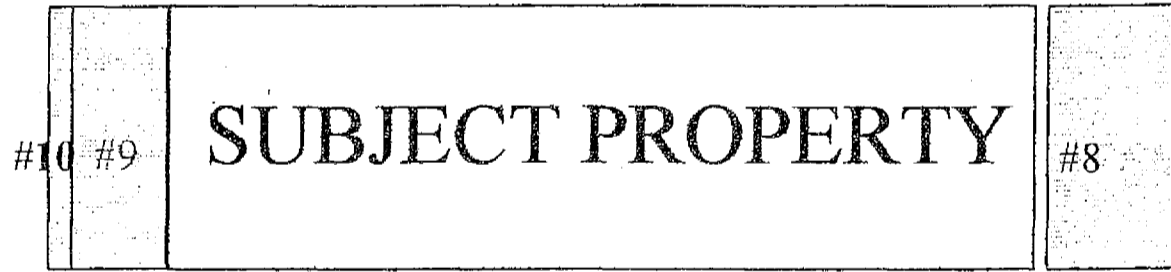
HILLCREST STREET



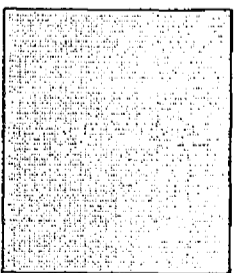
RAILROAD TRACKS



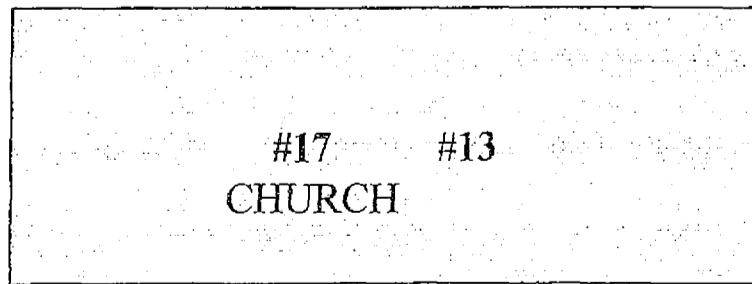
311th AVE.



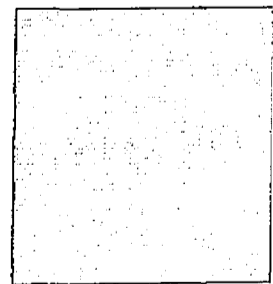
COMMERCIAL STREET



311th AVE.



309th AVE.



NOT to SCALE

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

DATE: April 26, 2006

SENT VIA FAX ONLY

1 pages total

TO: Don Otterman, City Manager
Attn: Debbie
City of North Plains
31360 NW Commercial Street
North Plains, OR 97133
Phone: 503-647-5555 • FAX: 503-647-2031

RE: **May 1, 2006 City Council Public Hearing
Regarding Application for Proposed Plan Amendment & Rezoning
Zone Change/Plan Amendment ZC-05-00016
Applicant/Owner: Frank Vanderzanden.**

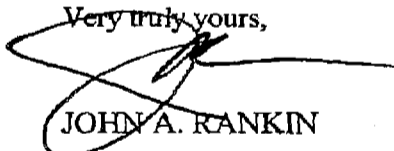
Dear Don:

Pursuant to my telephone conversation to your office today, please accept this letter as Mr. Vanderzanden's request for the final Public Hearing to occur as scheduled for the May 1st City Council meeting.

My client and Guy Marshall and Jeff Garbarino of Garbarino Disposal have reached a Settlement Agreement of all concerns between the parties, and you will receive a letter from Peter Livingston or Kristine Pizzuti (attorneys for Messrs. Marshall and Garbarino) stating that the issues raised in Mr. Livingston's January 17th letter to you and City Council have been addressed to his clients' satisfaction. Hopefully, that letter will be faxed to you by Thursday morning for your inclusion in the City Council packets, or faxed to you before Monday night's Public Hearing.

If you have any questions or comments, please call me on my direct line, 503-682-5855. Thanks for you help with this matter.

Very truly yours,



JOHN A. RANKIN

JAR/bhs

Attachments: None.

pc: Frank Vanderzanden
c/o Rodney Linz
Peter Livingston, Esq. (Kristine Pizzuti, Esq)

Via Fax Only 503-647-9351

Via Fax Only 503-796-2900