



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

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Salem, Oregon 97301-2524

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### NOTICE OF ADOPTED AMENDMENT



February 10, 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 006-05A

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures\*

#### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: February 27, 2006**

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.625 (1), 197.830 (2), and 197.830 (9) 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 ADOPTED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD.**

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

FEB 08 2006

**DLCD NOTICE OF ADOPTION** AND CONSERVATION AND DEVELOPMENT

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: NORTH PLAINS Local File No.: NONE  
(If no number, use none)

Date of Adoption: FEB. 6, 2006 Date Mailed: FEB. 7, 2006  
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: AUG. 29, 2005

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

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

ADOPT COMP. PLAN DESIGNATION AND ZONING FOR PROPERTY ANNEXED INTO CITY.

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."

SAME

Plan Map Changed from: FD-10 to R-2.5

Zone Map Changed from: FD-10 to R-2.5

Location: \_\_\_\_\_ Acres Involved: 7.5+

Specify Density: Previous: 10 ACRE MIN. New: 17 UNITS / ACRE

Applicable Statewide Planning Goals: \_\_\_\_\_

Was an Exception Adopted? Yes: \_\_\_\_\_ No:

DLCD File No.: 006-05 A (14635)

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, WASHINGTON COUNTY

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](mailto:Mara.Ulloa@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 345  
CITY OF NORTH PLAINS, OREGON

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF NORTH PLAINS BY ASSIGNING COMPREHENSIVE PLAN AND ZONING DESIGNATIONS AND APPLYING THE SIGNIFICANT NATURAL RESOURCES OVERLAY DISTRICT AND FLOOD PLAIN OVERLAY DISTRICT TO TERRITORY ANNEXED VIA ORDINANCE NO. 344.

WHEREAS, the territory described in Exhibit A and depicted in Exhibit B was annexed to the City of North Plains via Ordinance No. 344; and

WHEREAS, pursuant to Section II D of the City's Urban Planning Area Agreement with Washington County, the City and Washington County have entered into an Intergovernmental Agreement pertaining to the application of North Plains Comprehensive Plan and Zoning designations for territory annexed to the City; and

WHEREAS, the City has agreed to assign Comprehensive Plan and Zoning designations pursuant to that Intergovernmental Agreement; and

WHEREAS, the Planning Commission conducted a Public Hearing on the proposed Comprehensive Plan and Zoning designations for the annexed territory on January 11, 2006, and recommended approval to the City Council; and

WHEREAS, the City Council conducted a public hearing on the proposed Comprehensive Plan and Zoning designations for the annexed territory on January 17, 2006.

NOW, THEREFORE, based on the following,

The City of North Plains ordains as follows:

- Section 1. The annexed territory described in Exhibit A and depicted in Exhibit B is assigned a Comprehensive Plan designation of R-2.5 (High Density Residential).
- Section 2. The annexed territory described above is assigned a Zoning Designation of R-2.5 (Multi-Family Residential).
- Section 3. The Significant Natural Resources Overlay District is applied to the annexed territory described above.
- Section 4. The Flood Plain Overlay District is applied to the annexed territory described above.

Section 5. Pursuant to Chapter VIII of the North Plains Charter, this Ordinance shall take effect on the thirtieth day after its passage by the City Council.

INTRODUCED this 17<sup>th</sup> day of January, 2006, and ADOPTED this 6<sup>th</sup> day of February, 2006.

CITY OF NORTH PLAINS, OREGON

By: Cheri Olson  
Cheri Olson, Mayor

ATTEST:

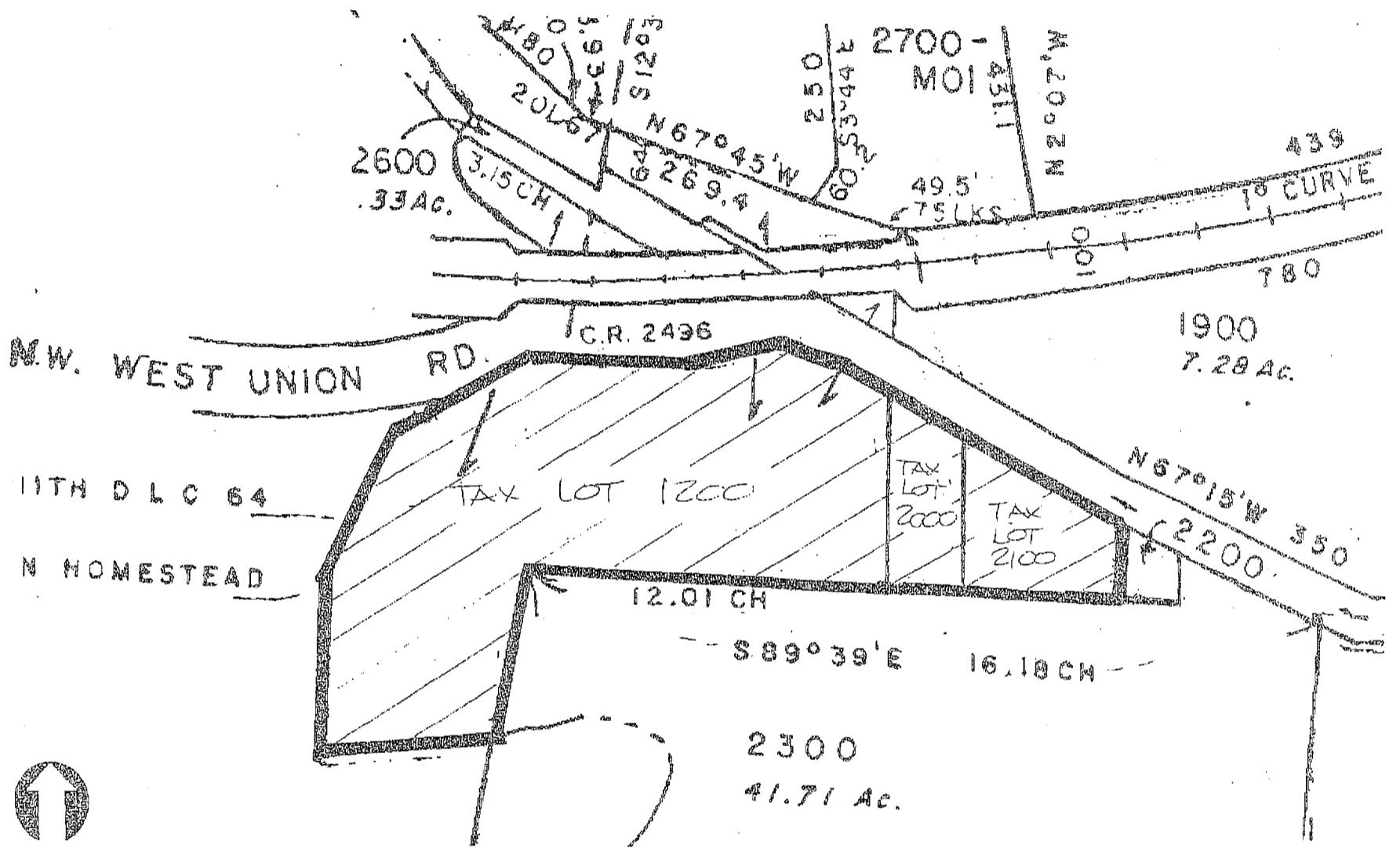
By: Debbie Owens  
Debbie Owens, City Recorder



**CITY OF NORTH PLAINS  
ANNEXATION BOUNDARY DESCRIPTION  
WGTM 1N2 06 TL's 2000, 2100  
And a portion of TL 1200  
November 11, 2005**

A tract of land located in the Southwest Quarter of Section 6, Township 1 North, Range 2 West, and the Southeast Quarter of Section 1, Township 1 North, Range 3 West, of the Willamette Meridian, Washington County, Oregon, being more particularly described as follows:

Beginning at the northeast corner of Parcel 1, Partition Plat No. 1993-086, Washington County Plat Records, also being on the existing city limits of the City of North Plains, on the south right of way line of N.W. West Union Road (County Road No. 2496, variable width); thence along said south right of way line and said existing city limits, North 82°52'20" East, 390.88 feet; thence 176.82 feet on the arc of a nontangent 542.96 foot radius curve to the right through a central angle of 18°39'33" (the chord bears South 72°17'57" East, 176.04 feet); thence continuing on said existing city limits, along the south right of way line of said N.W. West Union Road, South 62°58'10" East, 167.20 feet to a point on the south right of way line of N.W. West Union Road (County Road No. A-10, 60.0 feet wide); thence along said south right of way line, South 65°44'30" East, 215.06 feet, more or less to the west line of that tract of land conveyed to David J. Van Domelen by deed recorded as Document No. 2002-009316, Washington County Deed Records; thence leaving said city limits, along the west line of said Van Domelen tract, South 08°20'51" West, 93.63 feet to the north line of Parcel V, as conveyed to the F.M. Van Domelen Living Trust by deed recorded as Document No. 2000-047427, Washington County Deed Records; thence along said north line, North 88°13'40" West, 786.57 feet, more or less, to the Southwest corner of the Anderson Smith DLC No. 64, being the northwest corner of said Van Domelen Living Trust parcel; thence along the west line of said Trust parcel, South 10°53'20" West, 230.09 feet, more or less, to the most easterly northeast corner of Lot 8, Block 56 of the plat of "North Plains" and the existing city limits of the City of North Plains; thence along said city limits and the northerly and easterly lines of said Lot 8, South 84°53'20" West, 233.40 feet and North 01°04'01" East, 204.67 feet to the center of McKay Creek and the southeast corner of Parcel 1, Partition Plat No. 1993-086; thence continuing along said existing city limits, along the center of said creek and the easterly lines of said Parcel 1 the following six courses: North 05°54'13" East, 34.83 feet; North 12°07'21" East, 49.79 feet; North 21°58'03" East, 68.12 feet; North 38°21'23" East, 77.34 feet; North 48°08'58" East, 58.74 feet; and North 39°23'29" East, 60.84 feet to the Point of Beginning, containing 6.75 acres, more or less.



Not to Scale

## MAP FOR ANNEXATION REQUEST

### TAX LOTS 1200, 2000 AND 2100, MAP 1 N 2 06

Located in the SW ¼ of Section 06, Township 1 North,  
Range 2 West, WASHINGTON COUNTY, OREGON

**CITY OF NORTH PLAINS**

**CITY COUNCIL AGENDA STATEMENT**

**COUNCIL AGENDA DATE:** January 17, 2006

**TO:** Mayor and City Council

**FROM:** City Manager

**SUBJECT:** Zone Change and Comprehensive Plan Change for Homestead Development

**HISTORY:** The subject property was brought into the city by annexation in September 2005. The City Council has approved a comprehensive plan change to amend the map to show the property inside the city limits.

The Planning Commission on January 11, 2006 recommended to the City Council that the subject property should be zoned R-2.5 and the comprehensive plan designation be High Density Residential (R-2.5). The Commission also recommended that the Flood Plain Overlay Zone and Significant Natural Resources Overlay Zone be applied to the property.

**PROPOSAL:** Conduct a public hearing and concur with the Planning Commission recommendation and place the ordinance on first reading.

**FISCAL IMPACT:** None identified

**POSITIVE IMPACTS:** Action will apply a zoning and comprehensive plan designation to the property.

**NEGATIVE IMPACTS:** None identified.

**RECOMMENDATION:** It is recommended that the Council place Ordinance No. 345 on first reading.



**AGENDA ITEM NO.**

**CITY OF NORTH PLAINS**

**STAFF REPORT**

**January 4, 2006**

**APPLICATION:** Zoning and Comprehensive Plan designation of 7.69 acres annexed into the City of North Plains. Area is currently inside the urban growth boundary.

**APPLICANT:** Homestead Development  
P. O. Box 12  
Hillsboro, Oregon 97123

**OWNERS:** Kenneth & Patsy Fields  
30240 NW West Union Road  
North Plains, Oregon 97133

Stan Karpow  
George Teeny  
P. O. Box 5751  
Beaverton, Oregon 97006

Matthew & Lynette Travis  
30140 NW West Union Road  
North Plains, Oregon 97133

**PUBLIC HEARING: January 11, 2006**

**I. APPLICABLE CRITERIA:**

- A. Section 16.02.030 of the Zoning and Development Ordinance (ZDO), Zoning in Newly Annexed Areas.
- A. Chapter 16.08 of the Zoning and Development Ordinance(ZDO), R-2.5 Multi-Family Residential Zone
- B. Section 16.50.021 of the (ZDO), Amendments - Purpose and Scope
- C. Chapter 16.82 Public Hearings Before Planning Commission
- D. High Density Residential Comprehensive Plan Designation

**II FINDINGS OF FACT:**

- A. There are three distinct tax lots being proposed for a new comprehensive plan designation and zoning: Tax Lots 1200, 2000 and 2100, Tax Map 1N26.
- B. Comprehensive Plan Designation: The County is a one map system, therefore, there is currently only one designation for the subject properties. The subject property was included inside the city limits by adoption of Ordinance No. 344, is currently designated as FD-10, Future Development Ten Acre Minimum, which is a County land use designation pending application of a designation by the city. Property to the north of this area is within the City of North Plains and is designated Industrial (IND). Property to the west is designated High Density Residential (R-2.5). Property to the south and east is outside of the City of North Plains.
- C. Zoning: The zoning around the areas subject of this annexation application are:  
  
Zoning north is M-2, zoning east and south is EFU, zoning west is R-2.5 Multi-Family Residential.
- D. Existing Improvements: The subject property is developed with two single family residences and related farm use buildings.
- E. Proposed Application: The applicant/owner is requesting a comprehensive plan designation of High Density Residential and a zoning designation of Multi-family Residential.
- F. Adjacent Land Uses:
  - 1. Adjacent property to the north is developed with a single family residence and industrial uses. Property to the west, east and south is vacant farm use.

**III. AGENCY RECOMMENDATIONS AND WRITTEN TESTIMONY:**

Referrals were sent to Washington County Land Use and Transportation, Public Works, Police Department, and the Finance Director. They had no objection to the application. Clean Water Services did not respond to the referral. The Fire District had no objection to the application provided that the fire code requirements were met as a part of the individual developments.

**IV APPLICABLE COMPREHENSIVE PLAN GOALS, POLICIES AND OBJECTIVES**

Section 15.01.030 – Vision Statement Introduction

9. *Density – We will continue to recognize the importance of balancing low, medium and high density land use.*

FINDING:

The periodic review work that has been acknowledged by LCDC establishes a goal of 8.4 dwelling units to the net acre. The plan that has been proposed complies with the city's highest density zone, R-2.5 which allows at least this density.

14. *Workable – Our vision shall be a model for the way we can manage our growth in practical and cost-effective ways so that we ensure we have a viable economic future while preserving our livability.*

FINDING:

The population that would be accommodated in this annexed area by the designation of High Density Residential, as well as infill development within pre-expansion City limits, will foster economic growth to City's downtown core and other commercial areas. Population growth will provide critical mass to inspire economic growth for existing and new businesses. This well-planned growth will help reduce the need to go outside the community for commercial or retail needs.

*Section 15.02.120 - Urbanization*

*Urbanization*

1. *Objective: To provide for an orderly and efficient transition of land from rural to urban use through the identification and establishment of areas designed to accommodate the full range of urban uses within the North Plains expansion area.*

FINDING:

The subject area is directly adjacent to the city's boundary on the south side of West Union Road. The comprehensive plan designation for the area inside the city to the west of the subject property is High Density Residential and the zoning Multi-Family Residential R-2.5. The requested comprehensive plan designation and zoning is consistent with the adjacent designations. While the area only includes residential development rather than a full range of urban uses, the size of the area limits development for other than residential uses.

(2) *Development standards in the expansion areas shall be used as a tool to achieve densities of 8.4 units per acre. Key components of expansion area design shall include:*

- *Pedestrian orientation;*
- *Public amenities, including pedestrian spaces and community facilities;*
- *Linkages within and between neighborhoods;*
- *Convenient access to needed services.*

FINDING:

As noted previously, the proposed development of the area is consistent with the State required density of 8.4 units per net acre.

(3) *The land use map shall designate the expansion areas to promote varying density residential development and pedestrian-sensitive mixed-use development so as to provide the opportunity for an overall density of 8.4 units per net acre, and an approximate 40% low density, 40% medium density, and 20% high density split in the expansion areas.*

FINDING:

See answer to number 2 above.

*Housing*

a. *Objective: To provide for the housing needs of the citizens of North Plains by encouraging the construction, maintenance, development, and availability of a variety of housing types, in sufficient number and at price ranges and rent levels which are commensurate with the financial capabilities of the community's residents.*

FINDING:

The plan for the area depicts small lot single family residential development consistent with the density goals of the comprehensive plan.

A. *Policies*

(2) *Within the expansion areas minimum residential densities shall be established to ensure these areas achieve the residential density objective identified in the North Plains Neighbor City Study, while also retaining flexibility for residential development patterns and projects tailored to specific locations.*

FINDING:

The R-2.5 zone has standards assuring the residential densities identified in the Neighbor City Study will be achieved in the annexation area and will be addressed more fully during the design review and subdivision approval process.

*Applicable zoning designation:*

(3) *Section 16.08.010 Purpose of the ZDO states, "The purpose of the R-2.5 District is to provide areas for the development of multi-family housing, and to implement the housing policies of the Comprehensive Plan."*

## FINDING

The comprehensive plan designation and zoning of R-2.5 is consistent with the goals of providing a mixture of residential uses and more affordable housing.

## VI. RECOMMENDATION

Based upon the findings contained within this staff report, and the testimony received at this public hearing, the Planning Commission recommends to the City Council the following:

1. The comprehensive plan designation that should apply to this annexation area is R-2.5, High Density Residential, Significant Natural Resources and Flood Plain.
2. The zoning designation that should apply to this annexation area is Multi-family Residential R-2.5, Significant Natural Resources (SNR Overlay Zone and Flood Plain Overlay Zone).