



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

January 31, 2007

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 006-06



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: February 14, 2007

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, North Plains

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FORM 2

DEPT OF

JAN 25 2007

LAND CONSERVATION
AND DEVELOPMENT

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

Date of Adoption: JANUARY 22, 2007 Date Mailed: JANUARY 24, 2007
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: MAY 4, 2006

- 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."

CLARIFY BUILDING SETBACKS FOR ACCESSORY
STRUCTURES

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 : _____ to _____

Zone Map Changed from: _____ to _____

Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: _____

Was an Exception Adopted? Yes: _____ No:

DLCD# 006-06 (15212)

DLCD File No.:

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. 357

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH PLAINS, OREGON AMENDING CHAPTER 16.36 OF THE NORTH PLAINS ZONING AND DEVELOPMENT ORDINANCE.

WHEREAS, the Planning Commission of the City of North Plains has recommended various changes be made to the accessory structure requirements of the zoning and development ordinance; and

WHEREAS, the City Council wishes to amend the zoning and development ordinance as recommended by the Planning Commission.

NOW THEREFORE, the City Council of the City of North Plains ordains as follows:

- Section 1. The Zoning and Development Ordinance of the City of North Plains is amended as shown in Exhibit A attached to this ordinance.
- Section 2. The City Recorder is directed to send this ordinance and exhibit to the Department of Land Conservation and Development as required by State law.

INTRODUCED on the 2nd day of January, 2007, **AND ADOPTED** this 16th day of January, 2007.

CITY OF NORTH PLAINS, OREGON

BY: Cheri Olson
Cheri Olson, Mayor

ATTEST:
BY: Debbie Owens
Debbie Owens, City Recorder

Chapter 16.36
ZONING AND DEVELOPMENT ORDINANCE
HOW LAND MAY BE USED AND DEVELOPED
General Provisions
General Provisions Regarding Accessory Uses, Structures and Dwellings

Sections:

- 16.36.000** General Provisions
- 16.36.005** General Provisions Regarding Accessory Uses and Structures
- 16.36.010** Requirements for Accessory Uses and Structures
- 16.36.020** Requirements for Accessory Dwellings

16.36.005 General Provisions Regarding Accessory Uses and Structures

16.36.010 Requirements for Accessory Uses and Structures

A. Fences, walls and hedges

Fences, walls and hedges may be located in any required yard or along the edge of any yard, subject to the maintenance of clear-vision areas. A fence, wall or hedge may not exceed six (6) feet in height in a residential zone without approval of a variance. Fences, walls or hedges shall not exceed a height of three feet along the front property line or within a front yard setback.

B. Greenhouse

A greenhouse or hothouse may be maintained accessory to a dwelling only if there are no sales.

C. Accessory Structures in Residential Zoning Districts

In all residential zoning districts, all accessory structures associated with a single family dwelling, other than fences, walls, or hedges, shall be either recessed behind, or flush with, the front elevation of the dwelling: , and shall comply with all setback requirements.

16.36.020 Requirements for Accessory Dwellings

An accessory dwelling is a small, secondary housing unit on a single family lot, usually the size of a studio apartment. The additional unit can be a detached cottage, a unit attached to a garage, or in a portion of an existing

house. The housing density standard of the base zone does not apply to accessory dwellings, due to the small size and low occupancy level of the use. The following standards are intended to control the size and number of accessory dwellings on individual lots, so as to promote compatibility with adjacent land uses. Accessory dwellings shall comply with all of the following standards:

- A. Oregon Structural Specialty Code. The structure complies with the Oregon Structural Specialty Code;
- B. Owner-Occupied. Either the primary residence or accessory dwelling shall be owner-occupied. Alternatively, the owner may appoint a family member as a resident care-taker of the principal house and manager of the accessory dwelling;
- C. One Unit. A maximum of one accessory dwelling unit is allowed per lot;
- D. Floor Area. The floor area of the accessory dwelling shall not exceed 650 square feet;
- E. Building Height. The building height of detached accessory dwellings (i.e., separate cottages) shall not exceed 25 feet;
- F. Buffering. A minimum 6 foot hedge or fence between an accessory dwelling and a lot line shall be required when the accessory dwelling will have windows or doors which face a side or rear lot line and are within 10 feet of the lot line;
- G. Location. Detached accessory dwellings shall either be recessed behind, or flush with, the front elevation of the principal dwelling.

Revisions:
ORD. 315 - May 3, 2004
ORD. 346 - February 6, 2006