



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

February 21, 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 008-06



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: March 8, 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: Gloria Gardiner, DLCD Urban Planning Specialist
Meg Fernekees, DLCD Regional Representative
Don Otterman, City of North Plains

<paa> ya/

FORM 2

DEPT OF

FEB 16 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: FEB 5, 2007 Date Mailed: FEB 15, 2007
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: _____

- 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."

AMENDMENT OF VISION CLEARANCE
REQUIREMENTS

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: X

DLCD File No.: 008-06(15701)

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. 356

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH PLAINS,
OREGON AMENDING CHAPTER 16.38 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 Clear Vision Areas 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 16th day of January, 2007, **AND ADOPTED** this 5th day of February, 2007.

CITY OF NORTH PLAINS, OREGON

BY: Cheri Olson
Cheri Olson, Mayor

ATTEST:
BY: Debbie Owens
Debbie Owens, City Recorder

Chapter 16.38
ZONING AND DEVELOPMENT ORDINANCE
HOW LAND MAY BE USED AND DEVELOPED
General Provisions
Clear Vision Areas

Sections:

16.38.000	<u>General Provisions</u>
16.38.005	<u>Clear Vision Areas</u>
16.38.010	<u>Requirements</u>

16.38.005 **Clear Vision Areas**

16.38.010 **Requirements**

Except in the C-1 zone, a clear vision area shall be maintained on the corners of all property adjacent to the intersection of two streets, a street and a railroad, or a driveway providing vehicular access to a public street, ~~excluding~~ including alleys.

A. ~~On all corner lots, no vehicle, fence, wall, hedge, or other planting or structure shall be parked, erected, planted, placed, located or maintained, except for occasional tree trunks or poses, so as to impede visibility between a height of 3 feet and 10 feet within the clear vision area. The clear vision area is a triangle formed by the right-of-way lines at points which are 30 feet distant from the intersection, as illustrated below:~~

A. Lots or parcels on street corners (public and/or private) shall maintain a sight triangle with no sight obstruction between three (3) feet and eight (8) feet in height as measured from street grade. Sight obstructions include, but are not limited to, fences, vegetation, berms, signs and structures but do not include traffic control signs. The sight triangle shall be measured from the street corner (apex), a distance of twenty (20) feet along each street side (see Figure 1). For the purpose of this Section, street corner is defined as that point where the extended edge of the road surface of two intersecting streets meet. The City may require additional vision clearance based on a hazard identified by the City. However, tree trunks, and sign poles not exceeding 12 inches in diameter.

- B. A private access ~~24 feet or more in width~~ shall be treated as a public street for the purpose of this section. The vision clearance area shall be determined in the manner set form in **Chapter 16.38.010(A)**. The edge of the travel or paved surface area of the private access, be it roadway, curb or sidewalk, shall be treated as the right-of-way line in determining the vision clearance area.
- C. ~~In the case of the intersection of a private access less than 24 feet wide with a public street, the restrictive provisions of Chapter 16.38.010(A) shall apply; but the vision clearance area shall be the triangle whose base extends 30 feet along the street right-of-way line in both directions from the center line of the private access with the apex of the triangle located on the center line of said private access 20 feet from the right-of-way, as illustrated below.~~

