



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

03/19/2012

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of North Plains Plan Amendment  
DLCD File Number 002-11

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office. This amendment was submitted without a signed ordinance.

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, March 30, 2012

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Martha DeBry, City of North Plains  
Angela Lazarean, DLCD Urban Planner  
Anne Debbaut, DLCD Regional Representative  
Thomas Hogue, DLCD Economic Development Policy Analyst

<paa> YA/ph

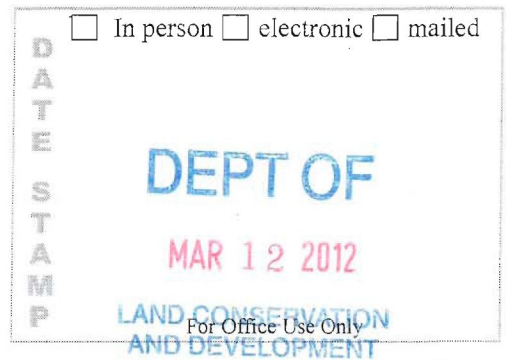


FORM 2

DLCD

# Notice of Adoption

In person  electronic  mailed



This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of North Plains**

Local file number: **ZDA-11-005**

Date of Adoption: **3/7/2012**

Date Mailed: **3/9/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date:

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: **Zoning Code Text Amendments**

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

Amendments to the City of North Plains Zoning and Development Code primarily for organizational, procedural and administrative purposes. Includes zone use and setback changes, new definitions, limited land use and other ORS procedural additions, approval criteria for partitions, subdivisions and plan amendments including TPR standards, added objectivity to the home occupation and temporary use provisions, and approval extension provisions.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **N/A**

to: **N/A**

Zone Map Changed from: **N/A**

to: **N/A**

Location: **N/A**

Acres Involved: **0**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
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Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

DLCD File No. 002-11 (18920) [16967]

DLCD file No. \_\_\_\_\_

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

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Local Contact: **Angie Lehnert**

Phone: (503) 647-5555 Extension:

Address: **31360 NW Commercial**

Fax Number: - -

City: **North Plains**

Zip:

E-mail Address: **angie@northplains.org**

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## ADOPTION SUBMITTAL REQUIREMENTS

**This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18**

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light **green paper if available**.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on **8½ -1/2x11 green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail **plan.amendments@state.or.us**.

CITY OF NORTH PLAINS  
STAFF REPORT

September 7, 2011

To: North Plains Planning Commission  
From: Angie Lenhert, Assistant Planner & Carole Connell, AICP Contract City Planner  
Through: Martha DeBry, City Manager

**APPLICATION:** File # **ZDA-11-005** Zoning and Development Amendments were drafted to reorganize the format of the entire code; to streamline review procedures; to broaden zone use categories, adding definitions and land uses and deleting some zone uses; to add land use review criteria and procedures for clarity and objectivity; to expand provisions for home occupations and temporary uses; to clarify land division reviews and procedures; to comply with state statutes; and to overall improve administration of the North Plains Zoning and Development Code.

**APPLICANT:** City of North Plains  
31360 NW Commercial Street  
North Plains, OR 97133

**PUBLIC HEARINGS:** September 14, 2011 before the Planning Commission and November 7, 2011 before the City Council.

**EXHIBITS:** Draft North Plains Zoning and Development Code dated September 7, 2011 amended in its entirety and attached as Exhibit 'A'. A copy of the proposed revisions is attached included in the City Council's and Planning Commission's packets marked as Exhibit 'A', and is available for review at the City Records Office and North Plains Public Library and online at northplains.org.

**I. APPLICABLE CRITERIA:** The Code was amended in light of the following information and this report elaborates on the findings below:

- A. Statewide Planning Goal 1 Citizen Involvement
- B. Statewide Planning Goal 2 Land Use Planning
- C. Statewide Planning Goal 9 Economy
- D. Statewide Planning Goal 10 Housing
- E. Statewide Planning Goal 12 Transportation
- F. Comprehensive Plan Section 15.02.015 Citizen Involvement
- G. Comprehensive Plan Section 15.02.025 Land Use Planning



- H. Comprehensive Plan Section 15.02.070 Economics
- I. Comprehensive Plan Section 15.02.080 Housing
- J. Comprehensive Plan Section 15.02.101 Transportation
- K. Zoning and Development Code Chapter 16.04 Zoning Definitions
- L. Zoning and Development Code Chapter 16.06 Zoning District R-7.5
- M. Zoning and Development Code Chapter 16.07 Zoning District R-5
- N. Zoning and Development Code Chapter 16.08 Zoning District R-2.5
- O. Zoning and Development Code Chapter 16.09 Zoning District C-1
- P. Zoning and Development Code Chapter 16.10 Zoning District C-2
- Q. Zoning and Development Code Chapter 16.11 Zoning District M-1
- R. Zoning and Development Code Chapter 16.12 Zoning District M-2
- S. Zoning and Development Code Chapter 16.50.020 A. Legislative Amendments

## II. BACKGROUND

A. Proposed Application: Zoning and Development Code Amendments have been initiated by the City Planning Commission. The following is a summary of the amendments:

- Revisions to permitted and conditional uses and the addition of a Use Table (Chapter 16.15). Permitted and conditional housing types in some residential zones have been changed. In addition, uses were both added for clarity and broadly categorized (i.e. adding light industrial, heavy industrial, civic/governmental categories and definitions) to cover more uses. See the Use Table with notes for old and new permitted/conditional uses.
- Overall grammatical editing and revisions to make language clear and objective.
- Setback & height changes to the residential zones (Chapters 16.20, 16.25, 16.30).
- Reordering, consolidating, and renaming chapters into a more logical format and subsequently updating all chapter references in the Code (see the attached North Plains old & new Chapter Numbering chart for clarification.)
- Changes to sign standards to allow Farmer's Market temporary signs (16.80)
- Updates and additions to the Definitions chapter for clarity (16.05)
- Updates to Street Standards chapter (16.150) by referencing TSP for street cross-section designs and by adding Washington County access spacing standards.
- Changes to policies regarding land use application extensions to lengthen extension provisions for developments affected by the economic recession (Chapter 16.00).

- Updates to Conditional Use chapter, adding approval criteria (16.180).
- Updates to the Home Occupations chapter for clarity and objectivity (16.85).
- Updates to Lot Line Adjustment chapter (16.120) for clarity and processing.
- Updates to the Land Partitioning chapter to add approval criteria (16.130).
- Updates to the Subdivisions chapter to add approval criteria, flag lots, access provisions, bonding and plat approval provisions (16.135).
- Updates to the Application Review chapter to consolidate and specify the various types of land use permits and procedures per ORS, to add provisions for neighborhood meetings and traffic impact studies (16.170).
- Updates to Design Review chapter to add limited land use design review provisions and to consolidate four design review chapters into one (16.175).
- Updates to Variance Chapter adding an administrative variance procedure (16.185)
- Updates to the Comprehensive Plan & Zoning Map Amendments chapter adding TPR standards and application review criteria (16.200).
- Updates to the Temporary Permits chapter by adding objectivity and specificity to the standards and review procedures (16.210).

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

Notice for this application were advertised in *The Argus*, the City web site and was posted on City bulletin notification boards located at North Plains City Hall, North Plains Library, North Plains Post Office and North Plains Market. Public comments were received at the July 13, 2011 work session. Affected agencies were notified and comments are pending.

### **IV. FINDINGS - REVIEW CRITERIA AND EVALUATION**

Introduction: A legislative text amendment to the development code shall be based upon a need for such an amendment as identified by the City Planning Commission or Council. The amendments shall be consistent with the Comprehensive Plan, the Zoning and Development Code and applicable state statutes and regulations.

Due to the wide range of amendments proposed, the City finds it is not necessary to evaluate each and every change against Plan policies, code standards or state statutes. Therefore, amendments that result in grammatical corrections, new definitions, farmer market signage, combining sections

verbatim, reordering and renumbering sections, and deleted sections; amendments to streamline land use review that include limited land use reviews and administrative variances or that better define land use procedures and add objective approval criteria based on the Model Code for Small Oregon Cities; amendments to clarify land division steps in accordance with statute and county recording practices, to provide for flag lots; and finally, amendments to expand or define home occupation or temporary use opportunities are only addressed under Statewide Planning Goal 2 because they are amendments designed to improve the land use process for citizens, property owners and staff, and to provide clear and objective standards for decision makers..

More in-depth findings in this report will focus primarily on the following amendments:

1. Revisions to permitted and conditional uses in the zoning districts.
2. Revisions to reference the North Plains TSP as the source for street cross-sections, to add street access spacing standards, and to clarify when a traffic impact study is required.

A. Statewide Planning Goal 1 Citizen Involvement

*To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

FINDINGS: The Planning Commission first initiated discussions for changes to the zoning and code during its August 13, 2008, regular meeting. Over time, staff and the Commission developed a list of recommended changes to consider. They researched other codes and developed draft language.

The Commission conducted several advertised work sessions to review proposed amendments in 2011 on February 9 & 16, March 9, & 16, April 13 & 20, May 11 & 18, June 8, July 13 and August 10, 2011. The Commission also held a public work session on possible zone changes and zone use changes on July 13, 2011 whereby all affected property owners were notified and invited to participate. Numerous citizens attended and provided input primarily in opposition to any zone changes. The Planning Commission considered the comments and decided not to proceed with any property zone changes at this time.

Notice and draft amendments were sent to DLCD. A Public hearing was scheduled before the Planning Commission on September 14, 2011 and the City Council scheduled a public hearing for November 7, 2011. Notices were provided in accordance with legislative notice requirements, including a citywide notice to all residents mailed on August 19, 2011 and newspaper publication on August 29, 2011.

B. Comprehensive Plan Section 15.02.015 Goal 1 Citizen Involvement

3. *Objective: Citizens having a reasonable opportunity to be involved in all phases of the planning process shall be actively encouraged.*

A. *Policies: 1. Citizen assistance in the preparation of each phase of the*

*planning process shall be actively encouraged.*

FINDINGS: Refer to the findings in Statewide Planning Goal 1 detailed in item A. Statewide Planning Goal 1 above. The City finds that citizens have had a reasonable opportunity to be involved in all phases of the process.

C. Statewide Planning Goal 2 Land Use Planning

*Part I – Planning: To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

FINDINGS: The Planning Commission and staff have found the existing code difficult and cumbersome to administer, resulting in amendments to consolidate several sections, re-order and re-number sections, clarify terms and definitions in order to generally improve the readability and administration of the document. The City found that the Conditional Use, Land Partition, Subdivision and Plan and Zone Text and Map Amendment procedures were lacking approval criteria to assure objective guidelines for decision makers. The City found it more efficient to allow for streamlined administrative variances and limited land use procedures in some land use cases. The City found that vague or incomplete provisions for home occupations and temporary uses provide unnecessary obstacles to property owners. The proposed amendments will meet the intent of Goal 2 to establish a clear and objective basis for all land use decisions and to assure land use decisions actions have a factual basis.

D. Comprehensive Plan Section 15.02.025 Goal 2 Land Use Planning

3. *Objective: The comprehensive plan and implementing ordinances shall be reviewed periodically so that the City may keep the planning process dynamic and the comprehensive plan able to respond to change.*

FINDINGS: The City finds that over the last decade there have been a steady number of specific revisions to the North Plains Zoning and Development Code and Zone Map in order to maintain an document the reflects change in the community and trends in land use. This time the subject amendments address specific needs to rethink permitted land uses and dimensional standards in each zone, to elaborate on home occupations and temporary uses and permit farmers market signage. But the bulk of the amendments consider the administration of the code in its entirety in order to develop a code that is more direct in its administration, interpretation, cross-references and procedures for processing and streamlining land use actions.

E. Statewide Planning Goal 9 Economy

*To improve the economy of the state*

FINDINGS: The City finds that the proposed amendments will both broaden and add clarity to permitted and conditional uses in each zone district. See the findings for the commercial and industrial zones below that list the changes in each district. The City believes these changes will assist the applicant and property owners more clearly determine how their land can be used. In addition, the changes propose a defined list of land use types and their review procedure, as well as add clear and objective approval criteria. These modifications will add certainty for the applicant and objectivity for the decision makers, in each case result in more expedited and factual reviews.

In addition, home owners will realize more lenient home occupation provisions while maintaining the residential character of a neighborhood. This will result in additional job opportunities and less commuting costs and environmental impacts. Similarly, businesses and home owners will be allowed more specific opportunities and guidelines for temporary uses. The City finds that many of the proposed amendments could result in increased economies for business and a wider variety of land uses to choose from.

F. Comprehensive Plan Section 15.02.070 Economics

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

FINDINGS: As stated above, the City finds that changes to the commercial and industrial zones and the addition of home occupation and temporary uses may increase job opportunities in the City.

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

FINDINGS: The City finds that several new uses are proposed to be added to the commercial and industrial zones as outlined in the findings for the C-1, C-2, M-1 and M-2 zones below.

G. Statewide Planning Goal 10 Housing

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

FINDINGS: The City finds that the North Plains Zoning and Development code is currently in compliance with the State Goal 10 Housing. There are three residential zones in North Plains from a low density R.7 (7000 square foot lot minimum); to a mid-density R-5 (5000 SF); to a high density R-2.5 (2500 SF). The proposed amendments affect the existing housing options in the following manner:

- The Attached Row house option is proposed to be limited so that the maximum of four (4) dwelling units is reduced to two (2) units in the R-5 and R-2.5 zones.
- The Attached Row house option is proposed to be increased from a permitted use in the C-1 and C-2 commercial zones (maximum of 2 units) to a prohibited use.



- The Triplex option in the R-5 zone is proposed to be reduced from a conditional use to a prohibited use.
- The Multi-family dwelling option is proposed to be reduced from a permitted use in the C-1 zone to a prohibited use.

However, to assure continued opportunities for moderate income housing options in the City:

- The Live/work housing option is proposed to be increased from a prohibited use in the C-2 zone to a conditional use.
- The Mixed-Use housing option is proposed to be increased from a prohibited option in the C-2 zone to a conditional use.
- The Accessory dwelling unit (ADU) option is proposed to be increased from a prohibited use in the C-1 and C-2 zones to a permitted use.
- The Residential facility is proposed to be added to the R-2.5 zone and Residential homes are proposed to be restored as a permitted use in all residential zones.

The City finds that North Plains has a rural, agricultural small town character with established neighborhoods of primarily single family homes. The City also provides a variety of dense housing options so that there are housing types and tenures permitted for all income levels. In the last decade many small homes on small lots have been built. Now, with a better understanding of the various impacts of row houses and tri-plexes in the City, the Planning Commission finds it is appropriate at this time to alter the mix and location of certain housing types to a more suitable combination for North Plains. Therefore, as listed above in this section, multi-unit row house and tri-plex options are proposed to be eliminated in the R-5 and R-2.5 zones. However, residential planned unit developments are still allowed in those zones, which offer clustering of dwellings and other variations to zone standards. To compensate, the live/work, mixed-use housing and accessory dwelling unit options are proposed to be added to the C-1 and C-2 zones.

Further, a Residential facility has been added to the R-2.5 zone in accordance with ORS 197.660. Residential homes were inadvertently deleted from the residential zones, but have been added back in per statute. A definition of the two types of regulated facilities is proposed to be added to the definitions section. The City finds that the proposed amendments will retain a balance in housing options while also retaining the City's rural character in an agricultural setting that surrounds North Plains.

H. Zoning and Development Code Chapter 15.02.080 Housing

1. *Objective: Future residential development should provide a variety of housing choices for North Plains' citizens in a manner consistent with the City's livability objectives.*

FINDINGS: The City finds that the proposed amendments affecting housing choices in North Plains continues to provide a wide range of housing types and tenures by shifting some uses to commercial use as described in the findings in section G above. Please see the itemized changes to each zone in the findings below.

2. *Policy (2): The City will expand the availability of attached housing and shall encourage a minimum of 25% of the total new housing types to be attached housing.*

FINDINGS: The City finds the proposed amendments expand the opportunity for ADU's, live/work and mixed-use housing types in the C-2 commercial zone where there is better access to arterial streets and commercial services.

I. Statewide Planning Goal 12 Transportation

*To provide and encourage a safe, convenient and economic transportation system*

FINDINGS: The City found it more expedient to refer to the TSP when defining current street standards and therefore deleted the existing zoning code table of street standards in section 16.32.040 because they currently conflict with the TSP. The amendments also include a new section in the code to specify the Washington County access spacing standards for each street classification. Further, a new section 16.170.003 in the review procedures describes when a traffic study is required and the content of the study.

J. Zoning and Development Code Chapter 15.02.101 Transportation

A. *Policies: (1) Street Design Standards (a) As part of the City TSP, the City of North Plains has adopted modifications to the existing functional classification plan. These changes are made in recognition of the anticipated future land development and the resulting traffic volumes within the City boundaries.*

FINDINGS: The City finds that the above plan policy is more current than the Zoning Code Table 6.31.040. The City has determined that the code should be amended to refer to the TSP in order to avoid conflicting standards now and at such time as the TSP is updated in the future. The City also finds it useful to provide the Washington County access spacing standards in the code, and the requirements for a traffic impact study.

K. Zoning and Development Code Chapter 16.04 Definitions

The following terms have been modified or added in the definitions section of the zoning code as proposed in the attached draft Exhibit 'A':

- Accessory Structure
- Alcoholic Beverage Establishment
- Amusement Enterprise, Indoor and Outdoor
- Animal Care Facilities
- Art Studio or Gallery

- Auto, RV or Trailer Sales Area
- Awning
- Bed and Breakfast
- Building
- Bulk Storage Tank
- Bus Depot/Terminal
- Business Office
- Carport
- Car Wash
- Catering establishment
- Clinic, Medical & Dental
- Cold Storage Facility
- Country Club
- Conference/Convention Center
- Condominium
- Day Care
- Drive-in/Thru window
- Dwelling, Accessory
- Dwelling, Single Family Attached
- Educational Facility, Extended Care Facility, Convalescent Home or Nursing Home
- Farm product processing
- Fraternity or Sorority
- Fraternal Lodge
- Fuel Sales
- Greenhouse or Garden, Commercial
- Health Club/Sports Facility
- Hospital or Sanitarium
- Hotel/Motel
- Industrial, Light
- Industrial, Heavy
- Light Truck
- Livestock
- Lot
- Lot of Record
- Lot, Flag
- Lot Line Adjustment
- Line, Front
- Mixed Use Development
- Motel
- Nonconforming Structure or Use
- Partition
- Place of Worship

- Recycling Facility
- Restaurant
- Restaurant, Fast Food
- Retail Sales and Service
- RV Park
- Salvage Yard
- Satellite Dish
- Scientific Testing/Research Lab
- Setback
- Sexually-Oriented Business
- Solid Waste Transfer Station
- Solid Waste Transfer Station – Material Recovery Facility
- Storage, Outdoor
- Storage, Self/RV
- Subdivision
- Substandard lot
- Truck Stop/Freight/Trucking Terminal
- Utility Facility
- Variance
- Vehicular Sales, Rental, Repair & Service
- Vision Clearance
- Warehousing
- Waster/Recycling Services
- Wholesale Sales/Service
- Wireless Telecommunications

L. Zoning and Development Code Chapter 16.06 Zoning District R-7.5

*Section 16.06.010 Purpose. The purpose of the R-7.5 District is to provide areas for the development of single family uses and limited multi-family residential uses, and to implement the housing policies of the Comprehensive Plan*

FINDINGS: The proposed amendments to the R-7.5 zone include the following:

1. Provide for an administrative Home Occupation
2. Replace institutional uses with new terms as per new definitions
3. Add a 5-foot rear and side (street-side) yard setback for Accessory Dwellings and Accessory Structures
4. Limit the height of Accessory Dwelling Units to 25 feet
5. Restore Residential homes per statute
6. Deleted a Hospital/Sanitarium as a conditional use

The City finds the amendments have no substantive or conflicting effect on the intent of the R-7.5 zone.

- M. Zoning and Development Code Chapter 16.07 Zoning District R-5  
*Section 16.07.010 Purpose. The purpose of the R-5 District is to provide areas for the development of single family residential uses and limited multi-family residential uses, and to implement the housing policies of the Comprehensive Plan.*

FINDINGS: The proposed amendments to the R-5 zone include the following:

1. Items 1 through 6 in the above N. R-7.5 zone amendments list
2. Reduction in the maximum number of permitted Attached/Row houses from 4 to 2 units
3. Deletion of a Tri-plex and an Educational Facility as a conditional use

The City finds that the single family and limited multi-family intent of the R-5 zone remains the same with the permitted single family detached, single family attached (2 units), duplex, manufactured home parks and planned unit development housing options proposed. Further, multifamily housing opportunities are proposed to be expanded in the C-2 commercial zone where there is better access to arterial streets and services.

- N. Zoning and Development Code Chapter 16.08 Zoning District R-2.5  
*Section 16.08.010 Purpose. 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.*

FINDINGS: The proposed amendments to the R-2.5 zone include the following:

1. Items 1 through 6 in the above N. R-7.5 zone amendments list
2. Reduction in the maximum number of Attached/Row houses from 4 to 2 units
3. Deletion of an Educational Facility as a conditional use
4. The addition of a Residential facility subject to multi-family siting standards

The City finds the intent of the R-2.5 zone for multi-family homes remains intact because the zone still permits mixed-use development, multi-family dwellings, planned unit developments, townhouse and condominiums and tri-plexes. The only change to housing in this zone is reducing the number of attached single-family dwellings from 4 consecutive units to 2. A Residential facility has been added to this multi-family zone as required by statute. Educational facilities are deleted from this zone and added as a conditional use in both of the commercial zones.

- O. Zoning and Development Code Chapter 16.09 Zoning District C-1  
*Section 16.09.010 Purpose. The purpose of the C-1 District is to provide areas in the central business district to:*



1. *Allow a mixture of complimentary land uses including retail, offices, commercial services, civic and residential uses, to create economic and social vitality and to encourage the linking of trips;*
2. *Develop commercial and mixed-use areas that are safe, comfortable and attractive to pedestrians;*
3. *Provide flexibility in the siting and design of new developments and redevelopment to anticipate changes in the marketplace;*
4. *Reinforce streets as public places that encourage pedestrian and bicycle travel;*
5. *Provide roadway and pedestrian connections to residential areas;*
6. *Provide transitions between high traffic streets and neighborhoods;*
7. *Encourage efficient land use by facilitating compact, high-density development and minimizing the amount of land that is needed for surface parking; and*
8. *Provide appropriate locations and design standards for automobile- and truck-dependent uses.*

FINDINGS: The proposed amendments to the C-1 include a zone name change from General Commercial to Community Commercial using the same C-1 symbol. Other changes to this zone include:

1. Permit Accessory Dwelling Units and Accessory Structures
2. Prohibit Multi-Family Dwellings, Attached Row houses, Educational facilities and Hospitals as permitted or conditional uses
3. Add Bed & Breakfast, Outdoor Amusement Enterprises, Animal Care facilities, Catering, Farm/logging/lumber supply, Equipment sales and service, Home Occupations, Radio and TV stations, Retail Sales and Service-single tenant over 30,000 SF, Self-Serve and RV Storage, Wholesale/Services and Wireless Facilities as new conditional uses.
4. Permit certain Home Occupations
5. Add a single tenant large (over 30,000SF) retail category

The City finds that the C-1 zone amendments expand business opportunities by adding several new businesses as conditional uses. The zone currently permits mixed-use development which will encourage moderate income housing above commercial and institutional ground floor uses consistent with the intent of the zone.

- P. Zoning and Development Code Chapter 16.10 Zoning District C-2  
Section 16.10.010 Purpose. The purpose of the C-2 District is to provide areas for the broad range of retail and service operations, as well as mixed use development and live/work townhomes which are dependent upon highway accessibility and visibility.

FINDINGS: The proposed amendments to the C-2 zone include a name change from Highway Commercial to General Commercial using the same C-2 symbol. It is recommended that the intent of the C-2 zone also be modified as underlined above.

Other changes to this zone include:

1. Permit Accessory Dwelling Units and Accessory Structures
2. Prohibit Multi-Family Dwellings, Attached Row houses, Educational facilities and Hospitals as permitted or conditional uses
3. Permit Mixed-Use Development and Live/work townhomes
4. Add Educational facilities, Outdoor Amusement Enterprises, Conference/Convention Center, Home Occupations, Retail Sales and Service-single tenant over 30,000 SF, Self-Serve and RV Storage and Wireless Facilities as new permitted or conditional uses.
5. Permit certain Home Occupations
6. Add a single tenant large (over 30,000 SF) retail category

The City finds that the intent of the C-2 zone to provide areas for a broad range of retail and service operations is enhanced by the addition of several more relevant uses to today's market needs.

- Q. Zoning and Development Code Chapter 16.11 Zoning District M-1  
*Section 16.11.010 Purpose. The purpose of the M-1 District is to provide for light industrial uses which will be compatible with adjacent urban development.*

FINDINGS: The proposed amendments to the M-1 Zone include a new definition of Light Industrial to clarify the intent of the term, and adding several uses. Proposed changes to uses in the zone include the following:

1. Add Educational facilities, Accessory Structures, Indoor and Outdoor Amusement Enterprises, Conference and Convention Center, Funeral homes, Mortuaries and Taxidermist, Commercial Garden or Greenhouse, Office, Parking, Radio and TV station or Studios, Retail Sales over 30,000 for single tenant, Retail Sales of Manufactured Homes, Outdoor, Self Service and RV Storage, Vehicular Sales, Rental, Repair and Service, Waste/Recycling Services, Wholesales/Services, Wireless Facilities as conditional or permitted uses.

The City finds that the addition of a definition for Light Industrial will aid in the administration of the code and provide certainty for property owners. Further, several new uses are proposed to be added to the zone to expand business opportunities that can be made compatible with adjacent urban development.

- R. Zoning and Development Code Chapter 16.12 Zoning District M-2  
*Section 16.12.010 Purpose. The purpose of the M-2 District is to provide areas appropriate for the location of a broad range of industrial processing and manufacturing uses.*

FINDINGS: The proposed amendments to the M-2 zone include a new definition of Heavy Industrial and the following use changes:

1. Add Educational facilities, Accessory Structures, Indoor and Outdoor Amusement Enterprises, Conference/Convention Center, Funeral homes, Mortuaries and Taxidermist, Commercial Garden or Greenhouse, Office, Parking, Radio/TV station or Studios, Retail Sales/Service over 30,000 SF for single tenant, Retail Sales of Manufactured Homes, Outdoor, Self Service/RV Storage, Auction Yard, livestock, Scientific Testing/Research Lab, Vehicular Sales, Rental, Repair and Service, Wireless Facilities as new conditional or permitted uses.

The City finds that the amendments to the M-2 zone include a definition for the term and several new uses to broaden business opportunities instead of relying on traditional heavy industry uses. The City finds these changes will benefit the property owners and should add jobs to the area.

- S. Zoning and Development Code Chapter 16.50 .020 A. Legislative Amendments  
*The Code provides that an amendment to the Comprehensive Plan or Zoning Code shall be consistent with the Comprehensive Plan and other provisions of the Zoning Code and with any applicable state statutes and regulations*

FINDINGS: The City finds that proposed amendments have been initiated by the Planning Commission for purposes of improving the administration of land use regulations, applications and procedures. This report addresses the relevant Comprehensive Plan policies and statewide statutes and planning goals.

## V. RECOMMENDATION.

Based upon the findings contained in this staff report, approval is hereby recommended for the Zoning and Development Code Amendment Application ZDA-11-005 to revise Zoning and Development Code Chapters as listed and described in this report

Sample Motion: Move to adopt the findings contained within the September 7, 2011 staff report and approve the City of North Plains Zoning and Development Code Amendment Amendments, File No. ZDA-11-005, as presented in the attached Exhibit 'A'.

Prepared and Submitted by:  
Carole Connell, AICP  
City Planner

**NORTH PLAINS**  
**ZONING AND DEVELOPMENT CODE**

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**Chapter 16.00**  
**ZONING AND DEVELOPMENT**

**16.00.000**    **Title**

This Ordinance shall be known and may be referred to as the City of North Plains Zoning and Development Ordinance.

**16.00.005**    **Purpose and Scope**

This Ordinance is enacted to:

- A. Encourage the most appropriate use of land.
- B. Conserve and stabilize the value of property.
- C. Facilitate fire and police protection.
- D. Provide for adequate living conditions, including sufficient open space, light, and air.
- E. Minimize congestion on streets.
- F. Promote orderly growth of the city.
- G. Prevent undue concentrations of population.
- H. Facilitate adequate provision of community facilities.
- I. Promote in other ways the public health, safety, convenience, and general welfare, generally consistent with the Comprehensive Plan.

**16.00.010**    **State and Federal Regulations**

All development within the City shall adhere to:

- A. State and federal air quality standards.
- B. State and federal water quality standards.
- C. State noise standards.

**16.00.020 Conformance Required**

The use of all land, as well as the construction, reconstruction, enlargement, structural alteration, movement, use, or occupation of any structure within the City of North Plains shall conform to the requirements of this Ordinance.

**16.00.030 Violation of Conditions**

Upon failure to comply with any provision of this Ordinance, or with any restrictions or conditions imposed hereunder, the City may withhold any further permits and may withhold or withdraw city utility services until correction is made. Notwithstanding any such action taken by the City, any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of this Ordinance, or who resists the enforcement of such provisions, shall be subject to a civil penalty of not more than \$250.00 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

**16.00.035 Stop – Order Hearing**

- A. Stop order issued. Whenever any work is being done in violation of the provisions of the Code or a condition of any permit or other approval granted pursuant herein, the City may order the work stopped by written notice served on persons engaged in doing such work or causing such work to be done. All work under the permit or approval shall cease until it is subsequently authorized or affirmed in writing by the city to continue.
- B. Appeal Opportunity. A person or organization that has been served the stop work order may appeal the decision by submitting a letter to the City Manager within 15 calendar days of the date of the stop work order requesting a hearing with the City Council. The City Council shall hold this hearing and make written findings as to the violation within thirty (30) days.
- C. Stop order hearing. When an appeal is timely filed, the City Manager shall schedule a City Council hearing on the stop order. At the discretion of the City Manager, such hearing may be 1) part of a hearing on revocation of the underlying development approval, or 2) solely to determine whether a violation has occurred.

Upon finding a violation, the stop-work shall continue to be effective until the violation has been abated or otherwise corrected as determined by the City.

- D. Appeal of an order of the City Council under this section shall be to the Circuit Court of Washington County, Oregon, in the manner provided in ORS 34.010 to 34.102.

**16.00.040 Interpretation**

The provisions of this Ordinance shall be interpreted as minimum requirements. When this Ordinance imposes a greater restriction than is required by other provisions of law, or by other regulations, resolutions, easements, covenants or agreements between parties, the provision of this Ordinance shall control.

**16.00.050 Savings Clause**

Should any section, clause or provision of this Ordinance be declared invalid by a court of competent jurisdiction, the decision shall not affect the validity of the Ordinance as a whole or of the remaining sections. Each section, clause and phrase is declared severable.

**16.00.060 Conflicting Ordinances**

All zoning, subdivision, and other land development ordinances previously enacted by the city are superseded and replaced by this Ordinance.

**16.00.070 Fees**

For the purpose of defraying expenses involved in processing applications, fees shall be paid to the City of North Plains upon the filing of an application in conformance with this Ordinance.

- A. Fees shall be considered a deposit and all actual costs will be billed against this deposit. If the deposit is not adequate to cover processing costs, then the applicant will be responsible for all additional costs.
- B. Fees shall be payable at the time of application and shall be as set forth by resolution of the City Council. A fee is not required for an application initiated by the Planning Commission or the City Council.
- C. Fees are not refundable unless the application is withdrawn prior to the notification of a hearing or the issuance of an administrative decision.
- D. The City Council may reduce or waive the fees upon showing of just cause.
- E. Delinquent accounts may result in a lien against the property for which the application is submitted.

**16.00.080 Termination of Approvals and Extensions**

Except as otherwise provided in this Ordinance, approval of an application or permit is void after one year or such lesser time as the approval may specify unless substantial construction has taken place or the proposed use has occurred. Approval of a large-scale subdivision or PUD is void after two years or such lesser time as the approval may specify unless substantial construction has taken place or the proposed use has occurred. In the case of an administrative decision, the City may grant two year extensions for subdivisions and PUDs. The City may also grant two-year extensions of a PUD, land partition or subdivision approval that expired between January 1, 2008 and January 1, 2013. The request for an extension must be filed at City Hall on or before the expiration date.

The applicant is responsible for requesting an extension. An extension is a discretionary decision and is not granted automatically. The following criteria must be satisfied in order for the City to approve an extension:

- A. The City determines just cause for the delay and the reason for the delay is outside the control of the applicant.
- B. No significant changes to the applicable standards of this Ordinance or the applicable regulations of other affected jurisdictions (Clean Water Services, Washington County, Washington County Fire District, etc) have been made. Any extension requests shall be referred to affected city departments or other governmental jurisdictions for comment.
- C. No significant changes have been made to properties within 250 feet of the exterior boundaries of the subject property.

**16.00.090 Final Action on Permit Application Within 120 Days**

Pursuant to ORS 227.178, the City shall complete final action on permit applications, including resolution of all appeals within 120 days of receipt of a complete application. This time requirement shall not apply to legislative decisions. The determination of completeness shall be made by the City Planner. The 120 day time limit may be waived in writing by the applicant.

In computing any period of time prescribed or allowed by this section, the day or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the next day which is not a Saturday, Sunday or legal holiday.



## 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 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 the public enrichment or where said objects of art are displayed for sale (including, but not limited to, the teaching of photography, painting, sculpturing, 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

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.

**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.

**Day Care, In-Home:** A day care which accommodates fewer than thirteen (13) children, including the children of the provider, in the provider's home and is considered by Oregon law to be a residential use.

**Day Care, Commercial:** A day care which accommodates thirteen (13) or more children that is typically not provided in a residential building.

**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.

**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 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 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.

**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.

**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.

**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. Elimination of lot or parcel boundaries is only permitted for a maximum of 3 common boundaries; otherwise a partition is required.

**Lot Line, Front:** The line separating the lot or parcel from the 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.

**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 site 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 Frequency Transmission Facility 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 16.10  
ZONING DISTRICTS**

**16.10.0     Districts**

For the purposes of this Ordinance, the incorporated area of the City of North Plains, Oregon, is hereby divided into the following Zoning Districts:

Single-Family Residential	R7.5
Single-Family Residential	R5
Multi-Family Residential	R2.5
Community Commercial	C1
General Commercial	C2
Light Industrial	M1
General Industrial	M2
Flood Plain	FP
Community Service	CS
Neighborhood Community	NC

**1610.005     Boundaries**

The zoning district boundaries are shown on the Zoning Map of the City of North Plains. This map is made a part of this Ordinance and shall be marked and designated as the North Plains Zoning Map and shall be kept on file at City Hall. Any future changes to the zoning of land within the City of North Plains which are approved under the provisions of this Ordinance shall be appropriately depicted on the North Plains Zoning Map.

The Planning Commission shall resolve any dispute over the exact location of a zoning district boundary. In interpreting the location of such boundaries on the North Plains Zoning Map, the Planning Commission shall rely on the North Plains Comprehensive Plan Map and the following guidelines for the location of zoning district boundaries; property lines; lot lines; center lines of streets, alleys, streams, or railroads; city boundaries; notations on the North Plains Zoning Map; or other planning criteria determined appropriate by the Planning Commission.

**1610.010     Zoning in Newly Annexed Areas**

Upon annexation, land shall be zoned according to the following table. In cases where it is unclear which designation to assign, the most closely related designation shall be assigned.

<u>Corresponding Zone Plan Designation</u>	<u>Upon Annexation</u>
Medium/Low Density Residential	R7.5
Medium/High Density Residential	R5
High Density Residential	R2.5
Commercial	C1 or C2
Industrial	M1 or M2
Neighborhood Community	NC

If areas are annexed that are within any 100-year flood plain as defined in the North Plains or Washington County Comprehensive Plans, the areas shall also be assigned the Flood Plain Overlay Zone.



**Chapter 16.15  
ZONING CODE USE TABLE**

Below is a table summarizing permitted uses in residential, commercial, and industrial zoning districts. Refer to this table in conjunction to the corresponding chapters of this Ordinance.

	R-7.5	R-5	R-2.5	NC	C-1	C-2	M-1	M-2
<b>RESIDENTIAL</b>								
Accessory Dwellings	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	See Chapter 16.45, Neighborhood Community (NC) Zone	-	-	-	-
Accessory Structures/Uses related to residential uses	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>		-	-	-	-
Bed & Breakfast	-	C	C		P	C	-	-
Duplex Dwelling	-	P <sup>4</sup>	P <sup>4</sup>		-	-	-	-
Extended Care Facility / Convalescent / Nursing Home	C	C	C		C	C	-	-
Home Occupations	P <sup>5</sup>	P <sup>5</sup>	P <sup>5</sup>		P <sup>5</sup>	P <sup>5</sup>	-	-
Live/work townhome	-	-	-		P <sup>7</sup>	C <sup>9</sup>	-	-
Manufactured Home	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>		-	-	-	-
Manufactured Home Park	-	P <sup>2</sup>	P <sup>2</sup>		-	-	-	-
Mixed Use Development	-	-	-		P <sup>7</sup>	C <sup>9</sup>	-	-
Multi-Family Dwelling	-	-	P <sup>6</sup>		-	-	-	-
Planned Unit Development	P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>		P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>
Residential Facility	-	-	P <sup>6</sup>		-	-	-	-
Residential Home	P	P	P		-	-	-	-
Single-Family Attached/ Row House	-	P <sup>4</sup>	P <sup>4</sup>		-	-	-	-
Single-Family Detached Dwelling	P	P	P		-	-	-	-
Townhouse/Condominium	-	-	P <sup>4, 6</sup>	-	-	-	-	
Triplex Dwelling	-	-	P <sup>4</sup>	-	-	-	-	

	R-7.5	R-5	R-2.5	NC	C-1	C-2	M-1	M-2
<b>PUBLIC, CIVIC, &amp; INSTITUTIONAL</b>								
Civic /Governmental Use	C	C	C	See Chapter 16.45	P	P	C	C
Educational Facility	C	C	C		C	C	C	C
Hospital/Sanitarium	-	-	-		-	C	-	-
Places of Worship	C	C	C		C	C	-	-
<b>COMMERCIAL, OFFICE, &amp; RETAIL</b>								
Accessory Structures/uses to Commercial, Office, & Retail	-	-	-	See Chapter 16.45, Neighborhood Community (NC) Zone	P <sup>1</sup>	P <sup>1</sup>	-	-
Alcoholic Beverage Establishment	-	-	-		P	P	P	P
Amusement Enterprise, Indoor	-	-	-		P	P	C	C
Amusement Enterprise, Outdoor	-	-	-		C	C	C	C
Animal Care Facility	-	-	-		C	P	-	-
Art Studio/Gallery	-	-	-		P	P	-	-
Bus Depot/Terminal	-	-	-		-	C	P	P
Catering Establishment	-	-	-		P	P	-	-
Child Care, Certified Center	C <sup>11</sup>	C <sup>11</sup>	C <sup>11</sup>		C <sup>11</sup>	C <sup>11</sup>	-	-
Child Care, Certified Home	P <sup>11</sup>	P <sup>11</sup>	P <sup>11</sup>		P <sup>12</sup>	P <sup>12</sup>	-	-
Child Care, Registered Home	P <sup>11</sup>	P <sup>11</sup>	P <sup>11</sup>		P <sup>12</sup>	P <sup>12</sup>	-	-
Clinic, Medical & Dental	-	-	-		P	P	C	C
Conference / Convention Center	-	-	-		C	P	C	C

	R-7.5	R-5	R-2.5	NC	C-1	C-2	M-1	M-2
COMMERCIAL, OFFICE, & RETAIL (Continued)								
Drive-in / thru window	-	-	-	See Chapter 16.45, Neighborhood Community (NC) Zone	C	P	C	C
Dry Cleaners & Laundry	-	-	-		P	P	-	-
Farm/logging/lumber supply/equipment sales & service	-	-	-		C	C	P	P
Fraternal Lodge	C	C	C		C	C	-	-
Fuel Sales	-	-	-		-	P <sup>B</sup>	C	C
Funeral Homes, Mortuaries, & Taxidermist	-	-	-		C	P	C	C
Franchise disposal service vehicle storage and repair, established as of September 2011	-	-	-		-	P	-	-
Garden/Greenhouse, Commercial	-	-	-		-	P	P	P
Hotels & Motels	-	-	-		P	P	C	C
Office, Business	-	-	-		P	P	P	P
Parking as a Primary Use	-	-	-		P	P	C	C
Radio / TV Station / Studios	-	-	-		C	C	C	C
Recycling Drop-Off Center	-	-	-		-	P	-	-
Restaurant	-	-	-		P	P	-	-
Retail Sales & Service	-	-	-		P	P	P	P
Retail Sales & Service-Single Tenant over 30,000 SF	-	-	-		C	C	C	C
Retail Sales, Manufactured Homes	-	-	-		-	-	C	C
Storage, Self Service	-	-	-		-	C	P	P
Vehicle Wash	-	-	-	-	C	C	C	

	R-7.5	R-5	R-2.5	NC	C-1	C-2	M-1	M-2	
<b>INDUSTRIAL &amp; MANUFACTURING</b>									
Accessory Structures/uses to Industrial and Manufacturing	-	-	-	See Chapter 16.45, Neighborhood Community (NC) Zone	-	-	P <sup>1</sup>	P <sup>1</sup>	
Auction Yard, excluding livestock	-	-	-		-	-	-	P	
Auction Yard, livestock	-	-	-		-	-	-	C	
Bulk Storage Tanks/Cold Storage Facility	-	-	-		-	-	C	P	
Industrial, Heavy	-	-	-		-	-	-	P	
Industrial, Light	-	-	-		-	C	P	P	
Scientific Testing / Research Laboratory	-	-	-		-	C	P	P	
Storage, Outdoor	-	-	-		-	-	C <sup>10</sup>	C <sup>10</sup>	
Storage, Self Service/RV	-	-	-		-	C	P	P	
Truck Stop/Freight/Trucking Terminal & Truck Repair	-	-	-		-	-	P	P	
Utility Facility	C	C	C		C	C	P	P	
Vehicular Sales, Rental, Repair and Service	-	-	-		-	P	P	P	
Warehousing	-	-	-		-	-	P	P	
Waste/Recycling Services	-	-	-		-	-	P	P	
Wholesale/Services	-	-	-		-	C	C	P	P
Wireless Telecommunication Facilities	-	-	-		-	C	C	C	C
Wireless Telecommunication Tower	-	-	-		-	-	-	C	C

**Notes**

**P** = Permitted; Subject to Design Review, if applicable

- = Not Permitted

**C** = Conditional Use, Subject to Design Review and requires a Conditional Use Permit

**P<sup>1</sup>** =Subject to Chapter 16.105, Accessory Uses, Structures & Dwellings

**P<sup>2</sup>** = Subject to Chapter 16.110, Manufactured Homes

**P<sup>3</sup>** =Subject to Chapter 16.140, Planned Unit Development

**P<sup>4</sup>** =Subject to Chapter 16.100, Duplex, Triplex, & Attached Single Family Dwelling

**P<sup>5</sup>** =Subject to Chapter 16.85, Home Occupations

**P<sup>6</sup>** =Subject to Chapter 16.175.155(D), Multi-Family Dwelling(s)

**P<sup>7</sup>** =Live/work townhomes and Mixed-Use Developments shall not have residential uses which occupy more than 25% of front building elevation on the ground floor

**P<sup>8</sup>** =Subject to Chapter 16.90, Automobile Service Stations, Wrecking Yard or Junkyard

**C<sup>9</sup>** =No ground floor residential frontage allowed in C-2 Zone

**C<sup>10</sup>** =Subject to Chapter 16.90, Automobile Service Stations, Wrecking Yard or Junkyard

**P/C<sup>11</sup>** =Refer to Child Care definitions, Chapter 16.05

**P<sup>12</sup>** =Permitted if Child Care Home is part of a single family residential use

**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. Accessory Dwellings, Subject to Chapter 16.105, Accessory Uses, Structures & Dwellings
- B. Accessory Structures related to residential uses, Subject to Chapter 16.105, Accessory Uses, Structures & Dwellings
- C. Child Care, Certified Home
- D. Child Care, Residential Home
- E. Home occupations, subject to Chapter 16.85, Home Occupations
- F. Manufactured Homes, Subject to Chapter 16.110, Manufactured Homes
- G. Planned Unit Development, Subject to Chapter 16.140, Planned Unit Development
- H. Residential Home
- I. 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
- E. Fraternal Lodge
- F. Places of Worship
- G. Utility Facilities

## **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 Planner pursuant to Variance Review section of this chapter.

### **A. Lot/Parcel Size**

1. Single family detached dwelling: 7,500 square feet
2. All other uses: 7,500 square feet
3. 9,000 square feet maximum for lots created by subdivision.

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

1. The minimum average lot width shall be 60 feet.
2. The minimum 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 10 feet for street-access lots  
6 feet for alley-access lots  
5 feet for Accessory Structures and Accessory Dwellings
5. Side Yard (interior) 5 feet

Side Yard (adjacent to street) 10 feet plus additional necessary to comply with the standards of Clear Vision Areas section of this chapter.

Accessory Structures and Accessory Dwellings only require a **5 foot** Side Yard (adjacent to street) setback, except as provided for in 16.105.

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.

**D. Height of Buildings**

Buildings shall not exceed a height of 35 feet or two and a half stories, whichever is less. Accessory dwellings (excluding accessory structures) shall not exceed 25 feet in height.

**E. Lot/Parcel Coverage**

In the **R7.5 District**, the maximum lot coverage shall not exceed fifty (50) percent of the total area of any lot.

**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**

- 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 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. Accessory Dwellings, Subject to Chapter 16.105, Accessory Uses, Structures, & Dwellings
- B. Accessory Structures related to residential uses, Subject to Chapter 16.105, Accessory Uses, Structures, & Dwellings
- C. Child Care, Certified Home
- D. Child Care, Registered Home
- E. Duplex dwellings, Subject to Chapter 16.105, Duplex, Triplex, and Attached Single Family Dwellings
- F. Home occupations, subject to Chapter 16.85, Home Occupations
- G. Manufactured Homes, Subject to Chapter 16.110, Manufactured Homes
- H. Manufactured Home Parks, Subject to Chapter 16.110, Manufactured Homes
- I. Planned Unit Development, Subject to Chapter 16.140, Planned Unit Development
- J. Residential Home
- K. Single family attached homes/row houses. Subject to Chapter 16.100, Duplex, Triplex, and Attached Single Family Dwelling
- L. 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 R7.5 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

#### **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 Planner. 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 - 2,500 square feet minimum per unit
3. All other uses - 5,000 square feet minimum

##### **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.

##### **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 or carport - 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 - 10 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 only require a 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 of 35 feet or two and a half stories, whichever is less. Accessory dwellings (excluding accessory structures) shall not exceed 25 feet in height.

6. Lot/Parcel Coverage

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

- Single family detached dwellings - 50%
- Duplexes, triplexes and single family attached dwellings - 65%
- Non-residential uses - 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.

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

**16.30.0130**    **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

**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**

- Single-family detached dwelling - 4,000 square feet minimum,  
Lots created by subdivision - 6,000 square feet maximum
- Two-family dwelling (duplexes) ,Triplexes & attached single family dwelling 2,500 square feet per unit minimum
- Multi-family dwelling developments (greater than 3 units) 10,000 square feet minimum foot lot;
- All other uses 4,000 square feet minimum

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

- 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.
- The minimum lot depth shall be 80 feet.

**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. Front Yard:**

- garage or carport - 20 feet
- all other structures - 15 feet

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

**E. Rear Yard:**

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

**F. Side Yard:**

- Interior - 5 feet
- Adjacent to street - 10 feet plus additional 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. Flag lots approved:**

10 feet for all yards, except pursuant to that the yard facing the garage shall be a minimum of 20 feet.

**H. Height of Buildings**

Buildings shall not exceed a height of 35 feet or two and a half stories, whichever is less. Accessory dwellings (excluding accessory structures) shall not exceed 25 feet in height.

**I. Lot/Parcel Coverage**

In the R2.5 District, the maximum lot coverage shall not exceed the following percentage forty (40) percent of the total area of any lot.



1. Single family detached dwellings 50%
2. Duplexes, triplexes and single family attached dwellings 65%
3. Multi-family dwellings 55%
4. Non-residential uses 65%

**16.30.020 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 of this ordinance.

**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 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");
- A. All manufactured homes shall also comply with the requirements of the Manufactured Homes section of this chapter.

**Chapter 16.35**  
**COMMUNITY COMMERCIAL DISTRICT C-1**

**16.35.000 Purpose**

The purpose of the **C-1 District** is to provide areas in the central business district to:

- A. Allow a mixture of complimentary land uses including retail, offices, commercial services, civic and residential uses, to create economic and social vitality and to encourage the linking of trips;
- B. Develop commercial and mixed-use areas that are safe, comfortable and attractive to pedestrians;
- C. Provide flexibility in the siting and design of new developments and redevelopment to anticipate changes in the marketplace;
- D. Reinforce streets as public places that encourage pedestrian and bicycle travel;
- E. Provide roadway and pedestrian connections to residential areas;
- F. Provide transitions between high traffic streets and neighborhoods;
- G. Encourage efficient land use by facilitating compact, high-density development and minimizing the amount of land that is needed for surface parking; and
- H. Provide appropriate locations and design standards for automobile- and truck-dependent uses.

**16.35.005 Permitted Uses**

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

- A. Accessory Uses related to Commercial, Office, & Retail, Subject to the Accessory Uses, Structures & Dwellings section of this chapter
- B. Alcoholic beverage establishment

- C. Amusement Enterprise, Indoor
- D. Art Studio/Gallery
- E. Bed & Breakfast
- F. Catering Establishment
- G. Child Care, Certified Home, if part of a single family residential use
- H. Child Care, Registered Home, if part of a single family residential use
- I. Civic/Governmental Use
- J. Clinic, Medical & Dental
- K. Dry Cleaners & Laundry
- L. Home occupations, Subject to Chapter 16.85, Home Occupations
- M. Hotels & Motels
- N. Live/Work townhomes; shall not occupy more than 25% of front building elevation on the ground floor
- O. Mixed Use developments; shall not occupy more than 25% of front building elevation on the ground floor
- P. Offices, Business
- Q. Parking as Primary Use
- R. Planned Unit Development, Subject to the Planned Unit Development section of this chapter
- S. Restaurants
- T. Retail Sales & Service

**16.035.10 Conditional Uses**

Conditional uses are subject to the requirements of Design Review section of this chapter when applicable. Refer to Chapter 16.15, Zoning Code Use Table.

The following uses and their accessory structures may be permitted in the C1 District when authorized by the Planning Commission pursuant to Conditional Use Permit section of this chapter.

- A. Amusement Enterprise, Outdoor
- B. Animal Care Facility
- C. Child Care, Certified Center

- D. Conference/Convention Center
- E. Drive-in/thru window
- F. Educational Facility
- G. Extended Care Facility / Convalescent / Nursing Home
- H. Farm/logging/lumber supply/equipment sales & service
- I. Fraternal Lodge
- J. Funeral Homes, Mortuaries, & Taxidermist
- K. Places of Worship
- L. Radio/TV Station/Studios
- M. Retail Sales & Service-Single Tenant over 30,000 square feet
- N. Utility Facilities
- O. Wholesales/services
- P. Wireless Telecommunication Facilities

**16.35.020 Limitations on Use**

The following conditions and limitations shall apply to development in the C1 District.

- A. The Commission may impose the following conditions before a building permit will be issued for the proposed development:
  - 1. Limit or prohibit access to streets not designated as major streets on an officially adopted plan where the principal uses along the street in the block are residential.
  - 2. Require sight or sound barriers.
- B. The use shall not be objectionable in relationship to surrounding residential zones because of odor, dust, smoke, cinders, fumes, noise, glare, heat, or vibration.
- C. Operational Standards
  - 1. All business, service, repair, processing, storage or merchandise displays shall be conducted wholly within an enclosed building except for the following:

- a. Off-street parking or loading.
  - b. Drive-in windows.
  - c. Display of merchandise along the wall of the building not extended more than three feet from the wall and not in a public right-of-way.
2. The use shall not be objectionable in relationship to surrounding residential zones because of odor, dust, smoke, cinders, fumes, noise, glare, heat, or vibration.

**16.35.025 Dimensional Standards**

The following dimensional standards shall be the minimum requirements for all development in the C1 District except for modifications permitted under Lot, Building, & Yard Exceptions or Planned Unit Development sections of this chapter.

**A. Lot Size**

- 1. The minimum lot area shall be 2,500 square feet.
- 2. The minimum lot width shall be 25 feet.

**B. Setback Requirements**

1. Front Yard

Adjacent to a Residentially Zoned lot	10 feet
Adjacent to any other zone	No minimum required Maximum setback 10 feet

The maximum front setback standard shall be met when a minimum of 50 percent of the front building elevation is placed no more than 10 feet back from the front property line. On lots with more than one building, this standard applies to the largest building. The setback standard may be increased when a usable public space with pedestrian amenities (e.g., extra-wide sidewalk, plaza, pocket park, outdoor dining area or town square with seating) is provided between the building and front property line. An exception to this standard may also be approved through site design review for sites with multiple, detached buildings, when those buildings are oriented to an internal "shopping street".

2. Side Yard

Adjacent to a Residentially Zoned lot	<u>10 feet</u>
Adjacent to any other zone	<u>None required</u>

3. Rear Yard  
Adjacent to a Residentially Zoned lot  
Adjacent to any other zone

10 feet  
None required

**C. Building Orientation**

New development shall be oriented to a street. The building orientation standard is met when all of the following criteria are met:

- A. The minimum and maximum setback standards are met;
- B. Buildings have their primary entrance(s) oriented to (facing) the street. Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas, or breeze-way/courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a building may have its entrance facing a side yard when a direct pedestrian walkway not exceeding 20 feet in length is provided between the building entrance and the street right-of-way.
- C. Off-street parking, driveways or other vehicular circulation shall not be placed between a building and the street which is used to comply with subsection B (1), above.

**D. Height of Buildings**

Buildings in the C1 District shall not exceed a height of 45 feet.

**E. Lot Coverage**

In the C-1 District, there is no maximum lot coverage requirement.

**16.35.030 Parking Requirements**

Parking requirements for commercial uses are specified in Off Street Parking and Loading of this Ordinance.

**16.35.035 Lighting Requirements**

All building entrances, pathways and other pedestrian areas shall be lit to two-foot candles with pedestrian-scale lighting (e.g., wall mounted, sidewalk lamps, bollards, landscape up lighting, etc.).

**Chapter 16.40**  
**GENERAL COMMERCIAL DISTRICT (C-2)**

**16.40.000 Purpose**

The purpose of the C-2 District is to provide areas for the broad range of retail and service operations, as well as mixed use developments and live/work townhomes, which are dependent upon highway accessibility and visibility.

**16.40.005 Permitted Uses**

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

- A. Accessory Use/Structures related to Commercial, Office, & Retail, Subject to Accessory Uses, Structures, & Dwellings of this chapter
- B. Alcoholic beverage establishment
- C. Amusement Enterprise, Indoor
- D. Animal Care Facility
- E. Art Studio/Gallery
- F. Catering Establishment
- G. Child Care, Certified Home, if part of a single family residential use
- H. Child Care, Registered Home, if part of a single family residential use
- I. Civic/Governmental Use
- J. Clinic, Medical & Dental
- K. Conference/Convention Center
- L. Drive-in/thru window
- M. Dry Cleaners & Laundry
- N. Franchise disposal service vehicle storage and repair, established as of September 2011
- O. Fuel Sales, Subject to Chapter 16.90
- P. Funeral Homes, Mortuaries, & Taxidermist
- Q. Garden/greenhouse, Commercial
- R. Home Occupations, Subject to Chapter 16.85
- S. Hotels & Motels
- T. Office, Business
- U. Parking as Primary Use
- V. Planned Unit Development, Subject to Planned Unit Development section of this chapter
- W. Recycling Drop-Off Center
- X. Restaurants
- Y. Retail Sales & Service
- Z. Vehicular Sales, Rental, Repair, and Service

**16.40.010 Conditional Uses**

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

The following uses and their accessory structures may be permitted in the C-2 District when authorized by the Planning Commission pursuant to Chapter

**16.40.015 Conditional Use Permit.**

- A. Amusement Enterprise, Outdoor
- B. Bed & Breakfast
- C. Bus Depot
- D. Child Care, Certified Center
- E. Educational Facility
- F. Educational Facility
- G. Extended Care Facility / Convalescent / Nursing Home
- H. Farm/logging/lumber supply/equipment sales & service
- I. Fraternal Lodge
- J. Hospital/Sanitarium
- K. Industrial, Light
- L. Live/Work townhomes; shall not occupy more than 25% of front building elevation on the ground floor
- M. Mixed Use developments; shall not occupy more than 25% of front building elevation on the ground floor
- N. Places of Worship
- O. Radio/TV Station/Studios
- P. Retail Sales & Service-Single Tenant over 30,000 sf
- Q. Scientific Testing/Research Laboratory
- R. Storage, self-service
- S. Storage, self-service/RV
- T. Utility Facilities
- U. Vehicle Wash
- V. Wholesales/services
- W. Wireless Telecommunication Facilities

**16.40.020 Limitations on Use**

The following conditions and limitations shall apply to development in the C-2 District.

- A. The Commission may impose the following conditions before a building permit will be issued for the proposed development:



- B. Limit or prohibit access to streets not designated as major streets on an officially adopted plan where the principal uses along the street in the block are residential.
- C. Require sight or sound barriers.
- D. The use shall not be objectionable in relationship to surrounding residential zones because of odor, dust, smoke, cinders, fumes, noise, glare, heat, or vibration.

**16.40.025 Dimensional Standards**

The following dimensional standards shall be the minimum requirements for all development in the C-2 District except for modifications permitted under Lot, Building, & Yard Exceptions or Planned Unit Development sections of this chapter.

A. Lot Size

- 1. The minimum lot area shall be 5,000 square feet.
- 2. The minimum lot width shall be 50 feet at the street line.

B. Setback Requirements

- |   |               |
|---|---------------|
| 1. Front Yard                               | 20 feet       |
| 2. Side Yard Adjacent to a Residential Zone | 10 feet       |
| Adjacent to any other zone                  | None required |
| Adjacent to street                          | 20 feet       |
| 3. Rear Yard                                |               |
| Adjacent to a Residential Zone              | 10 feet       |
| Adjacent to any other zone                  | None required |
| Adjacent to street                          | 20 feet       |

C. Height of Buildings

Buildings in the C-2 District shall not exceed a height of 45 feet.

**16.40.030 Parking Requirements**

Parking requirements for commercial uses are specified in Off Street Parking and Loading of this Ordinance.

**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 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 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 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.
- 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.)

**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.
- E. Community service facility.

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

**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 2
<b>Commercial Uses</b>		
Convenience store	3 / 1000 square feet	1 per 5000 s.f. minimum of 2
Restaurant / Pub	3 / 1000 square feet	1 per 5000 s.f. minimum of 2
Child Day Care	0.2 per student/staff	none
Medical / Dental	3 / 1000 square feet	1 per 10000 s.f. minimum of 2
All other commercial uses	3 / 1000 square feet	1 per 10000 s.f. minimum of 2
<b>Conditional Uses</b>		
Church / Religious Institution	.25 per seat	1 per 2000 s.f. minimum of 2
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 2

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



**Chapter 16.50**  
**Light Industrial District (M-1)**

**16.50.000**    **Purpose**

The purpose of the M-1 District is to provide for light industrial uses that are compatible with adjacent urban development.

**16.50.005**    **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. Accessory Structures/Uses related to Industrial and Manufacturing uses, Subject to Chapter 16.105, Accessory Uses, Structures & Dwellings
- B. Bus Depot/Terminal
- C. Farm/logging/lumber supply/equipment sales & service
- D. Garden/Greenhouse, Commercial
- E. Industrial, Light
- F. Office, Business
- G. Planned Unit Development, Subject to Chapter 16.140, Planned Unit Development
- H. Retail Sales & Service
- I. Storage, self-service
- J. Scientific Testing/Research Laboratory
- K. Storage, self-service/RV
- L. Truck Stop/Freight/Trucking Terminal & Truck Repair
- M. Utility Facility
- N. Vehicular Sales, Rental, Repair, and Service
- O. Warehousing
- P. Waste/Recycling Services
- Q. Wholesale/services
- R. Wireless Telecommunication Tower

**16.50.010**    **Conditional Uses**

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

The following uses and their accessory structures may be permitted in the M-1 District when authorized by the Planning Commission pursuant to the Conditional Use Permit section of this chapter.

- A. Alcoholic Beverage Establishment
- B. Amusement Enterprise, Indoor

- C. Amusement Enterprise, Outdoor
- D. Bulk Storage Tanks/Cold Storage Facility
- E. Civic/Governmental Use
- F. Clinic, Medical & Dental
- G. Conference/Convention Center
- H. Dry Cleaners & Laundry
- I. Educational Facility
- J. Fuel Sales
- K. Funeral Homes, Mortuaries, & Taxidermist
- L. Hotels & Motels
- M. Parking as Primary Use
- N. Radio/TV Station/Studios
- O. Retail Sales, Manufactured Homes
- P. Retail Sales & Service-Single Tenant over 30,000sf
- Q. Storage, Outdoor, subject to Chapter 16.90
- R. Vehicle Wash
- S. Wireless Telecommunication Facilities

**16.50.015 Limitations on Use**

The following conditions and limitations shall apply to development in the M-1 District.

**A. Vehicular Access**

1. Access points to an industrial site shall be located to minimize traffic congestion and, to the extent possible, to avoid directing traffic into residential areas.
2. Where possible within industrial districts, access shall be designed to serve more than one industrial site.

**B. Landscaping**

1. Properties abutting a residential zone shall provide and maintain a dense evergreen landscape buffer that attains a mature height of at least seven feet or such other screening measures as may be prescribed by the Commission in the event differences in elevation should defeat the purpose of this requirement.
2. Yards adjacent to streets shall be planted and continuously maintained with lawn, shrubs or trees suited to the site and climate.
3. Other yards and unused property shall be maintained in grass or other suitable ground cover.

**16.50.020 Dimensional Standards**

The following dimensional standards are the minimum requirement for all development in the M-1 District except for modifications permitted under the Lot, Building, & Yard Exceptions or Planned Unit Development sections of this chapter.

**A. Lot Size**

1. The minimum lot size shall be 5,000 square feet.
2. The minimum lot width shall be 50 feet at the front building line.

**B. Setback Requirements**

**1. Front Yard**

Adjacent to a Residential Zone	20 feet
Adjacent to any other zone	None required

**2. Side Yard**

Adjacent to a Residential Zone	15 feet
Adjacent to any other zone	None required
Adjacent to street	20 feet

**3. Rear Yard**

Adjacent to a Residential Zone	15 feet
Adjacent to any other zone	None required
Adjacent to street	20 feet

**C. Height of Buildings**

Buildings in the M-1 District shall not exceed a height of 80 feet.

**16.50.025 Parking Requirements**

Off-Street parking and loading requirements for industrial uses are specified in the Off Street Parking and Loading of this Ordinance.

**Chapter 16.55**  
**General Industrial District M2**

**16.55.00**     **Purpose**

The purpose of the M-2 District is to provide for a broad range of industrial processing and manufacturing uses.

**16.55.005**     **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. Accessory Uses related to Industrial and Manufacturing, Subject to Chapter 16.105, Accessory Uses, Structures & Dwellings
- B. Auction Yard, excluding livestock
- C. Bulk Storage Tanks/Cold Storage Plant
- D. Bus Depot/Terminal
- E. Farm/logging/lumber supply/equipment sales & service
- F. Garden/Greenhouse, Commercial
- G. Industrial, Heavy
- H. Industrial, Light
- I. Office, Business
- J. Planned Unit Development, Subject to Chapter 16.140-16.24, Planned Unit Development
- K. Retail Sales & Service
- L. Storage, self-service
- M. Scientific Testing/Research Laboratory
- N. Storage, self-service/RV
- O. Truck Stop/Freight/Trucking Terminal & Truck Repair
- P. Utility Facility
- Q. Vehicular Sales, Rental, Repair, and Service
- R. Warehousing
- S. Waste/Recycling Services
- T. Wholesales/services
- U. Wireless Telecommunication Tower

**16.55.010**     **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 M-2 District when authorized by the Planning Commission pursuant to the Conditional Use Permit section of this chapter.

- A. Civic/Governmental
- B. Alcoholic Beverage Establishment

- C. Educational Facility
- D. Amusement Enterprise, Indoor
- E. Amusement Enterprise, Outdoor
- F. Clinic, Medical & Dental
- G. Conference/Convention Center
- H. Dry Cleaners & Laundry
- I. Fuel Sales
- J. Funeral Homes, Mortuaries, & Taxidermist
- K. Hotels & Motels
- L. Parking as Primary Use
- M. Radio/TV Station/Studios
- N. Retail Sales & Service-Single Tenant over 30,000sf
- O. Retail Sales, Manufactured Homes
- P. Vehicle Wash
- Q. Auction Yard, Livestock
- R. Storage, Outdoor, subject to Chapter 16.90
- S. Wireless Telecommunication Facilities

**16.55.015 Limitations on Use**

The following conditions and limitations apply to development in the M-2 District.

**A. Vehicular Access**

1. Access points to an industrial site shall be located to minimize traffic congestion and, to the extent possible, to avoid directing traffic into residential areas.
2. Where possible within industrial districts, access shall be designed to serve more than one industrial site.

**B. Landscaping**

1. Properties abutting a residential zone shall provide and maintain a dense evergreen landscape buffer that will attain a mature height of at least seven feet or such other screening measures as may be prescribed by the Commission in the event differences in elevation should defeat the purpose of this requirement.
2. Yards adjacent to streets shall be planted and continuously maintained with lawn, shrubs or trees suited to the site and climate.
3. Other yards and unused property shall be maintained in grass or other suitable ground cover.

**16.55.020 Dimensional Standards**

The following dimensional standards shall be the minimum requirement for all development in the M-2 District except for modifications permitted under the Lot, Building, & Yard Exceptions or the Planned Unit Development sections of this chapter.

**A. Lot Size**

1. The minimum lot size shall be **5,000 square feet**.
2. The minimum lot width shall be **50 feet** at the front building line.

**B. Setback Requirements**

**1. Front Yard**

Adjacent to a Residential Zone	<u>20 feet</u>
Adjacent to any other zone	<u>None required</u>

**2. Side Yard**

Adjacent to a Residential Zone	<u>20 feet</u>
Adjacent to any other zone	<u>None required</u>
Adjacent to street	<u>20 feet</u>

**3. Rear Yard**

Adjacent to a Residential Zone	<u>20 feet</u>
Adjacent to any other zone	<u>None required</u>
Adjacent to street	<u>20 feet</u>

**C. Height of Buildings**

Buildings in the M-2 District shall not exceed a height of 80 feet.

**16.55.025 Parking Requirements**

Off-street parking and loading requirements for industrial uses are specified in the Off Street Parking and Loading of this ordinance.

**Chapter 16.60**  
**Community Service Overlay District (CS)**

**16.123.00**    **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.

**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 16.65**  
**HOW LAND MAY BE USED AND DEVELOPED**  
**Floodplain Overlay DISTRICT (FP)**

**16.65.000**    **Purpose**

The purpose of the Flood Plain Overlay District (FP) is to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money and costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. To ensure that those who occupy the areas of special flood hazards assume responsibility for their actions.

**16.65.005**    **Definitions**

For the purpose of this Section, the following words, terms and expressions shall be interpreted in accordance with the following definitions, unless the context requires otherwise.

**Appeal:** A request for a review of the Planning Commission's interpretation of any provision of this Section or a request for a variance.

**Area of Shallow Flooding:** Area designated AO or AH on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is



unpredictable and indeterminate; and velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

**Area of Special Flood Hazard:** The land in the Flood Plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letter A.

**Base Flood:** The flood having a one percent chance of being equaled or exceeded in any given year. The base flood is also referred to as the "100-year flood." Designation on maps always includes the letter A.

**Basement:** Any area of the building having its floor subgrade (below ground level) on all sides.

**Critical Facility:** A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

**Development:** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials located within the area of special flood hazard.

**Elevated Building:** For insurance purposes, a non basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

**Existing Manufactured Home Park or Subdivision:** A manufactured home park subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.

**Expansion to An Existing Manufactured Home Park or Subdivision:** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**Flood or Flooding:** A general and temporary condition of partial or complete inundation of normally dry land areas from: The overflow of

inland or tidal waters; and/or the unusual and rapid accumulation of runoff of surface waters from any source.

**Flood Insurance Rate Map (FIRM):** The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**Flood Insurance Study:** The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

**Floodplain Administrator:** The Planning Commission of the City of North Plains shall be the Floodplain Administrator

**Flood Way:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**Lowest Floor:** The lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure allows the entry and exit of flood waters.

**Manufactured Home:** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For Flood Plain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

**Manufactured Home Park or Subdivision:** A parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

**New Construction:** Structures for which the start of construction commenced on or after January 18, 1982.

**New Manufactured Home Park or Subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.

**Recreational Vehicle:** A vehicle which is:

- (A) Built on a single chassis;
- (B) 400 square feet or less when measured at the largest horizontal projection;
- (C) Designed to be self-propelled or permanently towable by a light duty truck; and
- (D) Designed primarily not for use as a permanent dwelling but as

**Start of Construction:** Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

**Structure:** A walled and roofed building including a gas or liquid storage tank that is principally above ground.

**Substantial Damage:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial Improvement:** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

1. Before the improvement or repair is started, or
2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or
2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**Variance:** A grant of relief from the requirements of this section which permits construction in a manner that would otherwise be prohibited by the section.

**16.65.010 General Provisions**

**A. Area of Application**

All property, regardless of the underlying zoning designation, which falls within the boundaries of the 100-year Flood Plain, also known as the area of special flood hazard, shall be subject to the provisions of Zoning District (FP) of this Ordinance.

**B. Basis for Establishing the Areas of Special Flood Hazard**

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study of the City of North Plains, Oregon, Washington County, Oregon," dated March 16, 1989, with the accompanying Flood Insurance Maps are hereby adopted by reference and declared to be a part of this Ordinance. The Flood Insurance Study is on file at the City of North Plains, City Hall, North Plains, Oregon. The City shall utilize all authoritative information available in determining the location of special flood hazard areas.

**C. Compliance**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Ordinance and other applicable regulations.

**D. Abrogation and Greater Restrictions**

This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

#### **E. Interpretation**

In the interpretation and application of this section, all provisions shall be:

1. Considered as minimum requirements;
2. Literally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

#### **F. Disclaimer of Liability**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of North Plains, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

#### **G. Critical Facilities**

Critical facilities as defined by this Chapter shall not be located in a flood way or flood plain.

#### **H. Accessory Structures**

Accessory structures shall not be located within a floodplain or floodway.

### **16.65.015 Administration**

#### **A. Development Permit Required**

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Chapter 16.65.010 (A). The permit shall be required for all structures including manufactured homes, as set forth in the Definitions, and for all other development including fill and other activities, also as set forth in the Definitions.

## **B. Application for Development Permit**

Application for a development permit shall be made on forms furnished by the City Recorder, and accompanied by the appropriate fee, and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question, existing or proposed structures, fill, storage of materials and drainage facilities. Specifically, the following information is required:

1. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
2. Elevation in relation to mean sea level to which the structure has been flood proofed;
3. Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in Chapter 16.65.025 (B).
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

## **C. Designation of Planning Commission as Administrative Body**

The Planning Commission is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions. "Flood Plain Development Permits shall be subject to the public notice requirements and public hearing requirements of this chapter.

The duties of the Planning Commission shall include, but not be limited to:

### **1. Permit Review**

- a. Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- b. Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.
- c. Review all development permits to determine if the proposed development is located in the flood way. If

located in the flood way, assure that the encroachment provisions of Chapter 16.65.025 (D) are met.

## **2. Use of Other Base Flood Data**

When base flood elevation data has not been provided in accordance with Chapter 16.65.010 (B), the Planning Commission shall obtain, review and reasonably utilize any base flood elevation and flood way data available from federal, state, or other sources, in order to administer Chapter 16.65.025.

## **3. Information to be Obtained and Maintained**

- a. Where base flood elevation data is provided through the Flood Insurance Study or required as in Chapter 16.65.015 (2), obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- b. For all new or substantially improved flood proofed structures:
  - (i) Verify and record the actual elevation (in relation to the mean sea level), and
  - (ii) Maintain the flood proofing certifications required in Chapter 16.65.015 (B)(3).
- c. Maintain for public inspection all records pertaining to the provisions of this ordinance.

## **4. Alteration of Watercourses**

- a. Notify adjacent communities and the Oregon Department of Land Conservation and Development prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- b. Require that maintenance is provided within the altered or relocation portion of said watercourse so that the flood carrying capacity is not diminished.

## **5. Interpretation of FIRM Boundaries**

Make interpretations where needed as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary

and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation.

**16.65.020 Provisions for Flood Hazard Protection**

In all areas of special flood hazards the following standards are required:

**A. Anchoring**

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
2. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

**B. Construction Materials and Methods**

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within components during conditions of flooding.

**C. Utilities**

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters



into the systems and discharge from the systems into flood waters; and

3. On-site disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

#### **D. Subdivision Proposals**

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
4. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres, whichever is less.

#### **E. Review of Building Permits**

Where elevation data is not available, either through the Flood Insurance Study or from another authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. The City of North Plains has been notified that failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

#### **16.65.025 Specific Standards**

In all areas of special flood hazards where base flood elevations data has been provided as set forth in Chapter 16.65.010 (B) or 16.65.020 (C)(2), the following provisions are required:

##### **A. All Development**

All development within the boundaries of the 100-year Flood Plain shall conform to the following cut and fill standards:

1. No net fill in the flood plain is allowed. All fill placed in a flood plain shall be balanced within at least an equal amount of soil material removal;
2. Excavation areas shall not exceed fill areas by more than 50 percent of the area;
3. Any excavation below the bank full stage of No Name Creek or McKay Creek shall not compensate for fill;
4. Excavation to balance a fill shall be located on the same parcel as the fill unless it is not reasonable or practicable to do so. In such cases, the excavation shall be located in the same drainage basin and as close as possible to the fill site, so long as the proposed excavation and fill in the Flood plain Overlay District and to minimize erosive velocities. Stream crossings shall be as close to perpendicular to stream flow as practicable. Bridges shall be used instead of culverts wherever practicable

#### **B. Residential Construction**

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to one foot above base flood elevations. Below grade crawl spaces shall not be permitted. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited. Parking, crawl spaces and storage is allowed below the lowest floor provided the area is designed to permit the entry and exit of flood waters. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

#### **C. Nonresidential Construction**

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to one foot above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

1. Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

3. Be certified by a registered professional engineer or architect that the design and methods of construction in accordance with accepted standards of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Chapter 16.65.015 (B)(3).
4. Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in Chapter 16.65.025 (A).
5. Applicants flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level).

#### **D. Manufactured Home**

All manufactured homes to be placed or substantially improved within Zones AI-30, AH, and AE (as defined by the Federal Emergency Management Agency) shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Chapter 16.65.020(A).

#### **E. Flood Ways**

Located within areas of special flood hazard established in Chapter 16.65.010(A) are areas designated as flood ways. Since the flood way is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions apply, these provisions apply to all floodways:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development within Zones A1 and A2 (as defined by the Federal Emergency Management Agency) unless certification by registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
2. If Chapter 16.65.025 (D)(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Chapter 16.65.025.

3. Prohibit the placement of any mobile homes, except in an existing mobile home park or existing mobile home subdivision.
4. The placement of mobile homes in existing mobile home parks and subdivisions will comply with Subsections 16.65.025 (C) 1-3.

**F. Recreational Vehicles**

Recreational vehicles shall be prohibited from locating in flood hazard areas.

**16.65.030 VARIANCE PROCEDURE**

When a variance to the standards of this chapter is requested, the following provisions regarding a variance application and decision shall be followed instead of the provisions of the Variance section of this chapter.

**A. Appeal Board**

1. The Planning Commission as established by the zoning ordinance shall hear and decide appeals and requests for variances from the requirements of this Chapter.
2. The Planning Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the City in the enforcement or administration of this ordinance.
3. Those aggrieved by the decision of the Planning Commission, or any taxpayer, may appeal such decision to the City Council as set out in this chapter.
4. In considering such application, the Planning Commission and/or City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Zoning and Development Ordinance, and:
  - a. The danger that materials may be swept onto other lands to the injury of others;
  - b. The danger to life and property due to flooding or erosion damage;
  - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

- d. The importance of the services provided by the proposed facility to the community;
  - e. The necessity to the facility of waterfront location, where applicable;
  - f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - g. The compatibility of the proposed use with existing and anticipated development;
  - h. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
  - i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - j. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
  - k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
5. Upon consideration of the conditions for variances below and the purposes of this ordinance, the Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
  6. The City Planner shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

**B. Conditions for Variances**

1. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing all other sections of this chapter have been considered. As the lot

size increases the technical justification required for issuing the variance increases.

2. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the Statewide Inventory of Historic Properties, without regard to the procedures set forth in this section.
3. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances shall only be issued upon:
  - a. A showing of good and sufficient cause;
  - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
  - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Chapter 16.65, or conflict with existing local laws or ordinances.
6. Variances as interpreted in the National Flood Insurance Program are based on the general zoning principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods, As such, variances from the flood elevations should be quite rare.
7. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria, and otherwise complies with development standards in this section.
8. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest

floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest flood elevation.

**Chapter 16.70**  
**HOW LAND MAY BE USED AND DEVELOPED**  
**Historic Overlay District (HO)**

**16.70.00**     **Purpose**

The purpose of the Historic Overlay District is to promote the public health, safety and general welfare by providing for the protection, enhancement, perpetuation and use of designated historic sites and structures in order to:

- A. Safeguard the City's heritage as embodied and reflected in historic resources;
- B. Encourage public knowledge, understanding and appreciation of the City's history and culture;
- C. Foster community pride and sense of identity based on recognition and use of historic resources;
- D. Promote the enjoyment and use of historic resources appropriate for the education and recreation of the people of the City;
- E. Preserve architectural styles reflecting the City's history;
- F. Identify and resolve conflicts between the preservation of historic resources and incompatible improvements and uses; and
- G. Carry out the provisions of Land Conservation and Development Commission Goal 5.

**16.70.005**     **Definitions**

For the purposes of this Section, the following definitions apply:

- A. **Alteration**: The addition to, removal of or from, or physical modification of any exterior part or portion of a landmark, identified building or object in a Historic District.
- B. **Architectural Significance**: The building or district (1) portrays the environment of a group of people in an era of history characterized by a distinctive architectural style; (2) embodies those distinguishing characteristics of an architectural type/specimen; (3) is the work of an architect or master builder whose individual work has influenced the development of the City; (4) contains elements of architectural design,



detail, materials or craftsmanship which represent a significant innovation.

- C. **Certificate of Appropriateness**: Written authorization granted by the City for exterior alteration of a designated Landmark or designated building in a Historic District.
- D. **Demolish**: To raze, destroy, dismantle, deface, or in any other manner cause partial or total ruin of a designated Landmark or designated building in a Historic District.
- E. **Exterior**: Any portion of the outside of a historic resource.
- F. **Historic Resource(s)**: An individual building site, object or structure of architectural, historic, cultural or archaeological significance as designated in the North Plains Comprehensive Plan.
- G. **Historic Significance**: The building or district (1) has character, interest or value, as part of the development, heritage or cultural characteristics of the City, State or Nation; (2) is the site of a historic event with an effect upon society; (3) is identified with a person or group of persons who had some influence on society; or (4) exemplifies the cultural, political, economic, social or historic heritage of the community and (5) is recognized in the North Plains Comprehensive Plan.

#### 16.70.010 **General Provisions**

##### A. **Area of Application**

Sites and structures which are designated in the City of North Plains Comprehensive Plan as historically significant shall be subject to Chapter 16.70. Only the specific sites identified in the Comprehensive Plan are subject to the provisions of this Section; other existing structures and uses on the same tax lot are not subject to this section unless specifically designated as historically significant resources. If a resource is relocated, the Overlay District shall apply to the new location and be removed from the old location at the initiation of the City. All sites and structures designated as historically significant shall be identified on the North Plains Zoning Map as being within the Historic Resource Overlay District.

**B. Uses Allowed**

Uses allowed within the Historic and Overlay District shall be the same as those allowed in the primary district if consistent with all provisions of this section.

**C. Ordinary Maintenance and Repair**

Nothing in this Section shall be construed to prevent the ordinary maintenance or repair in or on any resource designated by this Section that does not involve a change in design, material or external appearance thereof.

**D. Compliance**

No structure or site shall hereafter be altered or demolished without full compliance with the terms of this ordinance and other applicable regulations.

**16.70.015 Exterior Alterations**

Except as provided within this Section, no person may alter any designated historic resource in such a manner as to affect the exterior appearance unless a Certificate of Appropriateness has been issued by the City.

**A. Application for a Certificate of Appropriateness**

The application shall be submitted to the City Planner along with the required filing fee. The Application shall include a detailed description of the request and compliance with the review criteria in Chapter 16.70.010 (D).

**B. Coordination with County Museum**

Prior to action on any Historic Resource issue, the City shall notify the Washington County Museum and, in concert with the museum staff, may conduct a study of the proposed action, prepare documentation as may be appropriate and make a recommendation in the form of a staff report to the Planning Commission as to the appropriateness of the proposed action.

**C. City Planner Review**

The City Planner shall review the application pursuant to Chapter 16.170. Notice of the application shall be given pursuant to Chapter

16.170 (A). and shall also be posted in three locations in the city seven days before action by the City Planner. The City Planner shall approve, approve with conditions or disapprove issuance of the Certificate of Appropriateness for exterior alterations. The decision of the City Planner shall include findings of fact. Decisions of the City Planner may be appealed to the Planning Commission according to Chapter 16.170 and notice of the Planning Commission hearing shall be given in accordance with the Application Review section of this chapter and shall be posted in three locations in the city seven days before action by the Planning Commission.

**D. Review Criteria**

The City Planner shall consider the following criteria in reviewing proposed exterior alterations to historic resources.

1. **Retention of original construction**: All original exterior materials and details shall be preserved to the maximum extent feasible.
2. **Height**: Additional stories may be added to historic buildings provided:
  - a. The added height complies with requirements of the Building and Development Codes;
  - b. The added height does not exceed that which was traditional for the style of the building;
  - c. The added height is visually compatible with adjacent historic buildings.
3. **Bulk**: Horizontal additions may be added to historic buildings provided:
  - a. The bulk of the addition does not exceed that which was traditional for the building style;
  - b. The addition maintains the traditional scale and proportion of the building style, particularly as viewed from the sides of the building which front on public rights-of-way;
  - c. The addition is visually compatible with adjacent historic buildings.

4. **Visual integrity of structure:** The lines of columns, piers, spandrels, or other primary structural elements shall be maintained so far as is practicable.
5. **Scale and proportion:** The scale and proportion of altered or added building elements and the relationship of windows to walls shall be visually compatible with the traditional architectural character of the historic building.
6. **Material, color and texture:** The materials, colors and textures used in the alteration or addition shall be visually compatible with the traditional architectural character of the historic building and matches existing materials, colors and textures to the maximum extent feasible. Original masonry and mortar, without the application of any surface treatment, shall be retained whenever possible.
7. **Signs, Lighting:** Signs, lighting and other appurtenances, such as walls, fences, and awnings shall be visually compatible with the traditional architectural character of the historic building. Trees larger than 18" in diameter at breast height shall be retained whenever possible.
8. **Preservation, Cleaning and Repair:** Preservation, cleaning, repair, and other treatment of original materials shall be in accord with the Secretary of Interiors Standards of Rehabilitation and Guidelines for Rehabilitation of Historic Buildings.

#### **16.70.020 Demolition**

##### **A. Application for Demolition Permit**

If an application for a permit to demolish a designated Landmark or any building within a designated Historic District is received, the Building Official shall, within seven (7) days, transmit to the City Planner and Planning Commission a copy of said transaction, unless the Building Official has found that the building does not comply with the Uniform Code for Abatement of Dangerous Buildings and has ordered the removal or demolition of such building on the basis of a danger to life, health or property.

##### **B. Planning Commission Review**

Applications for demolition of historic resources shall be subject to the public notice requirements and the public hearing requirements of Application Review section of this chapter. Prior to the issuance of a

permit for the demolition of any designated landmark, the Planning Commission shall review the request to determine to their satisfaction that the applicant has met the following conditions:

1. The applicant has advertised such building for sale or removal from the site, with such advertisement to run two consecutive weeks (no less than seven days apart) in a newspaper of general circulation in the North Plains area.
2. The applicant has not rejected the highest bona fide offer for sale and removal of the building.

**C. Approval of Request and Appeal Period**

The Planning Commission may approve or deny the demolition request. If the request is granted and no appeal is filed within the time frames set forth in the Application Review section of this chapter, the Building Official shall issue the permit after determining that the permit is in compliance with all other codes and ordinances of the City.

**D. Denial of Request and Temporary Stay of Demolition**

Should the Commission reject the application to demolish, issuance of the permit shall be suspended for a period of up to 90 days so that alternative disposition of the property may be considered. During such period of suspension, no permit shall be issued for such demolition nor shall any person demolish the building or structure. If all programs or projects to save the building from demolition are demonstrated to the Planning Commission to be unsuccessful and the applicant has not withdrawn the application for demolition, the Planning Commission shall authorize the Building Inspector to issue such permit if the application otherwise complies with the codes and ordinances of the City.

**Chapter 16.75**  
**Significant Natural Resources Overlay District (SNR)**

**16.75.000**    **Purpose**

The Significant Natural Resources Overlay District provides protection for identified significant natural resources within the City of North Plains as designated under Statewide Planning Goal 5. For the purpose of this overlay zone, significant natural resources are designated as Significant Wetlands and Riparian Corridors. These resources have been inventoried within the City of North Plains according to procedures, standards and definitions established under Goal 5 and are identified on the Significant Natural Resources Map as adopted in the Comprehensive Plan.

The Significant Natural Resources Overlay Zone District is intended to:

- A.    Protect valuable natural resources within the City of North Plains Urban Growth Boundary, while ensuring reasonable economic use of property;
- B.    Augment existing regulations of water quality sensitive areas, vegetated corridors wetlands and water resources, including Clean Water Services Design and Construction Standards, the Division of State Lands Removal Fill Law (ORS 196.800-196.990), and by the US Army Corps of Engineers' administration of Section 404 of the Clean Water Act;
- C.    Encourage public knowledge, understanding and appreciation of the City's natural resources;
- D.    Provide protection of wetlands and riparian corridors to maintain salmonid habitat, water quality, thermal regulation, sediment trapping, hydrologic control of flood waters; stream bank stabilization and other important functions and conditions;
- E.    Encourage restoration of wetlands and riparian corridors; and
- F.    Carry out the provisions of Statewide Planning Goal 5.

**16.75.005**    **Definitions**

For the purposes of this Section, the following definitions apply:

- A.    **Alteration:** The addition to, removal of or from, or physical modification of any exterior part or portion of a landmark, or identified building.
- B.    **Bank full Stage:** The elevation at which water overflows the natural banks of the stream.

- C. **Bioengineering:** A method of erosion control and landscape restoration using live plants, such as willows.
- D. **Building Envelope:** The land area, outside of all required setbacks, which is available for construction of a primary structure on a particular property.
- E. **Delineation:** An analysis of a resource by a qualified professional that determines its boundary according to an approved methodology.
- F. **Excavation:** Removal of organic or inorganic material (e.g. soil, sand, sediment, muck) by human action.
- G. **Fill:** Deposition of organic or inorganic material (e.g. soil, sand, sediment, muck, debris) by human action.
- H. **Impervious surface:** Any material (e.g. rooftops, asphalt, concrete) which reduces or prevents absorption of water into soil.
- I. **Lawn:** Grass or similar materials usually maintained as a ground cover of less than 6 inches in height. For purposes of this ordinance, lawn is not considered native vegetation regardless of the species used.
- J. **Mitigation:** A means of compensating for impacts to a Significant Natural Resource or its buffer including: restoration, creation, or enhancement. Some examples of mitigation actions are construction of new wetlands to replace an existing wetland that has been filled, replanting trees, removal of nuisance plants, and restoring stream-side vegetation where it is disturbed.
- K. **Native Vegetation:** Plants identified as naturally occurring and historically found within the City of North Plains.
- L. **Natural Resource Enhancement:** A modification of a natural resource to improve its quality.
- M. **Natural Resource Overlay:** Designation given to all Significant Wetlands and Riparian Corridors delineated on the Significant Natural Resources Map.
- N. **Non-conforming:** A structure or use that does not conform to the standards of this ordinance but has been in continuous existence from prior to the date of adoption of this ordinance up to the present. Non-conforming uses are not considered violations and are generally allowed to continue, although expansion, re-construction, or substantial improvements are regulated.

- O. **Qualified Professional:** An individual who has proven expertise and vocational experience in a given natural resource field. A qualified professional conducting a wetland delineation must appear on the Oregon Division of State Lands Consultants List.
- P. **Review Authority:** The City of North Plains.
- Q. **Riparian Corridor:** A Goal 5 resource that includes the water areas, fish habitat, riparian areas, and wetlands within the riparian corridor boundary. In the City of North Plains, Riparian Corridor boundaries are measured as follows:
  - a. The unnamed tributary of McKay Creek: 50 feet from the top of bank or from the edge of a delineated significant wetland, whichever is further landward, and;
  - b. McKay Creek: 75 feet from the top of bank or from the edge of a delineated significant wetland, whichever is further landward.
- R. **Significant Natural Resource:** Significant Wetlands and Riparian Corridors within the City of North Plains Urban Growth Boundary and designated on the Significant Natural Resources Map.
- S. **Significant Wetland:** A wetland mapped on the City of North Plains Local Wetlands Inventory which meets the primary criteria of the Oregon Division of State Lands Administrative Rules for Identifying Significant Wetlands (July, 1996). The final boundary of a significant wetland is established through a wetland delineation using the required methodology and suggested methodologies of the 1987 US Army Corps of Engineers Wetland Delineation Manual;
- T. **State and Federal Natural Resource Agency:** Oregon Division of State Lands, Oregon Department of Fish and Wildlife, U.S. Army Corps of Engineers, U.S. Department of Agriculture Natural Resources Conservation Service, U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency.
- U. **Stream:** A channel, such as McKay Creek or the unnamed tributary of McKay Creek, that carries flowing surface water, including perennial streams and intermittent streams with defined channels, and excluding man-made irrigation and drainage channels.
- V. **Structure:** A building or other major improvement that is built, constructed or installed, not including minor improvements, such as fences, utility poles, flagpoles, or irrigation system components that are not customarily regulated through zoning ordinances.



- W. Substantial Improvement:** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:
- a. Before the improvement or repair is started, or
  - b. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
  - c. The term does not, however, include either:
    - d. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
    - e. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
- X. Top of Bank:** A distinct break in slope between the stream bottom and the surrounding terrain, which corresponds with the bankfull stage of the stream.
- Y. Variance:** A grant of relief from the requirements of this ordinance, which permits activity in a manner that would otherwise be prohibited by this ordinance.
- Z. Wetland:** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands are generally regulated by the Oregon Division of State Lands and the US Army Corps of Engineers.

**16.75.010 General Provisions**

- A. Affected Property:** The procedures and requirements of the Significant Natural Resources Overlay Zone District (SNR):
- 1. apply to any parcel designated as having a Significant Natural Resource on any portion of the tax lot;

2. apply in addition to the standards of the property's underlying zone;
3. supercede the property's underlying zone where the underlying zone does not provide the level of Significant Natural Resource protection afforded by the Significant Natural Resources Overlay Zone District.

**B. Activities Subject to Review:** Activities subject to the review shall include all development on properties outlined in 16.16.030 A and not specifically exempted from review as outlined in 16.16.030 C, including:

1. Partitioning and subdividing of land.
2. New structural development.
3. Exterior expansion of any building or structure, or increases in impervious surfaces or storage areas.
4. Site modifications including grading, excavation or fill, installation of new above or below ground utilities, construction of roads, driveways, or paths.
5. Removal of trees or the clearing of native vegetation within a Significant Natural Resource.

**C. Exemptions:** Activities exempt from this ordinance include:

1. The sale of property.
2. Temporary emergency procedures necessary for the safety or protection of property.
3. Commercial forest practices regulated by the Oregon Forest Practices Act.
4. Normal and accepted farming practices other than the construction of buildings, structures, or paved roads.

**D. Agency Review:** Decisions made by the City of North Plains under this ordinance do not supercede the authority of the state or federal agencies which may regulate or have an interest in the activity in question. It is the responsibility of the applicant to determine which agencies, if any, have regulatory jurisdiction, and make the appropriate contacts.

**E. Map as Reference:** The Significant Natural Resources Overlay Zone map shall be a reference for identifying areas subject to the provisions of

this ordinance. An applicant with any parcel designated as having a Significant Natural Resource on any portion of the tax lot(s) is required to:

1. Delineate wetland boundaries using the methods described in the 1987 US Army Corps of Engineers Wetland Delineation Manual;
2. Provide the City with a delineation of the significant natural resources on the subject property as part of their application. An application shall not be complete until this delineation is submitted to the City;
3. Obtain concurrence of the wetland delineation from the Oregon Division of State Lands.

**F. Development Permit Required**

A development permit, pursuant to Chapter 16.170, shall be obtained before construction or development. The permit shall be required for all structures including manufactured homes, as set forth in the Definitions, and for all other development including fill and other activities, also as set forth in the Definitions.

**16.75.0154 General Development Standards**

- A.** The permanent alteration of the Significant Natural Resource by grading, by excavation or fill, by the placement of structures or impervious surfaces, or by the removal of native vegetation is prohibited, except for the following uses provided they are designed to minimize intrusion into the significant natural resource, and no other options or locations are feasible:
1. Streets, roads, paths, and driveways;  
Public or private streets, driveways, or paths may be placed within a Significant Natural Resource to access development activities if it is shown to the satisfaction of the reviewing authority that no other practicable method of access exists. If allowed, the applicant shall comply with the following requirements:
    - a. Demonstrate to the reviewing authority that no other practicable access to the build able area exists or access from an off-site location through the use of easements is not possible;
    - b. Design roads, driveways, and paths to be the minimum width necessary and for the minimum intrusion into the Significant Natural Resource while also allowing for safe passage of

vehicles and/or pedestrians;

- c. Use bridges, arched culverts, or box culverts with a natural bottom for crossing of a Significant Natural Resource if the crossing is found unavoidable. The lower lip of any culvert must meet the channel bed at or below grade. The number of channel crossings shall be minimized through use of shared access for abutting lots and access through easements for adjacent lots;
- d. Consider the need for future extensions of shared access, access easements, or private streets to access potential new building sites at the time of this application in order to avoid subsequent encroachments into the Significant Natural Resource;
- e. Prior to construction, the Significant Natural Resource area shall be flagged, fenced or otherwise marked and shall remain undisturbed except as allowed by the provisions of this ordinance. Such markings shall be maintained until construction is complete;
- f. During construction, no stockpiling of fill materials, parking, or storage of equipment shall be allowed within the Significant Natural Resource;
- g. Erosion control measures, such as silt fences and bio-filter bags, shall be used to reduce the likelihood of sediment and untreated storm water entering the Significant Natural Resource.
- h. Permanent alteration of the Significant Natural Resource by the placement of public or private streets, driveways, or paths is subject to the mitigation requirements of Section VII.

## 2. Utilities and drainage facilities;

Public and private utilities or drainage facilities may be placed within a significant natural resource when it is shown to the satisfaction of the review body that no other practicable alternative location exists. If a utility or drainage facility is allowed within a Significant Natural Resource the following standards shall apply:

- a. Demonstrate to the reviewing authority that no other practicable access exists or access from an off-site location through the use of easements is not possible;

- b. The corridor necessary to construct utilities shall be the minimum width practical so as to minimize intrusion into the Significant Natural Resource. Removal of trees and native vegetation shall be avoided unless absolutely necessary. The existing grade of the land shall be restored after construction. Native vegetation shall be used to restore the vegetative character of the construction corridor.
  - c. Prior to construction, the Significant Natural Resource area shall be flagged, fenced or otherwise marked and shall remain undisturbed except as allowed by the provisions of this ordinance. Such markings shall be maintained until construction is complete;
  - d. During construction, no stockpiling of fill materials, parking, or storage of equipment shall be allowed within the Significant Natural Resource.
  - e. Erosion control measures, such as silt fences and bio-filter bags, shall be used to reduce the likelihood of sediment and untreated storm water entering the Significant Natural Resource.
3. Replacement of existing structures with structures in the same location that do not disturb additional surface area;
4. Structures or other non-conforming alterations existing fully or partially within the Significant Natural Resource may be expanded provided the expansion occurs outside of the Significant Natural Resource. Substantial improvement of a non-conforming structure in the Significant Natural Resource shall require compliance with the standards of this ordinance.
5. Existing lawn within the Significant Natural Resource may be maintained, but not expanded within the limits of the Significant Natural Resource. Development activities shall not justify replacement of native vegetation, especially native riparian vegetation, with lawn.
6. Existing bank stabilization and flood control structures may be maintained. Any expansion of existing structures or development of new structures shall be evaluated by the Planning Department and appropriate state or federal natural

resource agency. Such alteration of Significant Natural Resources shall be approved only if less-invasive or non-structural methods, such as bioengineering, will not adequately meet stabilization or flood control needs.

7. The types, sizes, and intensities of lights must be placed so that they do not shine directly into the Significant Natural Resource.

B. Removal of vegetation from the Significant Natural Resource is prohibited, except for:

1. Removal of non-native vegetation and replacement with native plant species. The replacement vegetation shall cover, at a minimum, the area from which vegetation was removed, shall maintain or exceed the density of the removed vegetation, and shall maintain or improve the shade provided by the vegetation.
2. Removal of vegetation necessary for the continued maintenance of dikes, drainage ditches, or other storm water or flood control facilities. Vegetation removal shall be kept to the minimum necessary.
3. Trees in danger of falling and thereby posing a hazard to life or property may be removed, following consultation from a certified arborist and approval from the Planning Department. If no hazard will be created, the department may require these trees, if felled, to be left in place in the Significant Natural Resource.
4. The control or removal of nuisance plants should primarily be by mechanical means (e.g. hand-pulling). If mechanical means fail to adequately control nuisance plant populations, a glyphosate-based herbicide is the only type of herbicide that can be used in a significant natural resource area. No pre-emergent herbicides or auxin herbicides that pose a risk of contaminating water should be used. A herbicide application is preferred to be made early in the morning or during windless periods at least 4 hours before probable rainfall.

#### **16.75.020 NATURAL RESOURCE ENHANCEMENT AND RESTORATION**

The City strongly encourages the enhancement or restoration of natural resources, such as riparian corridors along the unnamed tributary of McKay Creek and McKay Creek, in-channel habitat improvements, non-native plant control, and similar projects

which propose to improve the quality of a Significant Natural Resource. However, no enhancement activity requiring the excavation or filling of material in a wetland shall be allowed unless all applicable State and Federal wetland permits have been granted.

**16.75.025 Variances to Chapter 16.7516**

A variance to the provisions of Chapter 16.75-16 is permitted only as a last resort and is only considered necessary to allow reasonable economic use of the subject property, pursuant to Chapter 16.185. The property must be owned by the applicant and not created after the effective date of this Section. Approval of a variance is based on meeting the requirements of both subsections A and B, below.

**A. A variance shall only apply to:**

1. Lots on which the location of a Significant Natural Resource results in a building area depth for a single-family dwelling of 25 feet or less or a building envelope of 800 square feet or less;
2. Lots where strict adherence to the standards and conditions of Chapter 16.75 would effectively preclude a use of the parcel that could be reasonably expected to occur in the zone, and that the property owner would be precluded a substantial property right enjoyed by the majority of landowners in the vicinity.

**B. Permanent alteration of the Significant Natural Resources by an action requiring a variance is subject to the procedures and criteria of Article and the mitigation requirements of Section VII.**

**16.75.30 Mitigation Standards**

When approved impacts to any identified Significant Natural Resource occurs, mitigation will be required. For impacts to Significant Wetlands, the standards and criteria of Section 16.75.030 (A) shall apply. For impacts to Riparian Corridors, the standards and criteria of Section 16.75.030 (B) shall apply.

- A. When mitigation for impacts to a Significant Wetland is proposed, the mitigation plan shall comply with all Oregon Division of State Lands and U.S. Army Corps of Engineers wetland regulations. The City may approve a development but shall not issue a building permit until all applicable State and Federal wetland permit approvals have been granted and copies of those approvals have been submitted to the City.**
- B. When mitigation for impacts to a non-wetland riparian area is proposed, a mitigation plan prepared by a qualified professional shall**

be submitted to the review authority. The mitigation plan shall meet the following criteria:

1. Mitigation for negative impacts to a Riparian Corridor shall follow all of the requirements of Clean Water Services - Design and Construction Standards - Resolution and Order 00-7;
2. Mitigation shall occur on-site and as close to the impact area as possible. If this is not feasible, mitigation shall occur within the same drainage basin as the impact;
3. All vegetation planted within the mitigation area shall be native to the region. Species to be planted in the mitigation area shall replace those impacted by the development activity;



## Chapter 16.80 SIGN STANDARDS

### 16.80.000 Definitions

The following terms are defined for the purpose of this chapter in order to provide clarification of certain words or terms used in the Ordinance.

- A. **Abandoned sign** - A sign or sign structure where:
  - 1. A sign is no longer in use. Discontinuance of sign use may be shown by cessation of use of the premises where the sign is located;
  - 2. A sign has been damaged, in excess of 50% of the value of the sign, and repairs and restoration are not started within ninety days of the date the sign was damaged, or are not diligently pursued, once started.
  
- B. **Awning** - A shelter projecting from and supported by the exterior wall of a building constructed of rigid or non-rigid materials on a supporting framework.
  
- C. **Awning Sign** - A sign affixed or applied to the exterior facing surface or surfaces of an awning or a sign hanging from the supports of an awning, provided that the clearance below the sign shall be at least 8 feet.
  
- D. **Building Frontage, Primary** - The portion of a building face most closely in alignment with an adjacent right-of-way. A gasoline service station may use the overhanging canopy as a substitute for building frontage when computing the allowable sign area. The longest side of the canopy shall be used to compute the allowable sign area.
  
- E. **Building Wall, Side** - The wall of a building most nearly perpendicular with a street abutting the buildings lot regardless of whether such is functionally the front, rear, end or side of the building.
  
- F. **Canopy** - A permanent roof-like structure projecting from a building and open on at least one side for the purpose of shielding a pedestrian walkway from the elements, or a freestanding roof-like structure supported by columns intended to shield a vehicular driveway or service area from the elements.

- G. **Canopy Sign** - A sign, affixed or applied to, a canopy or eve, at any angle relative to the adjacent wall, the lowest portion of which is at least eight (8) feet above the underlying grade.
- H. **Changeable Copy Sign** - A sign whose informational content can be changed or altered by manual, electric, electro-mechanical, electronic or optical means.
- I. **Copy** - The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.
- J. **Electronic Message Sign** - A permanent sign providing information in both a horizontal and vertical format (as opposed to linear) sign copy, on which copy is created through use of a pattern of lights in a dot matrix configuration, which may be changed intermittently. Video signs are not included in this definition. Electronic message signs permitted under this chapter shall comply with the following standards:
1. The rate of change for sign copy from one message to another message shall be no more frequent than every eight seconds and the actual copy change shall be accomplished in four seconds or less. Once changed, the copy shall remain static until the next change.
  2. Displays may travel horizontally or scroll vertically onto electronic message signs, but must hold in a static position after completing the travel or scroll.
  3. Electronic message signs requiring more than four seconds to change from one copy to another shall be turned off during the change interval.
  4. Sign copy shall not appear to flash, undulate, or pulse, or portray explosions, fireworks, flashes of lights, or blinking of chasing lights. Copy shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist, or otherwise portray graphics or animation as it moves onto, is displayed on, or leaves the sign face.
  5. No electronic message sign lamp may be illuminated to a degree of brightness that is greater than necessary for adequate visibility. In no case may the brightness exceed eight thousand nits or equivalent candelas.

during daylight hours, or one thousand nits or equivalent candelas between dusk and dawn. Signs found to be too bright shall be adjusted or removed as directed by the city manager.

- J. **Frontage** - The length of the property line of any one premises along a public right-of-way on which it borders. In the case of a corner lot, the frontage shall be the narrowest street frontage.
- K. **Front Wall** - The front wall of a structure shall be the wall of a structure most parallel to the frontage of the property.
- L. **Grade** - Grade is the average level of the ground measured five feet from either end of the base of the sign, parallel to the sign face. For signs mounted on buildings, the grade is the average level of the sidewalk, alley or ground below the mounted sign measured five feet from either end of the sign face.
- M. **Ground Sign** - A permanently affixed sign which is wholly independent of a building for support.
- N. **Height** - The height of a sign is the vertical distance measured from the highest point of the sign to the grade of the adjacent street or the surface grade beneath the sign, whichever is greater.
- O. **Home Occupation Sign**- Such sign shall not exceed four square feet, pursuant to Chapter 16.85.005
- P. **Monument Sign** - A sign that has a solid supporting base equal to or greater than the width of the sign face, generally made of stone, masonry, or concrete, with no separations between the sign and the base.
- Q. **Mural** - Any pictorial or graphic decoration, other than a sign which is applied directly to a structure and is neither used for, or intended to achieve the purposes of, advertising by the use of lettering or script to draw attention to or to direct the observer to a particular business or business location, nor to draw attention to specific products, goods or service by the use of a brand name, trademark, copyright or any other device restricted in use without permission of the owner.
- Q. **Name Plate** - A non-electric on-premise identification sign giving only the name, address, and or occupation of an occupant or group of occupants.
- R. **Non-Conforming Sign** - A sign which was erected legally, but which does not comply with subsequently enacted sign restrictions and regulations.

- S. **Pan Chanel sign** - A sign not contained in a sign box, but rather the lettering and sign logos act as their own sign cabinet.
- T. **Pole sign** - A sign that is a freestanding sign connected to the ground by one or more supports with the lower edge of the sign separated vertically from the ground by a distance of nine feet or greater as measured from grade.
- U. **Projecting sign** - A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building. Maximum projection shall be three feet and maximum thickness shall be one foot. A projecting sign shall not project above a roof line.
- V. **Roof Line** - Either the eaves of the roof or the top of the parapet, at the exterior wall. (A "mansard roof" is below the top of a parapet and is considered a wall for sign purposes.)
- W. **Roof Sign** - Any sign erected over or on the roof line of a building.
- X. **Sign** - Any writing, including letter, word, or numeral; pictorial presentation, emblem, including device, symbol or trademark; flag, including banner or pennant; or any other device, figure or similar thing which is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or structure or device; and is used to announce, direct attention to, or advertise; and is visible from any public right-of- way
- Y. **Sign Area** - The entire area made available by the sign structure for the purpose of displaying the advertising message. For painted signs, only that portion of the door, wall, or structure actually devoted to the message and associated symbols and background, if any, is included in the area. The sign area as defined, shall be used in determining the allowable square footage of signs. For double faced signs, only one side of the sign shall be counted in the total maximum area.
- Z. **Snipe Sign** - A small sign of any material, including but not limited to paper, cardboard, wood or metal, attached to any object and having no application to the premises where located.

- AA. **Temporary Sign** - A sign not permanently affixed to a structure on a property. These signs primarily include, but are not limited to, canvas, cloth, rigid plastic or paper, vinyl banners or posters hung on a building wall or on a permanent pole such as on a free-standing sign support. Paper signs may only be used for single day events.
- BB. **Unlawful Sign** - A sign that was constructed without the necessary permits or approvals of the city.
- CC. **Wall Sign** - A sign attached essentially parallel to and extending not more than eight inches from the wall of a building with no copy on the sides or edges. This definition includes signs painted directly on the wall of a building.
- DD. **Window Sign** - A sign installed on the exterior or on or near the interior of a window for the purpose of viewing from outside the premises.

**16.80.005 General Provisions**

- A. Except as provided in this chapter, a person shall not erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use or maintain any sign, or cause or permit the same to be done, contrary to or in violation of any of the provisions of the sign standards.
- B. Except as provided in this chapter, a person shall not erect, construct or alter a sign, or permit the same to be done, unless a sign permit has been issued by the city. A sign permit for the construction and continued use of a sign is subject to the terms and conditions stated in the permit and to the sign standards.
- C. An application for sign permit approval is subject to the procedures set forth in this chapter.
- D. A sign shall not be constructed on a site that contains an unlawful sign.
- E. The sign standards are not intended to, and do not restrict speech on the basis of its content, viewpoint or message. Any classification of signs in this chapter that permits speech by reason of the type of sign, identity of the sign user or otherwise, shall permit any type of speech on the sign. No part of this chapter shall be construed to favor commercial speech over noncommercial speech. To the extent any provision of this chapter is ambiguous, the term shall be interpreted to not regulate on the basis of speech content, and the interpretation resulting in the least restriction of the content of the sign message shall prevail.

**16.80.010 Signs in Residential Zones**

**A. Permitted Signs**

1. Signs which meet the following regulation are allowed in the R-2.5 Zone: One (1) sign, not over nine (9) square feet in area, at each entrance to an apartment, townhouse or condominium development.
2. Signs that meet the following regulations are allowed in the R-2.5, R-5 and R-7.5 Zones.
  - a. One (1) name plate, indirectly illuminated or not illuminated, not exceeding one and one-half square feet in area for each building.
  - b. One (1) temporary sign, not illuminated and not exceeding six square feet in during the period the property is for sale, lease or rent. The sign shall be removed within 10 days after the property is sold, leased or rented.
  - c. One (1) temporary sign, not illuminated and not exceeding 32 square feet in area, at each entry to a subdivision during the time the tracts or lots in the subdivision are for sale. The signs shall be removed within 10 days after the tracts or lots are sold.
  - d. Homeowner Association Meeting announcements not exceeding 3 square feet.
  - e. Changeable copy signs for institutional uses, not exceeding 20 square feet
  - f. One (1) monument sign not exceeding 32 square feet for an institutional use. The sign shall be setback at least 10 feet from the front property line. If the use also has a changeable copy sign it shall be incorporated into the monument sign.
  - g. One (1) monument sign at each entry to a subdivision not exceeding 32 square feet for the name of a residential subdivision. The sign shall not violate the vision clearance requirements.

B. Prohibited Signs

The following signs are prohibited in all Residential zones:

1. Ground or pole signs
2. Roof signs
3. Projecting signs
4. Temporary signs, except as permitted in Section 16.80-19.0130(A)(2)
5. Snipe Sign
6. Mural

**16.80.015 Signs in Commercial Zones**

A. Permitted Signs

1. Signs which meet the following regulations are allowed in the C-1 Zone.
  - a. One awning or canopy sign not exceeding five (5) square feet for each building occupancy.
  - b. In cases where the main entrance to a business is from the front wall of a structure, one (1) wall sign for each business affixed to the front wall of a structure with a maximum of one square foot of area for each lineal foot of building occupancy.
  - c. In cases where the main entrance to a business is from the front wall of a structure, one (1) wall sign for each business affixed to a side or rear wall of a building with a maximum of one-half square foot of sign area for each lineal foot of building occupancy.
  - d. In cases where the main entrance to a business is from a side wall of a structure, one (1) wall sign for each business affixed to the side wall of the building with a maximum of one square foot of sign area for each lineal foot of building occupancy.
  - e. A sign is not allowed on the side or rear wall of a building if the wall is adjacent to, or across the street from a residential zone.
  - f. Window sign, provided that not more than 25% of a window is included in a window sign.

- g. A mural meeting the definition under Section 16.80.00 will be allowed with no maximum size.
  - h. Projecting signs meeting the definition under Section 16.80.000 Projecting signs shall be at least 8 feet over the grade adjacent to the building. Projecting signs may project one foot if at least 8 feet above grade and increase one foot of projection for each one feet of elevation over 8 feet to a maximum projection of 3 feet.
  - i. One monument sign meeting the definition under Section 16.80.00, not exceeding 32 square feet for institutional uses.
  - j. One changeable copy sign incorporated into the allowable square footage of signs for the property.
2. Signs which meet the following regulations are allowed in the C-2 Zone.
- a. One awning or canopy sign not exceeding five (5) square feet for each building occupancy.
  - b. In cases where the main entrance to a business is from the front wall of a structure, one (1) wall sign for each business affixed to the front wall of a structure with a maximum of one square foot of area for each lineal foot of building occupancy.
  - c. In cases where the main entrance to a business is from the front wall of a structure, one (1) wall sign for each business affixed to a side or rear wall of a building with a maximum of one-half square foot of sign area for each lineal foot of building occupancy.
  - d. In cases where the main entrance to a business is from a side wall of a structure, one (1) wall sign for each business affixed to the side wall of the building with a maximum of one square foot of sign area for each lineal foot of building occupancy.
  - e. No sign shall be allowed on the side or rear wall of a building if the wall is adjacent to, or across the street from a residential zone.



- f. Window sign, provided that not more than 25% of a window's area is included in a window sign.
- g. One monument sign not exceeding 32 square feet for each driveway, except that monument signs shall not be located adjacent to, or across from residential zones.
- h. For properties with greater than 200 feet of total street frontage, one monument sign for each street frontage with a maximum area of  $\frac{1}{2}$  square foot per lineal foot of property frontage with a maximum area of 50 square feet for each sign. Such sign shall not be in addition to the monument sign allowed in subsection g of this section.
- i. A mural meeting the definition under Section 16.80.000 is allowed with no maximum size.
- j. One changeable copy sign incorporated into the allowable square footage of signs for the property.

**B. Prohibited Signs**

- 1. The following signs are prohibited in the C-1 Zone:
  - a. Ground and pole signs
  - b. Roof signs
  - c. Snipe sign
- 2. The following signs are prohibited in the C-2 Zone:
  - a. Ground or pole sign
  - b. Roof signs
  - c. Projecting signs
  - d. Snipe sign

**16.80.020 Signs in Neighborhood Community Zone**

A. Permitted Signs

Signs located in the NC Zone:

1. Signs located in the residential portions of the NC zone shall comply with signs allowed in Section 16.80.010.
2. Signs located in the commercial portions of the NC zone shall comply with signs allowed in the C-1 zone.
3. Signs in mixed use areas shall comply with signs allowed in C-1 zone.

B. Prohibited Signs

1. Ground and pole signs
2. Roof signs
3. Temporary signs, except as permitted in Section 16.80.010(A)(2)
4. Snipe Sign

**16.80.025 Signs in Industrial Zones**

A. Permitted Signs

1. Signs that meet the following regulations are allowed in the M-1 Zone.
  - a. One wall sign a maximum of 32 square feet for each business located on a property.
  - b. A sign is not allowed on the side or rear wall of a building if the wall is adjacent to, or across the street from a residential zone.
  - c. One monument sign not exceeding 32 square feet for each driveway, except that monument signs are not allowed adjacent to, or across from a residential zone.
  - d. A mural meeting the definition under Section 16.80.000 ~~49.010~~ is allowed with no maximum size.

2. Signs that meet the following regulations are allowed in the M-2 Zone.
  - a. One wall sign a maximum of 32 square feet for each business located on a property.
  - b. A sign is not allowed on the side or rear wall of a building if the wall is adjacent to, or across the street from a residential zone.
  - c. One monument sign not exceeding 32 square feet for each driveway, except that monument signs shall not be located adjacent to, or across from residential zones.
  - d. A mural meeting the definition under Section 16.80.000 is allowed with no maximum size.

B. Prohibited Signs

1. Signs prohibited in the M-1 Zone:
  - a. Ground or pole sign
  - b. Roof signs
  - c. Projecting signs
  - d. Snipe sign
  - e. Changeable copy sign, except gasoline price signs
2. Signs prohibited in the M-2 Zone
  - a. Ground or pole sign
  - b. Roof signs
  - c. Projecting signs
  - d. Snipe sign
  - e. Changeable copy sign, except gasoline price signs

**16.80.030 Temporary Signs**

The following temporary signs are permitted in all zones

- A. Temporary signs and banners, posted by the city or community organizations for a maximum period of six months from the date a permit is issued.
- B. A temporary sign posted on a property that is for sale, lease or rental does not require a permit from the city. The signs shall not be illuminated, shall not exceed thirty-two (32) square feet in area and shall not be placed within the right-of-way. The sign shall be removed within 10 days after the property is sold, leased or rented.
- D. Portable signs are considered temporary signs for the purposes of this ordinance.
- E. All temporary signs that require a permit shall also pay a deposit to the city. The deposit shall be returned in full once all signs are removed from the city and disposed of or stored within the time limits of the sign permits. If a sign is not removed within the time period of the permit, the city may use the deposit to defray the costs of removing the sign.
- F. Only one temporary sign permit shall be issued per business in any six month period of the calendar year. A temporary sign permit shall be issued for a maximum of 6 signs.

**16.80.035 Additional Regulations Applicable to all Zones.**

- A. Lighting exterior to the structures shall be shielded in such a manner as to confine emitted light within the boundary of the property from which it originated except lighting installed to illuminate the American Flag or Oregon State Flag may project into the air to properly illuminate the flag, however, such lighting shall not project onto adjacent property or into a public right of way.
- B. When a sign is removed or replaced, all brackets, poles, and other structural elements that supported the sign and are not being used for the new sign shall also be removed. Affected building surfaces shall be restored to match the adjacent portion of the structure.
- C. Signs and supporting hardware, including temporary signs and time/temperature signs shall be structurally safe, clean, free of visible defects, and functioning properly at all times. Repairs to signs shall be equal to or better in quality of materials and design than the original sign.

- D. All signs shall be maintained at all times in a state of good repair, and no person shall maintain or permit to be maintained on any premises owned or controlled by him/her, any sign which is in a sagging, leaning, fallen, decayed, deteriorated, or otherwise dilapidated or in an unsafe condition.

**16.80.040 Abandoned Signs**

Any sign that is unused for more than 90 consecutive days shall be deemed abandoned and shall be removed by the property owner, except that if the sign is in a vacant commercial or industrial space, the sign may remain provided there is an active attempt to obtain tenants for the space and provided all advertising copy is removed and a blank sign face is maintained.

For the purposes of this Section, "unused" shall mean the absence of copy or advertising message or the sign is on a property that is not in use.

**16.80.045 Non-Conforming Signs**

- A. Non-conforming signs may continue to exist, subject to the following provisions:
1. Any sign that does was approved under previous regulations, or for which a variance was granted, shall either be removed or brought into compliance with this ordinance as a condition of approval of design review on the appurtenant property.
  2. Temporary and portable signs that are not in conformance with the provisions of this Ordinance shall be regarded as non-conforming and shall be removed within 90 days of the effective date of this ordinance.
  3. No additions or enlargements may be made to a non-conforming sign except those additions or enlargements that are required by law.
  4. A sign that is moved, replaced, or structurally altered shall be brought into conformance with this section, except that:
    - a. Non-conforming signs may be repaired and maintained and may have the sign copy changed. A sign may be removed from its sign structure for repair or maintenance if a permit is obtained under this section.

- b. Non-conforming signs may be structurally altered when the alteration is necessary for structural safety.
  - c. Non-conforming signs may be reconstructed if required to be moved for construction or repair of public works or public utilities and the sign reconstruction is completed within ninety days after the completion of the public works or public utility construction or repair.
5. A non-conforming sign that is damaged shall not be repaired if the estimated expense to repair the sign exceeds fifty percent of the replacement cost of the sign as of the day before the sign was damaged. A damaged non-conforming sign that cannot be repaired shall be removed within ninety days of the date the sign was damaged. As used herein, "non-conforming sign" includes the sign structure, foundation and supports.
6. Whenever a non-conforming sign is damaged and the estimated cost to repair the sign is fifty percent or less of its replacement value as of the day before the sign was damaged, it may be repaired and restored to the condition it was in before it was damaged and may continue to be used as a non-conforming sign, provided that such repairs and restoration are started within ninety days of the date the sign was damaged and are diligently pursued thereafter.
7. Whenever repair and/or restoration to a damaged non-conforming sign is not started within ninety days of the date the sign is damaged or is diligently pursued once started, the sign shall be deemed abandoned.
8. Abandoned signs shall not be permitted as non-conforming signs.
9. No non-conforming sign shall be permitted to remain unless properly repaired and maintained as provided in this section. A sign maintained in violation of this provision shall be removed as provided in Section A.1. of this Section. Any non-conforming sign that is determined by the building official to be an unsafe sign shall be removed as provided by Section A.5. of this Section. Any non-conforming sign determined by

the city manager to be an abandoned sign shall be removed as provided in subsection A.7. of this section.

- B. Nothing in this section shall be deemed to prevent the maintenance of any sign, or regular manual changes of sign copy on a sign.
- C. This section shall not require the removal or modification of a sign if the sign is in good condition, and located on a historically significant structure or object as recognized in the Comprehensive Plan.

**CHAPTER 16.85**  
**Home Occupations**

**16.85.000 General Provisions**

The purpose of this section is to encourage those who are engaged in small commercial ventures that could not necessarily be sustained if it were necessary to lease commercial quarters, or which by the nature of the venture, are appropriate in scale and impact to be operated within a residence. Home occupations are encouraged for their contribution in reducing the number of vehicle trips often generated by conventional businesses. Two types of home occupations are contemplated by this Code:

- 1) Administrative Home Occupations meeting the standards in subsections 1-8, below, are allowed by right, provided the owner has a current business license and all other uses and structures on the subject property are in conformance with the applicable zoning; and
- 2) Home Occupations exceeding any of the threshold standards in subsections 1-8 may receive approval through the Conditional Use Home Occupation procedure under Chapter 16.180, and must obtain an applicable city business license.

**16.85.005 Standards for Administrative Home Occupations**

1. Appearance of Residence:
  - a. The home occupation shall be restricted to lawfully-built enclosed structures and be conducted in such a manner as not to give an outward appearance of a business and may not exceed 25% of the floor area of the dwelling; or occupy no more than 500 square feet of a garage, either attached or detached; or occupy no more than 500 square feet of any other outbuilding
  - b. The home occupation shall not eliminate any required off street parking spaces for the dwelling
  - c. The home occupation shall not result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification.
  - d. The home occupation shall not violate any conditions of development approval (i.e., prior development permit approval).
  - e. No products and or equipment produced or used by the home occupation may be displayed to be visible from outside any structure.



## 2. Storage:

- a. Outside storage, visible from the public right-of-way or adjacent properties that exceed what is customary for a single family residence in the vicinity, is prohibited.
- b. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond those normally incidental to residential use is prohibited.
- c. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home occupation shall be allowed in any structure.

## 3. Employees:

- a. Other than family members residing within the dwelling located on the home occupation site, there shall be not more than one (1) full-time equivalent employee at the home occupation site at any given time. As used in this chapter, the term "home occupation site" means the legal lot on which the home occupation is conducted.
- b. Additional individuals may be employed by or associated with the home occupation, so long as they do not report to work or pick up/deliver at the home occupation site.
- c. The home occupation site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch of employees to other locations.

## 4. Advertising and Signs:

Signs shall comply with all applicable sign regulations. In no case shall a sign in the Residential District exceed four (4) square feet of surface area on all sides.

## 5. Vehicles, Parking and Traffic:

- a. One (1) commercially-licensed vehicle associated with the home occupation is allowed at the home occupation site. It shall be of a size that would not overhang into the public right-of-way when parked in the driveway or other location on the home occupation site.
- b. There shall be no more than three (3) commercial vehicle deliveries to or from the home occupation site daily. There shall be no commercial vehicle deliveries during the hours of 5 p.m. to 8 a.m.

- c. There shall be no more than one (1) client's or customer's vehicle at any one time and no more than eight (8) per day at the home occupation site.

#### 6. Business Hours.

There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation from 8 a.m. to 7 p.m. only, Monday through Saturday subject to subsections 1 and 5, above.

#### 7. Prohibited Home Occupation Uses:

- a. Any activity that produces radio, TV, or other electronic interference; noise, glare, vibration, smoke, or odor beyond allowable levels as determined by local, state or federal standards, or that can be detected beyond the property line; is prohibited.
- b. Any activity involving on-site retail sales, including garage sales exceeding the thresholds of a temporary use, is prohibited, except that the sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music from music teachers, art or craft supplies from arts or crafts instructors, computer software from computer consultants and similar incidental items for sale by home business is allowed subject to 1-6, above.
- c. The following uses and uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke or vibration, are prohibited:
  - (1) Ambulance service;
  - (2) Animal hospital, veterinary services, kennels or animal boarding;
  - (3) Auto and other vehicle repair, including auto painting; and
  - (4) Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes or large equipment on-site.

8. Enforcement: The City Manager or designee may visit and inspect the site of a home occupation in accordance with this chapter periodically to ensure compliance with all applicable regulations, during normal business hours, and with reasonable notice.

**16.85.010 Standards for Home Occupations that require a Conditional Use Permit**

The purpose of this Section is to encourage those who are engaged in small commercial ventures that do not conform to the provision for an Administrative Home Occupation that allow home occupations as outright permitted uses that do not require a Conditional Use Permit. This section provides a process for more intense home occupations to be allowed with Conditional Use Permit approval by the Planning Commission and notice to surrounding property owners.

These home occupations may be permitted, with conditions of approval when appropriate, in order to increase the benefits of people working and living in the same place, while protecting neighboring residents from adverse impacts of home occupation activities. These benefits to the business owner and to the general public include: reduced number of commute-to-work trips, day-time "eyes on the street" at the residence, and a neighborhood-scale version of mixed residential and commercial uses.

**A. Approval Process and Criteria.**

1. Home Occupation Permit. Applications for proposals that cannot meet all of the standards required for an Administrative Home Occupation shall be processed as a Conditional Use procedure, as governed by Chapter 16.180 using the approval criteria in subsection 2, below. In addition to the application requirements for a quasi-judicial procedure, the applicant shall provide:

a. A written narrative or letter:

(1) Describing the proposed home occupation;

(2) Demonstrating compliance with those standards in Section 16.85.005 That can be met, and explaining why the other standards in Section 16.85.005 above cannot be met and;

(3) Demonstrating compliance with the criteria in subsection 2 below;

b. A site plan, not necessarily to scale but with accurate measurements, of the lot proposed for the home occupation, including:

1. The property lines and their dimensions;

2. Outlines of the foundations of all buildings proposed for home occupation use with dimensions for each wall, and the distances from each wall to the nearest property line;

3. Boundaries and dimensions of driveways and parking areas, indicating areas for use by home occupation employees and customers;
  4. Outlines of the foundations of abutting residences, and the distances from the shared property line to the nearest wall of each neighboring residence; and
  5. Identifying the buildings and areas of those buildings in which home occupation activities will take place, and identifying which activities will take place in which buildings and areas.
- c. The Planning Commission shall approve, approve with conditions, or deny an application for a conditional use home occupation based on all of the following criteria:
- a. The proposed use will not be materially detrimental to the stated purposes of applicable Code requirements and to other properties within a radius of 100 feet of the subject property;
  - b. Impacts to surrounding properties may exist but can be mitigated;
  - c. Existing physical and natural systems, such as, but not limited to drainage, natural resources, and parks, will not be adversely affected any more than would occur if the development occurred in compliance with an administrative home occupation.

**Chapter 16.90**  
**Automobile Service Stations, Automobile Service Stations, Wrecking Yard or  
Junkyard**

**16.90.000 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.

**16.90.005 Subject to Site Plan Review, Minimum Lot Size**

The minimum lot size for a service station site shall be 12,000 square feet. The minimum street frontage on the major traffic carrying street of a corner lot shall be 100 feet. The minimum street frontage for a service station site on an interior lot shall be 100 feet.

**16.90.010 Setbacks**

Service stations shall be set back from property lines not less than 10 feet. Attached or free-standing canopies may not extend closer than 10 feet to the property line. The minimum 10 foot distance between property line and building shall be landscaped, as a continuum of the service station's required landscaping.

**16.90.015 Landscaping**

Shall be installed and maintained, according to the requirements of the underlying zone. Plans for landscaping shall be approved during site plan review.

**16.90.020 Screening**

A sight obscuring fence, or wall, not less than 6 feet high or more than 8 feet high per dumpster, and an evergreen hedge planted, at a minimum of 4 feet high, and capable of obtaining 6 feet high in height shall be provided between the service station and abutting property in a residential zone. Said wall or fence, and hedge shall be reduced to 2 ½ feet height in vision clearance areas. A screened trash enclosure shall be provided for each dumpster/trash receptacle area.

**16.90.025 Lighting**

Lighting shall be of such illumination, direction, color, and intensity as not to create a

nuisance on adjacent property, or to create a traffic hazard. Wiring for the business and its signs and fixtures shall be underground.

**16.90.030 Other Requirements**

No storage of inoperative automobiles, or parts thereof, shall be permitted except in enclosed structures for any period exceeding 72 hours. Off-street parking spaces shall be provided for each attendant of the largest shift. Sales, storage, and display of merchandise shall be conducted within a building, except for gasoline, oil, windshield wiper blades, and other accessories of like size. Use of property may include minor auto repair, sales and installation of accessories, tune-ups, tire repair, emergency vehicles repair, and any other sale, service or activity customarily incidental to the operation of a service station where such other sale, service, or activity would otherwise be permitted within the zone.

Before being issued a conditional use permit in the M-2 zoning district, an automobile wrecking yard or junkyard shall meet the following requirements:

1. The yard shall be enclosed and screened from public view by a sight-obscuring fence not less than six feet in height.
2. All automobiles, wrecked or otherwise, shall be kept inside the fenced area at all times, except that vehicles belonging to customers may be parked outside of the enclosed area while at the establishment of business, not to be parked overnight.
3. All sales, display, storage, repair or other handling of products, merchandise, equipment and other articles shall occur from an enclosed building or within the fenced area.
4. If applicable, the proposal shall conform to state regulations.

**16.90.035 Abandonment**

Whenever a service station is not used for a continuous period of nine months, all structures and facilities above and below ground shall be removed by the owner. Operation for at least 90 consecutive days shall be required to interrupt the continuous nine months or be declared to be a nuisance subject to abatement as provided in nuisance procedures.

**Chapter 16.95  
HERITAGE TREES**

**16.95.000 Purpose**

The purpose of this ordinance is to recognize, foster appreciation and provide for voluntary protection for Heritage Trees. For the purpose of this section, a "Heritage Tree" is a tree or stand of trees that is of landmark importance due to age, size, species, horticultural quality or historic importance.

**16.95.005 Definitions**

Heritage Tree - Heritage trees are those individual trees and/or groups of trees that have been designated as significant on the basis of their importance in national, state, regional or local history. They are often acknowledged due to their involvement or inclusion in the development of landscape architecture, forestry, city planning, and culture. They possess integrity of location, setting, or design, and represent historical events. For a tree to be considered for designation as a Heritage Tree, it must satisfy at least one of the following criteria:

1. The tree (or group of trees) is associated with events that have made a significant contribution to the broad pattern of our history.
2. The tree (or group of trees) is associated with the life of a person or group of historic significance.
3. The tree (or group of trees) represents a significant and distinguishable entity within a community or location.
4. The tree (or group of trees) has age, size, or species significance that contributes to its heritage status.

**16.95.010 Nomination**

1. Any person may nominate, with the owners consent, a particular tree or group of trees as a Heritage Tree. If the proposed Heritage Tree is located on City property or public right-of-way under City or County jurisdiction, the nomination shall be submitted to the City Manager, or County Administrator, as appropriate. If the nomination is consented to by the City or County, the City Manager or County Administrator shall submit the nomination to the Planning Commission.
2. Nomination shall be made on such form as required by the City Manager. The nomination form shall include a narrative explaining why the tree qualifies for Heritage Tree status pursuant to the description in Section

16.95.005 And the written consent of the property owner as described in subsection 1 of this section.

**16.95.015 Review Process**

1. The Planning Commission shall review all Heritage Trees nominations at a public meeting. Notice of the meeting shall be provided to the nominating applicant, the property owner (unless the nominated tree is located on public right-of-way under City or County jurisdiction), in which event notice shall be given to the City Manager or County Administrator.
2. Staff shall prepare a report for the Planning Commission analyzing whether the tree complies with the requirements for designation.
3. After considering the staff report and any testimony by interested persons, the Planning Commission shall vote on the nomination. The Planning Commission may designate a tree as a Heritage Tree if the Commission determines that the following criteria are met:
  - a. The tree or stand of trees is of landmark importance due to age, size, species, horticultural quality or historic importance; and
  - b. The tree is not irreparably damaged, diseased, hazardous or unsafe, or the applicant is willing to have the tree treated by an arborist and the treatment will alleviate the damage, disease or hazard.
4. Following approval of the nomination by the Planning Commission:
  - A. If the tree is located on private property, the designation shall be complete upon the Property Owner's execution of a covenant running with the land suitable for recordation by the City. The covenant shall describe the subject property, generally describe the location of the Heritage Tree, and covenant that the tree is protected as a "Heritage Tree" by the City of North Plains and is therefore subject to special protection as provided by Section 16.95.015.



B. If the tree is located on public right-of-way, the designation shall be complete upon the staff's listing of the tree on the City Heritage Tree records.

5. If the tree is located on the public right-of-way, the City or County, as appropriate, shall condition any future property owner-requested vacation of the public right-of-way upon the execution of a covenant in accordance with Section 4 above, which shall be recorded by the city upon the vacation of the right-of-way.

**16.95.020 Protection of Heritage Trees**

1. A permit to remove a designated Heritage Tree shall be required.
2. If an application to remove a Heritage Tree is sought, the applicant shall demonstrate that the burden imposed on the property owner, or, if the tree is located within the public right-of-way under City or County jurisdiction, then the burden imposed on the respective City or County by the continued presence of the tree outweighs the public benefit provided by the tree. For the purposes of making this determination, the following impacts shall not be considered unreasonable burdens on the property owner, or if appropriate the City or County:
  - A. View obstruction;
  - B. Routine pruning, leaf raking and other maintenance activities; and
  - C. Infrastructure impacts or tree hazards that can be controlled or avoided by appropriate pruning or maintenance.
3. Unless the permit is to remove a dead or hazardous tree, the applicant requesting to remove the heritage tree shall be required to mitigate for the loss of the tree by planting one tree of the same species, with a minimum size of a two inch diameter trunk at a point three feet above the root ball, for each tree removed. If the applicant asserts that the tree is dead or in hazardous condition, the applicant shall have such determination made by a licensed arborist.

4. Any person who removes a Heritage Tree without the proper permit shall be subject to penalties as established by Chapter 1.01 of the Municipal Code.

**16.95.025**     **Recognition of Heritage Trees**

1. A Heritage Tree plaque shall be designed by, and furnished by the City to the property owner, or if the tree is in the public right-of-way, to the appropriate City or County official, of a designated Heritage Tree. The City may charge a fee to cover the costs of providing the plaque. The plaque shall be posted at a location at or near the tree and, if feasible, visible from a public right-of-way.
2. The Planning Department shall maintain a list and map of designated Heritage Trees.

**16.95.030**     **Removal of Heritage Tree Designation**

A Heritage Tree shall be removed from designation only if it dies or is removed pursuant to Section 16.95.020. If removed from private property, the City shall record a document extinguishing the covenant.

**Chapter 16.100**  
**Duplex, Triplex and Attached Two Single Family Dwellings**

**16.100.000 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.

**16.100.005 Purpose**

The purpose for allowing duplexes, triplexes and attached single family dwellings, as defined in the Definitions section of this chapter, as a special use in certain residential zones, is to permit greater flexibility of design (including lot sizes and setbacks) and to permit greater opportunity for compatibility of housing types and ownership patterns.

**16.100.010 Standards and Requirements**

The following standards and requirements shall govern the development of duplexes, triplexes and attached single family dwellings:

A. **Minimum Lot Size**: The minimum lot size of each dwelling unit shall be as specified by the base zone.

**B. Minimum Building Setbacks**:

All setbacks shall comply with the setbacks required in the underlying zone, except that for interior side yards with a common wall, the side setback shall be zero feet

The location of all buildings shall comply with the vision clearance requirements of the Clear Vision Areas section of this chapter.

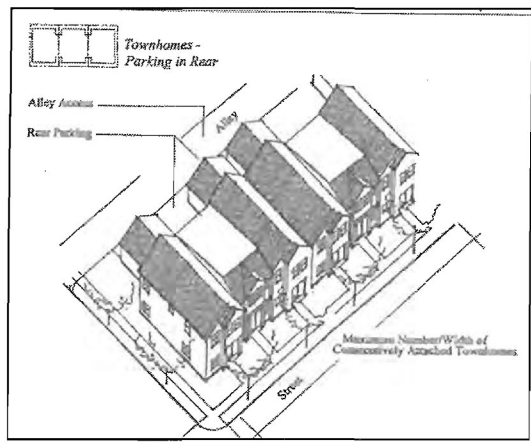
**C. Design Standards**

These standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas.

1. **Building Mass Supplemental Standard**. The maximum number and width of consecutively attached townhouses (i.e., with attached walls

at property line) shall not exceed 2 units in the C-1 Zoning District and 4 units in the R-2.5 and R-5 Zoning Districts.

2. Alley Access. Townhouse subdivisions (creation of 4 or more lots for single-family attached dwellings) shall receive vehicle access only from a rear alley. Alley(s) shall be created at the time of subdivision approval. Alleys are not required when development patterns or topography make construction of an alley impracticable. As necessary, the City shall require dedication of right-of-way or easements and construction of pathways between townhouse lots (e.g., between building breaks) to provide for pedestrian connectivity.

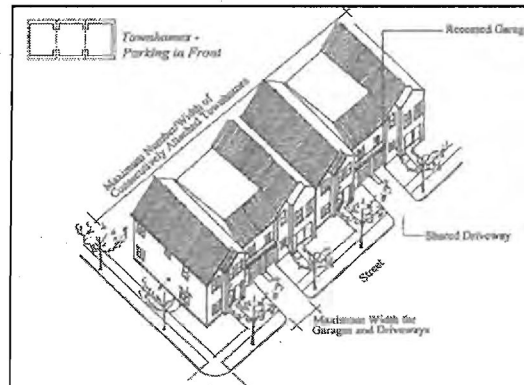


Alley Access Townhouses

3. Street Access Developments. Townhouses receiving access directly from a street shall comply with all of the following standards, in order to minimize interruption of adjacent sidewalks by driveway entrances, slow traffic, improve appearance of the streets, provide more on-street parking area, and minimize paved surfaces for better storm water management.

- a. When garages face the street, they shall be flush with, or recessed behind the front elevation (i.e., living area or covered front porch).

Street Access  
Townhouses



b. The maximum allowable curb cut and driveway apron width is 18 feet per dwelling unit. The remainder of the driveway facing the street may not exceed the width of the garage door plus an additional four feet. The maximum combined garage width per unit is 50 percent of the total building width. For example, a 24-foot wide unit may have one 12-foot wide recessed garage facing the street.

c. Two adjacent garages shall share one driveway when individual driveways would otherwise be separated by less than 20 feet (i.e., the width of one on-street parking space). When a driveway serves more than one lot, the developer shall record an access and maintenance easement/agreement to benefit each lot, prior to building permit issuance.

4. Common Areas. "Common areas" (e.g., landscaping in private tracts, shared driveways, private alleys, and similar uses) shall be maintained by a homeowners association or other legal entity. A homeowners association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval.

D. **Standards For Approval: Such uses shall may be permitted as a special use upon the following findings:**

1. The project shall comply with all other applicable provisions of the ZDO.

2. The project will accommodate the traffic generated by providing adequate off-street parking, access points and additional street right-of-way and improvements and other traffic facilities as required.
3. All public and private improvements shall be developed to applicable City Public Works standards.
4. Pedestrian walkways shall be provided for adequate pedestrian and bicycle traffic.
5. The overall housing density of the project shall comply with that permitted in the underlying R zone.
6. If proposed, private streets shall be owned and maintained by the owners of the lots which access the private street. A maintenance agreement shall be recorded which provides for the maintenance of the private street.

**16.100.15    Procedure**

The development of attached single family dwellings pursuant to this section shall require the approval of either a land partition or subdivision in order to create the 2,500 or 3,750 square foot legal lots of record. The proposed development shall comply with all applicable procedures and standards of either the Land Partitioning or Subdivisions sections of this chapter. A Development Agreement specifying that subsequent development on the lots be limited to attached single family dwellings shall also be required.

**Chapter 16.105**  
**Accessory Uses, Structures, and Dwellings**

**16.105.000 Requirements for Accessory Uses and Structures**

**A. Greenhouse**

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

**B. Accessory Structures in Residential Zoning Districts**

In all residential zoning districts, accessory structures with a floor area greater than 200 square feet 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.

**16.105.005 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.

**16.105.010 Requirements for 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



**Chapter 16.110**  
**Manufactured Homes (MH)**

**16.110.000 Purpose**

Because a manufactured home park can have significant impacts on the surrounding community, special standards governing development of these uses have been established. The provisions regulating manufactured homes located inside and outside of manufactured home parks and subdivisions are adopted for the following purposes:

1. To accommodate manufactured homes as permitted uses in the Single Family Residential zone and in Manufactured Home Parks and Manufactured Home Subdivisions;
2. To assist in providing opportunities for low and moderately priced single-family housing;
3. To provide standards to ensure a high-quality living environment;
4. To provide standards to protect the character of existing neighborhoods.

**16.110.005 Manufactured Home Design Standards**

A manufactured home may be located inside or outside a manufactured home park or subdivision subject to the following conditions:

- 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:

- 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. off-sets on building face or roof (minimum 16")

- B. The manufactured home shall be multi-sectional (double wide or wider) and enclose a space of not less than 1,000 square feet. A

manufactured home shall not be considered multi-sectional by virtue of having a tip-out section.

- C. The manufactured home shall be placed on an excavated and back-filled foundation which is enclosed at the perimeter so that the manufactured home is not more than 12 inches above grade on the uphill side of the home. The perimeter enclosure shall be a non-structural concrete, concrete block or masonry wall on all manufactured homes placed on individual residential lots outside of a manufactured home park. Inside a manufactured home park, the perimeter enclosure may be painted, pressure-treated exterior plywood. The perimeter enclosure shall be constructed to Washington County Building Department standards.
- D. The manufactured home shall have a pitched roof, with a slope of at least three feet in height for each 12 feet in width (i.e.- at least a 3 in 12 pitch).
- E. The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used in residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the city planner.
- F. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope which meets performance standards which reduce levels to the performance standards required of single family dwellings constructed under the State Building Code as defined in ORS 455.010.
- G. The manufactured home may have a garage or carport. If so, the exterior materials of the garage or carport shall match the residential home.
- H. The manufactured home shall not be sited adjacent to any designated historical structure.
- I. The manufactured home and the lot on which it is located shall be subject to the same development standards as other single family residence in that zone.
- J. An original or replacement manufactured dwelling and carport may be placed on a park space that has been converted to a

subdivision lot under ORS 92.835 if:

1. The manufactured dwelling is constructed and installed in accordance with state and federal standards; and
  2. The owner of the lot has signed and recorded a waiver of the right of remonstrance for the formation of a local improvement district by the city, in a form approved by the city.
- K. The approved dimensional standards or special uses from the original manufactured home park approval apply to all subsequent development in the park.

**16.110.010 Manufactured Home Park Development Standards**

**A. Site Size**

A minimum parcel size of five (5) acres is required for development of a manufactured home park.

**B. Vehicular and Pedestrian Access**

1. Manufactured home parks shall abut and have direct access to a street.
2. Access drives shall be provided to each manufactured home space, shall be continuous unless provided with adequate turn-around area or cul-de-sac, and shall have a minimum width of twenty (20) feet. The point of principal access to the street shall be at least thirty-six (36) feet in width.
3. Walkways, not less than two (2) feet in width, shall be provided from each manufactured home space to service buildings and along both sides of all access drives.

**C. Perimeter Treatment**

Except as required for vision clearance, the outer perimeter of each park shall be improved with one of the following:

1. Sight-obscuring fence or wall not less than five nor more than six feet in height;

2. Maintained evergreen landscaping that is at least five feet in depth, will mature within three years, and reach at least five feet in height at maturity;
3. Combination of (1) and (2) above.

**D. Occupied Area Surface Treatment**

1. Unless in conflict with state laws and regulations, all areas covered by manufactured homes and accessory buildings shall be paved with asphalt or concrete, or covered with permanently contained crushed rock.
2. If required by state statute, each manufactured home space shall be improved with one patio of concrete or other suitable impervious material, having a minimum area of one hundred fifty (150) square feet.

**E. Open Areas**

1. All open areas, except as otherwise specified herein, shall be suitably landscaped according to plans and specifications approved by the Planning Commission. Such areas shall be continuously maintained.
2. If required by state statute, a minimum of two hundred (200) square feet of recreation area of each manufactured home space shall be provided in one or more locations within the manufactured home park or subdivision. The minimum size of each required recreation area shall be five thousand (5,000) square feet.

**F. Storage Area**

1. A centralized storage area for boats, campers, camping trailers, and automobiles shall be provided in each manufactured home park or subdivision. Such storage area shall contain a minimum of one hundred sixty (160) square feet for each manufactured home space and shall be enclosed by a sight-obscuring fence.
2. Storage buildings shall have a maximum floor area of twenty-five (25) square feet. Carports shall not exceed eight hundred (800) square feet in area unless designed to serve two adjacent manufactured home spaces in which case they may be sixteen hundred (1600) square feet in area.

3. Storage structures and carports shall be located not less than six (6) feet from any manufactured home and shall be subject to all of the applicable permits and building codes of the City of North Plains. A storage building and carport shall be provided on each manufactured home space.

#### **G. Utilities**

All utilities, i.e., sewer, water, natural gas, electricity, telephone and television cable shall be installed underground in locations approved by the City Engineer.

#### **H. Age of Manufactured Home**

Prior to location of a manufactured home in a manufactured home park, the owner or occupant shall establish to the satisfaction of the building inspector that the manufactured home is constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sections 5401 et seq.), as amended on August 22, 1981.

#### **I. Signs**

Signs are limited to one identification sign with a maximum area on one side of twelve (12) square feet. Such sign may be indirectly illuminated, but shall not contain exposed neon or similar tubing and shall not flash, rotate, or move in any way. Design approval of the sign is subject to the review of the Commission to assure that it will be harmonious to the neighborhood.

#### **16.110.015 Review Procedure for Manufactured Home Park**

- A. The applicant shall submit 5 copies of a preliminary development plan to the Commission at least 30 days prior to the scheduled public hearing. The preliminary development plan shall contain maps and written documentation as necessary to demonstrate compliance with standards established in Chapter 16.110.005.
- B. Public notification of the proposed manufactured home park shall be provided in accordance with the public notice provisions of this chapter.
- C. If, in the opinion of the Commission, the Development Standards in Chapter 16.110.000 and the Conditional Use Permit criteria set forth in this chapter are satisfied, the proposal shall be approved. If the Commission finds the provisions are not satisfied, it may deny the

application.

- D. If the Planner finds denial was based on internal (onsite) factors and new plans have been submitted which are sufficiently modified to warrant re-consideration by the Planning Commission, applications may be resubmitted within 120 days of the denial.

**Chapter 16.115**  
**Lot, Building, & Yard Exceptions**

**16.115.000 Projections from Buildings**

Cornices, eaves, canopies, sunshades, gutters, chimneys, flues and other similar architectural features may project not more than two (2) feet into a required yard or into required open space as established by coverage standards.

**16.115.005 General Exception to Building Height Limitations**

The following types of structures or structural parts are not subject to the building height limitations of this Ordinance: Chimneys, tanks, church spires, belfries, domes, monuments, fire and hose towers, observation towers, masts, aerials, cooling towers, elevator shafts, transmission towers, smokestacks, flagpoles, radio and television towers, and other similar projections.

**16.115.010 General Exception to Lot Size Requirements**

If, at that time of passage of this Ordinance, a lot, or the aggregate of contiguous lots held in a single ownership, has an area or dimension which does not meet the lot size requirements of the zone in which the property is located, the lot or aggregate holdings may be occupied by a use permitted outright in the zone subject to the other requirements of the zone and providing, if there is an area deficiency, residential use shall be limited to a single-family residence.

**16.115.020 General Exceptions to Yard Requirements**

The following exceptions to the front yard requirements for a dwelling are authorized for a lot in any zone:

- A. If there are dwellings on both abutting lots with front yards of less than the required depth for the zone, the front yard for the subject lot need not exceed the average front yard of the abutting dwellings.

If there is a dwelling on one abutting lot with a front yard of less than the required depth for the zone, the front yard for the subject lot need not exceed a depth one-half way between the depth of the abutting lot and the required front yard depth.

- B. To permit or afford better light, air, and vision on more heavily traveled streets and on streets of substandard width; to protect arterial streets; and to have the location of structures compatible with the need for the eventual widening of streets, the Planning Commission may require a setback greater than the required yard specified in the zone.



**Chapter 16.120**  
**LOT LINE ADJUSTMENTS**

**16.120.000 Definition**

A lot line adjustment is the relocation or elimination of a common boundary between two legal lots, provided no new lots are created as a result of the relocation of the common boundary. The elimination of lot boundaries is permitted only for a maximum of 3 common boundaries.

**16.120.005 Application and Fee**

An application for a lot line adjustment shall be filed with the City and accompanied by the appropriate fee. It is the applicant's responsibility to submit a complete application that addresses the review criteria of this section. An application for a lot line adjustment shall be reviewed administratively by the City Planner per Chapter 16.170. The City may specify conditions or modifications in the application as necessary to assure compliance with the review criteria of this section.

**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.
- 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.

**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. If a survey is required, it shall be filed with the Washington County Surveyor.

**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.

**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:

- a 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.
- b 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.
- c 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.
- d The Planning Commission finds that the use of flag lots is necessary due to conditions of terrain or other physical features of the property.
- e 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)(1), flag lots shall be subject to the following development standards:

- a. 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. A three-foot wide landscaped planter strip shall be provided between the access strip and the side lot line of the neighboring lot.
- b. 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.
- c. 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.
- d. The length of the access strip is subject to the requirements of the Uniform Fire Code, but shall not exceed 200 feet.
- e. 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.
- f. 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 minimum 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.

**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:
- a. Cut slopes shall not exceed one and one-half feet horizontally to one foot vertically.
  - b. Fill slopes shall not exceed two feet horizontally to one foot vertically.
  - c. 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.

- 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.
- 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.

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 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 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 subdivider 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 and Street Trees:** The installation of street lights and street trees is required at locations and of a type established by City standards.
7. **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 engineer or the superintendent of public works. The City may require changes in typical sections and details

in the public interest, if unusual conditions arise during construction to warrant the change.

- 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.



**Chapter 16.130  
LAND PARTITIONING**

**16.130.000 Definition**

**Partition:** A partition is required for a land division that creates two (2) or three (3) parcels in a calendar year.

**16.130.005 General Provisions**

- A. All partitions shall conform to all applicable Zoning District Standards, Development Standards of this ordinance and the comprehensive plan.
- B. A master plan for development shall be required for any application which leaves a portion of the subject property capable of redevelopment.
- C. Partition approval is valid in perpetuity, upon recording of the final partition plat.
- D. A parcel within an approved partition may not be re-divided within the same calendar year in which it was recorded except through the subdivision process.
- E. A tentative partition that creates a public road to access any of the proposed parcels shall be reviewed at a public hearing of the Planning Commission pursuant to the provisions of Public Hearings in this chapter.
- F. Notice of the public hearing shall be provided in accordance with the provisions of Public Notice Requirements in this chapter.
- G. Approval of a Tentative Map for a partition is valid for one (1) year after the date of the written decision. A final plat map for a partition shall be approved and recorded within this one (1) year time period or the tentative approval shall lapse.
- H. Requests for extensions of partition approvals may be made in accordance with the provisions of this chapter.

**16.130.010 Submittal Requirements for Tentative Partition Review**

- A. An application for a partition shall be submitted on forms provided by the City and accompanied by the appropriate filing fee.
- B. An application shall include ten (10) copies of a tentative partition drawn to scale and shall contain, at a minimum, the following:

1. Name and address of the owner of the property to be divided.
2. Legal description of the property and Tax Lot ID (TLID) by Township, Range, Section and Tax Lot.
3. North arrow and scale.
4. Comprehensive Plan and Zoning designations for the subject property.
5. Individual parcel designation, e.g. Parcel I, Parcel II.
6. Dimensions and size in square feet or acres of all proposed parcels.
7. Adjacent property under the same ownership.
8. All adjacent roads (public or private), including name and road width.
9. Location and size of all existing and proposed utilities.
10. All existing structures on the property and their setbacks.
11. Natural drainage ways, streams, wetlands or other significant natural features of the property.
12. Existing or proposed easements.

**16.130.015 Process for Tentative Partition Review**

A tentative partition that does create a public road to access any of the proposed parcels shall be reviewed administratively by the City Planner. Conditions may be attached to the approval of a tentative partition.

A tentative partition that creates a public road to access any of the proposed parcels shall be reviewed at a public hearing of the Planning Commission. The Planning Commission may require dedication of land and easements and may specify conditions or modifications in the tentative plan as necessary. In no event, however, shall the Planning Commission require greater dedications or conditions than would be required if the tract were subdivided.

**16.130.016 Partition Approval Criteria**

The City may approve, approve with conditions or deny a preliminary partition plat based on the approval criteria of this chapter including the Subdivisions section.

**16.130.020 Process for Final Partition Approval**

**A. Survey Submitted**

Within one (1) year of the written decision approving a tentative partition, two (2) copies of the final survey of the approved partition shall be submitted to the City Planner for review. If the final survey is not submitted within one year, the tentative approval shall lapse.

**B. Final Approval**

If the final survey of the partition is consistent with the approved partition, if the conditions of approval have been satisfied, and if the City Council has accepted dedication of any newly created public roads by either accepting a deed of dedication on a form acceptable to the City or authorizing the mayor or other City Council designee to sign an acceptance of dedication on the final plat map, the City Planner shall mark the survey map "Approved" and shall:

1. Transmit one copy of the approved partition or the original mylar with acceptance of public road dedication to the applicant for recording, and
2. Retain one copy for the City's files, and
3. Send a final approval letter to the County Surveyor with instructions for final review and recording of the final plat.

**C. Recording of Approved Partition Required**

The applicant is responsible for recording the approved Partition with the Washington County Records Office. A building permit shall not be issued, or parcel sold, transferred or assigned, until the approved Partition has been recorded.

**D. Improvements/Bonding**

Prior to issuance of a building permit, all improvements required by the Conditions of Approval shall be constructed or the construction shall be guaranteed through an irrevocable letter of credit, assignment of bank account, performance bond or other instrument acceptable to the City Attorney. If ownership of a parcel is transferred prior to satisfaction of the Conditions of Approval, the new owner shall be notified in writing of these Conditions by the transferor.

**Chapter 16.135  
Subdivisions**

**16.135.000 Definition**

“Subdivision”, for the purpose of this Ordinance, means 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.

**16.135.005 General Provisions**

- A. All subdivisions shall conform to applicable Zoning District Standards, Development Standards of this ordinance and the comprehensive plan.
- B. A master plan for development shall be required for any application which leaves a portion of the subject property capable of redevelopment.
- C. Pre-application conferences shall be required prior to the submittal of all subdivision applications.

**16.135.010 Submittal Requirements for Tentative Subdivision Plans**

- A. All Subdivision applications shall be submitted on forms provided by the City and accompanied by the appropriate filing fee.
- B. Each application shall include fifteen (15) copies of the tentative subdivision plan drawn on a sheet of 18 x 24 inches in size at a scale of 1 inch equals 100 feet.
- C. The following information shall be shown on the tentative subdivision plan:
  - 1. Proposed name of the subdivision. This name shall not duplicate or resemble the name of any other subdivision in the county and shall be approved by the Planning Commission and the County Surveyor.
  - 2. Date, north point and scale of drawing.
  - 3. Appropriate identification of the drawing as a tentative plan.

4. Description of the subdivision sufficient to define its location and boundaries and legal description of the tract boundaries.
5. Names and addresses of the owner, subdivider, and engineer, surveyor or planner.
6. The location, widths and names of both improved and unimproved streets within or adjacent to the tract, together with easements and other important features such as section lines, section corner, city boundary lines and monuments.
7. Contour lines related to some established bench mark or other datum approved by the city engineer and having minimum intervals as follows:
  - a. For slopes of less than five per cent: two feet, together with not less than four spot elevations per acre, evenly distributed, if necessary.
  - b. For slopes of five percent to 15 percent: five feet.
  - c. For slopes of 15 percent to 20 percent: ten feet.
  - d. For slopes of over 20 percent: 20 feet.
8. The location of at least one temporary bench mark within the subdivision boundaries pursuant to ORS 96.060.
9. The location and direction of water courses and the location of areas subject to flooding and/or within a designated 100-year flood plain.
10. Natural features such as rock outcroppings, marshes, wooded areas and isolated preservable trees having a caliper (diameter) of 6 inches or greater at 4 feet above grade.
11. Existing uses of the property and location of existing structures designated historic and cultural resources on the site and structures to remain on the property after platting.
12. A vicinity map showing existing subdivisions and unsubdivided land ownerships adjacent to the proposed subdivision and showing how proposed streets and utilities may be extended to connect to existing streets and utilities.

13. Proposed deed restrictions, if any, in outline form.
14. The location of existing sewage disposal facilities, water mains, culverts, storm drainage facilities and electric lines within and adjacent to the subdivision.
15. The location, width, names, approximate grades and radii of curves of proposed streets as shown on any development plan.
16. Dimensions and area of each proposed lot.
17. Proposed lot and block numbers.
18. Proposed sites, if any, allocated for development,
19. If the proposed subdivision includes only part of the tract owned or controlled by the subdivider, the City Planner or Planning Commission may require a sketch or tentative layout for streets and lots in the unsubdivided portion.
20. Any of the following may be required by the City Planner or Planning Commission to supplement the tentative subdivision plan:
  - a. Approximate center line profiles with extensions for a reasonable distance beyond the limits of the proposed subdivision showing the finished grade of streets and sidewalks and the nature and extent of street construction.
  - b. A schematic plan for domestic water supply lines and related water service and sewage disposal facilities.
  - c. Proposals for storm water drainage and flood control, including profiles of proposed drainage ways.
  - d. If lot areas are to be graded or filled, a plan showing the nature of cuts and fills and information on the character of the soil.
  - e. Proposals for other improvements such as electric utilities.

**16.135.011 Preliminary Plat Approval Criteria**

The City may approve, approve with conditions or deny a preliminary plat based on the following approval criteria:

- A. The proposed preliminary plat complies with the applicable Development Code chapters and all other applicable ordinances and regulations. At a minimum, the provisions of this section and the applicable sections of this chapter including Zoning Districts, Development Standards, and Streets and Facilities shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the Variance section of this chapter;
- B. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;
- C. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivision and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat;
- D. All proposed private common areas and improvements (e.g. homeowners association property) are identified on the preliminary plat;
- E. Evidence that any required State and federal permits have been obtained, or shall be obtained before approval of the final plat;
- F. Evidence the improvements or conditions required by the City, road authority, Washington County, Clean Water Services, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met;
- G. A Traffic Impact Study (TIS) has been provided, if applicable, in accordance with the provisions of Chapter 16.170; and
- H. If any part of the site is located within a Specific Area Plan District, Overlay District, or previously approved Master Planned Development, it shall conform to the applicable regulations and/or conditions.

**16.135.012 Lot Access Provisions**

In addition to the provisions of this chapter, all lots and parcels shall conform to the specific requirements below, as applicable:

- A. In conformance with the Uniform Fire Code (UFC), a 20-foot wide fire apparatus drive shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way or approved access drive.
- B. When a common drive is to be provided to serve more than one lot, a reciprocal easement which will ensure access and maintenance rights shall be recorded with the approved subdivision or partition plat. The minimum drive width shall be 10 to 15 feet, except as required by the UFC, and improved with an all-weather surface approved by the City.
- C. Access reserve strips may be required to be granted to the City for the purpose of controlling access to adjoining undeveloped properties.
- D. Street and building placement and alignment shall be designed so that all future street connections can be made as surrounding properties develop.

**16.135.013 Flag Lot**

Flag lots may be created only when a through street or mid-block lanes cannot be extended to serve abutting uses or future development. A flag lot driveway ("flag pole") may serve no more than two (2) dwellings units, including accessory dwellings and dwellings on individual lots, unless Uniform Fire Code (UFC) standards are met for more units. When UFC standards are met, the maximum number of dwellings shall be four (4). A driveway serving more than one lot shall be a minimum of 15 feet wide, except as required by the UFC, and have a reciprocal access and maintenance easement recorded for all lots. No fence, structure or other obstacle shall be placed within the drive area. The Fire Marshal may require an emergency turn-around. Fire sprinklers may also be required for buildings that cannot be fully served by fire hydrants due to distance from a hydrant of insufficient fire flow.

**16.135.014 Conditions of Approval**

The City may attach such conditions as are necessary to carry out provisions of this code, and other applicable city ordinances and state regulations.



**16.135.015 Preliminary Review of Tentative Subdivision Plan**

- A. Upon receipt of a complete application, the City Planner shall refer copies of the tentative subdivision plan and supplementary material to affected agencies for review and comments.
- B. The City Planner shall prepare a staff report and recommendation on the tentative subdivision plan for the Planning Commission. The City Planner may recommend approval of the tentative plan as submitted or as it may be modified in accordance with Section 16.135.011 Preliminary Plat Approval Criteria. The City Planner may attach any reasonable conditions found necessary to carry out the purposes of this or any other City ordinance or State statute.
- C. If the City Planner recommends denial, the staff report and recommendation shall set out clearly the grounds for denial and shall clearly inform the applicant of the changes or modifications needed to allow the lawful division of the property.
- D. Upon receipt of the City Planner's staff report and recommendation, the Planning Commission shall hold a public hearing to give consideration to the tentative subdivision plan. The Planning Commission may approve the tentative plan as submitted or as it may be modified by recommendation of the City Planner or Planning Commission.
- E. Approval of the tentative plan shall indicate approval of the final plat if there is no change in the plan of the subdivision and if the subdivider complies with the requirements of this ordinance.
- F. The action of the Planning Commission shall be noted on two copies of the tentative plan, including reference to any attached documents describing conditions. One copy shall be retained by the City and the other shall be returned to the applicant with a written statement of the Commission's action.

**16.135.020 Expiration of Tentative Approval**

Approval of the tentative plan shall become null and void if a final plat in accordance with these regulations is not submitted within one year after the date of the approval of the tentative plan. If the subdivider cannot complete the preparation of the final plat within the one year time period, he may petition the commission an extension of the subdivision approval in accordance with the provisions of Section 16.00.080

**16.135.025 Phasing of Development**

If requested in the original application, a large subdivision may be approved for phased development. The final plat for the first phase of such a phased subdivision shall be submitted within one year of the date of approval of the tentative plan. Final plats of subsequent phases may be submitted after the one year limitation, provided that each phase complies with the approved tentative plan of the subdivision. Request for extensions of subdivision approvals may be made in accordance with the General Provisions of this chapter, However, in no case shall the final plat for the last phase be submitted more than 10 years after the approval of the tentative plan.

**16.135.030 Final Subdivision Plat**

**A. Submittal of Final Subdivision Plat**

Within one year after approval of the tentative plan, the sub-divider shall have the subdivision surveyed and a plat prepared which conforms to the approved tentative plan. Unless a request for an extension of the subdivision approval is made in accordance with the provisions of Section 16.00.080.

**B. Information on Plat**

The applicant shall submit one (1) original and five (5) copies of the final subdivision plat. The following information shall be included on the plat:

1. Reference points of existing surveys identified, related to the plat by distance and bearings, and referenced to a field book or map as follows:
  - a. Stakes, monuments or other evidence found on the ground and used to determine the boundaries of the subdivision.
  - b. Adjoining corners of adjoining subdivisions.
  - c. Other monuments found or established in making the survey of the subdivision or required to be installed by provisions of this ordinance.
2. The exact location and width of streets and easements intercepting the boundary of the tract.

3. Tract, block and lot boundary lines and street right-of-way and center lines, with dimensions, bearing or deflection angles, radii, arcs, points of curvature and tangent bearings. Normal high water lines for any creek or other body of water and any designated 100-year flood plains. Tract boundaries and street bearings shall be shown to the nearest 30 seconds with basis of bearings. Distances shall be shown to the nearest 0.01 feet.
4. The width of the portion of streets being dedicated and width of existing right-of-way. For streets on curvature, curve data shall be based on the street center line. In addition to the center line dimensions, the radius and central angle shall be indicated.
5. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not definitely located of record, a statement of the easement shall be given. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision shall be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's Certificate of Dedication.
6. Lot numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the subdivision.
7. Identification of land to be dedicated for any purpose, public or private, to distinguish it from lots intended for sale.
8. Building setback lines, if any, are to be made a part of the subdivision restrictions.
9. The following certificates which may be combined where appropriate:
  - a. A certificate signed and acknowledged by all parties having any record title interest in the land, consenting to the preparation and recording of the plat.
  - b. A certificate signed and acknowledged as above, dedicating all land intended for public use except land which is intended for exclusive use of the lot owners in the subdivision, their licenses, visitors and tenants.

- c. A certificate with the seal of and signed by the engineer or surveyor responsible for the survey and final map.
- d. Other certifications now or hereafter required by law.

**C. Supplemental Information with Plat**

The following information shall accompany the final plat:

- 1. A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises.
- 2. Sheets and drawings showing the following:
  - a. Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closure, if any.
  - b. The computation of distances, angles and courses shown on the plat.
  - c. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners and state highway stationing.
- 3. A copy of any deed restrictions applicable to the subdivision.
- 4. A copy of any dedication requiring separate documents.
- 5. A list of all taxes and assessments on the tract which have become a lien on the tract.

**D. Technical Plat Review**

- 1. Upon receipt of the final plat, the plat and other data shall be reviewed by the City Engineer and City Planner to determine that the subdivision as shown is substantially the same as it appeared on the approved tentative plan and that the subdivision is in compliance with provisions of state law and this ordinance.

2. The City Engineer may make such field checks as are necessary to verify that the map is sufficiently correct on the ground.
3. If the City Engineer and City Planner determine that changes or additions must be made to the final plat, they shall notify the sub-divider and afford the sub-divider an opportunity to make the changes or additions.

**16.135.035 Final Subdivision Plat Review**

1. The final subdivision plat shall be submitted to the Planning Commission for review pursuant to the Application Review section of this chapter. The Planning Commission shall review the plat to assure compliance with the approved preliminary plat and with the conditions of approval. The Planning Commission Chairman or Commission designee shall signify Planning Commission approval of the final plat by signing the recorder's plat sheet and exact duplicate. However, if the plat includes dedication of any newly created public roads the City Council shall either accept a deed of dedication on a form acceptable to the City, or authorize the mayor or other City Council designee to sign an acceptance of dedication on the final plat.
2. A sub-divider shall, without delay, submit the plat for signatures of other public officials required by law. Approval of the final plat shall be null and void if the plat is not recorded within 90 days after the date of the last required approving signature has been obtained.
3. At the time of submittal for final approval, the sub-divider shall pay to the City a final plat filing fee to defray the cost incurred by the City in checking, investigating, and otherwise reviewing the final plat for conformance to all applicable laws. The final plat filing fee must be paid at the time of submittal, in no way assures approval and cannot be refunded.

**16.135.040 Improvements/Bonding**

Prior to the recording of the Final Subdivision Plat, all improvements required by the conditions of approval shall be constructed or the construction shall be guaranteed through an irrevocable letter of credit, assignment of bank account, performance bond, cash or other instrument acceptable to the City Attorney. The assurance sum shall cover the cost

of the improvements and repairs, including related engineering and incidental expenses identified in an itemized improvement estimate provided by the developer and certified by a registered civil engineer. A Development Agreement between the City and the developer shall be recorded with the final plat. In the event the developer fails to carry-out the provisions of the agreement, and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call on the bond, cash deposit letter of credit or other instrument for reimbursement. The developer shall not cause termination of nor allow expiration of the guarantee without first having secured written authorization from the City.

**16.135.050 Re-platting, Vacation, or Changes to Approved Land Divisions**

Any plat or portion thereof may be re-platted or vacated upon receiving an application signed by all the owners as appearing on the deed or current title report. Further any change to a map of an approved or recorded land division that affects a street, public use, property line, number of lots, or the provision of public services may be requested upon receiving application by all owners as appearing on the deed. All requests for a re-plat, a plat vacation or a change to an approved or recorded land division shall be processed in accordance with the procedures and standards for approval of a subdivision or partition.

**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 4 acres in any zone.
- 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 accommodate 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. The project will be compatible with adjacent development and will not adversely affect the character of the area.
  - 8. All public utilities will be developed consistent with Urban Growth Boundary policies, plans and standards.
  - 9. The Planned Unit Development shall not have adverse impacts on public facilities such as schools, roads, water and sewage systems, fire protection, etc.
  - 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. Developments which either provide for or contemplate private streets and common areas 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. 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. That sufficient financing exists to assure the proposed development will be substantially completed within four years of 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 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 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 conditions it finds are necessary to carry out the purposes of this Ordinance.
- 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.

**Chapter 16.145  
Public Facility and Service Requirements**

**16.145.000 Purpose**

The purpose of this section is to identify those public facilities and services that are necessary at a minimum level to accommodate development.

**16.145.005 Application of Public Facility Standards**

The provisions of Chapter 16.145 Public Facility and Service Requirements shall apply to development within the City of North Plains as listed in the following table. No development permit shall be approved unless the following required improvements are provided to City standards prior to occupancy or operation unless an exception is approved by the City Council per Chapter 16.145.020 or future provision of the improvement is assured per Chapter 16.145.030.

Public Facilities Improvement Requirements Table						
	Fire Hydrants	Street Improvements	Water Line	Sewer Liner	Storm Drainage & Trees	Street Lights
Single Family Homes	N	C <sup>2</sup>	Y	C <sup>4</sup>	Y	N
Two Family & Multifamily Dwellings	Y	Y	Y	Y	Y	Y
Partitions, Subdivisions and Manufactured Home Parks	Y	Y	Y	Y	Y	Y
New Commercial Buildings	Y	Y	Y	Y	Y	Y
Commercial Expansions	C <sup>1</sup>	C <sup>3</sup>	Y	Y	Y	Y
New Industrial Buildings	Y	Y	Y	Y	Y	Y
Industrial Expansions	C <sup>1</sup>	C <sup>3</sup>	Y	Y	Y	Y
N = Not required Y = Yes, required C=Conditional, required in some case						
Note: Street lights shall be installed using PGE Option B.						

**C<sup>1</sup> Fire Hydrants for Commercial Expansions**

A fire hydrant is required when:

1. The total floor area of the building, including existing area and expanded area, is greater than or equal to 2500 square feet; or
2. A use is proposed which is classified as a Hazardous (H) use under the Uniform Building Code.

**C<sup>2</sup> Street Improvements for Single Family Homes**

New single family homes located on existing improved streets must pay the City's Systems Use Fee prior to issuance of a building permit. New single family homes which require a street extension of a City street must be improved to the City's paved street standard. Extension of County roads must be improved to County road standards.

**C<sup>3</sup> Street Improvements for Commercial and Industrial Expansions**

Lots fronting on County roads must obtain access permits from the Washington County Department of Land Use and Transportation. The City will require improvement to full City standards when the use meets any of the following criteria:

- a. The use generates an average of 100+ trips per day per 1000 gross square feet of building as documented in the Trip Generation Manual of the Institute of Transportation Engineers or other qualified source; or
- b. The use includes daily shipping and delivery trips by vehicles over 20,000 pounds gross vehicle weight.

**C<sup>4</sup> Sewer Line Extensions for Single Family Homes**

Clean Water Services jurisdiction over sewer line extensions. CWS generally requires extension of the sewer lines to serve new hook-ups.

**16.145.010 Public Facility Standards**

The following public facility standards shall be applicable to all development as specified in the Application Review section of this chapter.

**A. Streets**

Street improvements required by Chapter 16.145.005 Public Facility & Service Standards shall be provided in compliance with Street Standards of this ordinance.

**B. Storm Drainage**

No development permit shall be approved for any property until the City Engineer has reviewed and approved provisions for storm water drainage in accordance with the following criteria:

1. For storm drainage across or over the property on which the development is located, there are storm drainage facilities available which are capable of handling a one-hundred year flood without damage to any improvement on the property, or inundation of the lowest habitable floor of any residential structure thereon.
2. For storm drainage along or from streets adjacent to the property on which the development is located, there are storm drainage facilities available in accordance with the City of North Plains adopted street standard.

**C. Sewage Disposal**

No development permit shall be approved until the City Engineer and Clean Water has reviewed and approved provisions for connection to the public sewer system.

**D. Water Supply**

No development permit shall be approved for any property unless all affected water mains are either:

1. Fully improved to a standard providing both adequate potable water and fire flows, as established by the applicable State Plumbing Code and approved by the City Engineer; or
2. Improved to a standard providing adequate potable water flows pursuant to the City Water Master Plan and approved by the City Engineer and the Fire Chief for Washington County Fire District No.

**16.145.115 Exceptions**

All exceptions to the Public Facility Standards section of Chapter 16.145.005 shall be reviewed and approved by the City Council at a public hearing conducted pursuant to the Application Review Chapter.

**16.145.120 Methods to Assure Facilities and Services**

A legal and enforceable document, contract or process which assures the City that a public improvement will be accomplished. Assurances may include but are not limited to the following:

- A. Cash in escrow, assignment of letter of credit, etc.
- B. Establishment of a Local Improvement District (LID) through the post-remonstrance period. Failure of the City to accept the LID shall constitute a waiver of the assurance requirement.
- C. Evidence of formal action by public or private agencies or companies, including the City of North Plains, appropriating monies for the requisite public improvement.
- D. Any other legally binding arrangement that assures the improvements will be made within the required time frame, including:
  1. Phasing of the development;

2. Construction of interim improvements;
3. Construction of improvements on a phased basis.

**16.145.125 Determination of Impacts from Change of Use, new construction, alterations and/or additions**

If the applicant intends to assert that he/she cannot legally be required to comply with the development standards required by this section, the building permit or site review application shall include a "rough proportionality" report, prepared by a qualified civil or traffic engineer, as appropriate showing:

- A. The estimated extent, on a quantitative basis, to which the public improvements will be used by persons served by the building or development, whether the use is for safety or convenience;
- B. The estimated level, on a quantitative basis, of improvements needed to meet the estimated future use by persons served by the building or development;
- C. The estimated impact, on a quantitative basis, of the building or development on the public infrastructure system of which the improvements will be a part; and
- D. The estimated level, on a quantitative basis, of improvements needed to mitigate the estimated impact on the public infrastructure system.

**16.145.130 Requirement for Public Work Permit**

No person, firm or corporation shall commence construction of improvements within a public right-of-way or upon public property without first obtaining a Public Works Construction Permit on a form or forms provided by the Office of the City Recorder.

**16.145.135 Fees**

The applicant for a Public Works Construction Permit shall pay permit fees for administration and inspection costs to be established by City Council Resolution.

**16.145.140 Duration of Permit**

The Public Works Construction Permit shall be issued for a period not to exceed 12 months. The City Engineer may extend the permit for an additional 12-month period if a written request is made to do so prior to expiration of the Permit and upon determining that the obligation of the security required in Section 4 below are extended for a like period.

#### **16.145.145 Performance and Maintenance Security**

The applicant shall file with the City Recorder prior to the issuance of a Public Works Construction Permit, security in form and amount acceptable to the City. Security can be in the form of a corporate surety bond, letter of credit, or a cash deposit. The corporate surety bond shall be issued by a surety company authorized to transact

- A. business in the State of Oregon. Security shall assure the applicant's full and faithful performance of the provisions of said Public Works Construction Permit. Security shall be in an amount established by City Council by resolution.

The applicant shall in addition provide security guaranteeing the improvements against any and all defects in workmanship and materials and the maintenance of excavated and filled trenches for period of one year from and after the date of completion of the improvements.

- B. The provision of this Section shall not apply to any applicant having a franchise to use public rights-of-way or property for installation, maintenance and operation of public or private utilities.

#### **16.145.150 Insurance Required**

Prior to issuance of a Public Works Construction Permit, the applicant shall deposit with the City Recorder a certificate of comprehensive public liability insurance covering the work to be done by the applicant under the permit. The policy of insurance shall provide for not less than \$300,000 for any injury sustained in one occurrence, property damage coverage in an amount not less than \$100,000, and \$500,000 for any number of claims arising out of a single accident or occurrence.

#### **16.145.155 Indemnification**

As a condition of the issuance of a permit, the applicant shall defend, indemnify and hold the city, its officers, employees, representatives, and agents harmless from and against any and all claims, demands, judgments, expenses, costs, or charges, including appeals, arising out of or related to the work covered by the permit.

#### **16.145.160 Restoration**

The permit holder is required to restore the surface of public places to the condition existing prior to the interruption in accordance with City standards. The City is authorized to restore the public place surface to its preexisting condition if the permit holder fails to do so and to assess the costs of the restoration against the permit holder.



**16.145.165 Damage to Substructures**

In the event any pipe, conduit, manhole, vault, buried cable, wire, or any other structure located below the surface of any public place should be damaged by the permit holder or his agents, representatives or designees, the substructure shall be repaid by the owner thereof and the expense of such repair shall be charged to the permit holder. The permit holder shall be liable for any damage caused to any public property by the work performed in connection with the excavation permit, including but not limited to the damage to water lines, sewer lines, and other city owned or public utilities.

**16.145.170 Protection of Adjoining Property**

The permit holder shall at all times, at its own expense, preserve and protect from damage any adjoining property by providing proper foundations and taking other measures suitable for that purpose. If it is necessary to enter upon private property for the purpose of taking appropriate protective measures, the permit holder shall obtain a license from the owner of such private property. The permit holder shall, at the holder's own expense, shore up and protect all buildings, walls, fences or other property likely to be damaged during the progress of the excavation work and shall be responsible for all damage resulting from the failure to protect such structures.

**16.145.175 Care of Excavated Material**

All material excavated from trenches shall be placed by permit holder in a location which shall not constitute a hazard or danger to persons lawfully using the public place or places being excavated, and shall not be placed within a public right-of-way without prior written approval from the City. During the work performed under any permit, the permit holder shall keep all streets and public places thoroughly cleaned of all rubbish, excess earth, rock, or other debris and dust resulting from such work. All cleanup operations at the location of such excavation shall be accomplished at the expense of the permit holder. In the event the permit holder fails or refuses to comply with the provisions of this section, the City Recorder, after notice to the permit holder, may direct the cleanup and removal of all rubbish, excess earth, rock, or other debris and dust and assess the cost thereof against the permit holder.

**16.145.180 Construction Standards**

All work performed under the permit shall be in accordance with standards established by the city engineer, which standards may include but not be limited to methods of excavation, backfilling, restoration of surface, and restoration standards. Work in streets under Washington County jurisdiction shall also meet applicable County requirements. Work on sanitary or storm sewers under the jurisdiction of the Clean Water Services shall meet the standards of that agency.

**16.145.185 Limitations of Liability**

Nothing contained in the above sections, inclusive, shall cause the city or its employees, agents, or representatives to be liable for damages or injury to any person or property which may result from or arise out of the performance of any work under a public works construction permit.

**16.145.190 Penalties**

Any person violating any provisions of the above sections, inclusive, shall, upon conviction thereof be fined in an amount not to exceed \$500. Each day that any such violation is permitted to continue shall constitute a separate offense and shall be punishable as a separate offense under the provisions of this section.

**Chapter 16.150  
Street Standards**

**16.150.000 Purpose**

- A. To provide for safe efficient, and convenient vehicular movement in the City of North Plains.
- B. To provide adequate access to all proposed developments in the City of North Plains.
- C. To provide adequate area in all public rights-of-way for sidewalks, sanitary sewers, storm sewers, waterlines, natural gas lines, power lines and other utilities commonly and appropriately placed in such rights-of-way.

**16.150.005 Scope**

The provisions of this Subsection shall be applicable to:

- A. The construction, dedication or creation of all new public or private streets in all subdivisions, partitions or other developments in the City of North Plains.
- B. The extension or widening of existing public or private street rights-of-way, easements, or street improvements, including those which may be proposed by an individual or the City, or which may be required by the City in association with other development approvals.
- C. The construction or modification of any utilities or sidewalks in public rights-of-way or private street easements.

**16.150.010 General Provisions**

The following general provisions shall apply to the dedication, construction, improvement or other development of all public streets in the City of North Plains:

- A. **The location, width, and grade of streets** shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets.
- B. **Development proposals** shall provide for the continuation of existing principal streets where necessary to promote appropriate traffic circulation in the vicinity of the development.

- C. **Reserve strips**: Reserve strips or street plugs controlling the access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights, and in these cases they may be required. The control and disposal of the land composing such strips shall be placed within the jurisdiction of the City under conditions approved by the Planning Commission.
- D. **Alignment**: All streets other than minor streets or cul-de-sacs, as far as practical, shall be in alignment with existing streets by continuation of the center lines thereof. The staggering of street alignments resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 100 feet.
- E. **Future extension of streets**: Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of a tract being developed and the resulting dead-end streets may be approved without turnarounds. Reserve strips and street plugs may be required to preserve the objectives of street extensions.
- F. **Intersection angles**: Streets shall be laid out to intersect at angles as near to right angles as practical, except where topography requires lesser angle, but in no case shall the acute angle be less than 80 degrees unless there is a special intersection design. An arterial or collector street intersecting with another street shall have at least 100 feet of centerline tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Intersections which contain an acute angle of less than 80 degrees or which include an arterial or collector street shall have a minimum corner radius sufficient to allow for a roadway radius of 20 feet and maintain a uniform width between the roadway and the right-of-way line. All other intersections shall have a minimum corner radius sufficient to allow for a roadway radius of 10 feet and maintain a uniform width between the roadway and the right-of-way line. Ordinarily, the intersection of more than two streets at any one point will not be approved.
- G. **Existing streets**: Whenever existing public streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision or development.
- H. **Cul-de-sacs**: Cul-de-sacs shall be as short as possible, and shall have maximum lengths of 600 feet and shall not serve more than 20 dwelling units. All cul-de-sacs shall terminate with circular turnarounds. Commercial and industrial cul-de-sacs shall have a minimum 55' bulb radius. Additional cul-de-sac specifications, including specifications for residential cul-de-sacs, are

contained within the most recently adopted public works/street standards of the City of North Plains and/or Washington County development standards.

- I. **Street names**: No street names shall be used which will duplicate or be confused with the names of existing streets, except for extensions of existing streets. Street names and number shall conform to the established pattern in the City and shall be subject to the approval of the Planning Commission.
- J. **Grades and curves**: Grades shall not exceed 6 percent on arterials, 10 percent on collector streets or 12 percent on any other street. Center line radii of curves shall not be less than 300 feet on arterials, 200 feet on collectors or 100 feet on other streets, and shall be to an even 10 feet. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable sites, the Planning Commission may accept steeper grades and sharper curves. In flat areas, allowance shall be made for finished street grades having a minimum slope of 0.5 percent.
- K. **Marginal access streets**: If a development abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- L. **Alleys**: Alleys shall be provided in commercial and industrial districts unless other permanent provisions for access to off-street parking and loading facilities are made as approved by the Planning Commission. While alley intersections and sharp changes in alignment shall be avoided, the corners of necessary alley intersections shall have radii of not less than 10 feet.
- M. **Sidewalks** shall be a minimum of five feet in width. Curbs and sidewalks shall be required along both sides of all public streets. All new development upon lots, tracts or parcels of land adjacent to a public street will be required to construct curbs and sidewalks.
- N. Street trees, where provided, shall not be of a species which has a shallow spreading root system which is likely to disturb sidewalk or street improvements.
- O. **Access Spacing Standards** shall, to the greatest extent possible, comply with Washington County's standards and the most recently adopted public works/street standards of the City of North Plains. Washington County's access spacing standards by street functional classification are as follows:

Major Arterial: 1,000 feet  
Minor Arterial: 600 feet

Major Collector: 150 feet  
Minor Collector: 50 feet  
Local Street: 10 feet

### **16.15034.115040 General Right-of-Way and Improvement Widths**

Construction specifications for all street and right-of-way improvement widths shall comply with the criteria of the most recently adopted public works/street standards of the City of North Plains, the North Plains Transportation System Plan, and/or Washington County standards. These standards shall be the minimum requirements for all streets, except where modifications are permitted under this chapter or the Street Standard adopted by the City Council of North Plains, whichever is less restrictive. Refer to Figures 5-2A-5-2P in the Transportation System Plan for detailed diagrams depicting street right-of-way, improved, and roadway width requirements.

### **16.150.020 Modification of Right-of-Way and Improvement Width**

The Planning Commission may allow modification to the public street standards of this chapter when both of the following criteria are satisfied.

- A. The modification is necessary to provide design flexibility in instances where:
  - 1. Unusual topographic conditions require a reduced width or grade separation of improved surfaces; or
  - 2. Parcel shape or configuration precludes accessing a proposed development with a street which meets the full standards of the City of North Plains or
  - 3. A modification is necessary to preserve trees or other natural features determined by the Planning Commission to be significant to the aesthetic character of the area; or
  - 4. A Planned Unit Development is proposed and the modification of street standards is necessary to provide greater privacy or aesthetic quality to the development.
  
- B. Modification of the Street Standards of his chapter shall only be approved if the Planning Commission finds that the specific design proposed provides adequate vehicular access based on anticipated traffic volumes. If there is insufficient area of on-street parking, the Planning Commission may require additional off-street parking and require that the street be posted to prohibit parking along one or both sides of the street.

**16.150.025 Construction Specifications**

Construction specifications for all public improvements shall comply with the criteria of the most recently adopted public works/street standards of the City of North Plains.

**16.31.070 Bikeways and Sidewalks Required on Arterials and Collectors**

- A. Glencoe Road: Include bicycle lanes and sidewalks on both sides of the road. This would provide connectivity to the existing sidewalks and future growth to the east of Glencoe Road.
- B. Commercial Street: Include bicycle lanes and sidewalks on both sides of the road. A detailed plan should be developed to make sure these facilities coexist with parking demand in the downtown area.
- C. North Avenue: On the near term a sidewalk should be constructed on the south side of North Avenue to connect the existing sidewalk to Gordon Road. Sidewalks should also be added on the south side of North Avenue between NW 309<sup>th</sup> Avenue and Glencoe Road. These improvements would complete a system of sidewalks on North Avenue in addition to providing connectivity to the adjacent street system. In the Long term sidewalks should be added to the north side of North Avenue also.
- D. Gordon Road: Provide sidewalk on the east side. This improvement will facilitate a connection to the future extension of sidewalk on the south side of North Avenue and to sidewalks along Commercial Street.

**Chapter 16.155**  
**Off Street Parking and Loading**

**16.155.000 Purpose**

The purpose of this chapter is to provide adequate areas for the parking, maneuvering, loading and unloading of vehicles for all land uses in the City of North Plains.

**16.155.005 General Provisions**

- A. The provision and maintenance of off-street parking and loading spaces are continuing obligations of the property owner. No building or other permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this Ordinance.
- B. Parking requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission, based upon the requirements of comparable uses listed.
- C. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.
- D. Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the building inspector in the form of deed, leases or contracts to establish the joint use.
- E. Off-street parking spaces for dwellings shall be located on the same tax lot with the structure, and within 250 feet of the dwelling unit for which the parking space is required. Garages and/or carports may be used to satisfy the off-street parking requirements for dwellings, however, one required parking space may be uncovered. Parking spaces required for other uses may be located on a separate tax lot and shall be located not farther than 500 feet from the building or use they are to serve.
- F. Parking and loading spaces shall not be located in a required side or rear yard, except that off street parking spaces may be located in a required side or rear yard adjacent to a street on commercial or industrial zoned land provided that the parking spaces are developed consistent with the development standards of this chapter.



- G. Required parking spaces shall be available for parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.
- H. Required parking spaces shall be improved and available for use before the final inspection is completed by the building inspector. An extension of time may be granted by the building inspector providing an irrevocable letter of credit, assignment of bank account, performance bond, or its equivalent, is posted equaling the cost to complete the improvements.
- I. On-Street Parking Credit. The amount of off-street parking required may be reduced by one-half off-street parking space for every one on-street parking space adjacent to the development (where curbs and sidewalks are present and parking is allowed). On-street parking shall follow the established configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by City standards. The following constitutes an on-street parking space:
  - a. Parallel parking, each 24 feet of uninterrupted curb;
  - b. 45 degree diagonal, each 14 feet of curb;
  - c. 60 degree diagonal, each 11.5 feet of curb;
  - d. 90 degree (perpendicular) parking, each 10 feet of curb;
  - e. Curb space must be connected to the lot which contains the use;
  - f. Parking spaces that would not obstruct a required clear vision area, nor any other parking that violates any law or street standard; and
  - g. On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street parking spaces are permitted.
- J. When the calculation of the minimum number of parking spaces required results in a fraction of a space, the applicant must round up to the nearest whole space.

**16.155.010 Commercial District Modifications**

The parking requirements of this section shall not apply to existing commercial buildings within the commercial core of the City as defined on the official zoning map of the City as the C-1 zone.

**16.155.015 Automotive Parking Requirements**

**A. Residential**

1. Detached single family                      Two (2) spaces per dwelling unit
2. Duplexes and Triplexes                      1 - ½ spaces per dwelling unit
3. Multi-family dwellings and attached single family dwellings:
  - a. Studio units or 1-bedroom units less than 500 sq. ft.                      1 space per unit
  - b. 1-bedroom units 500 sq. ft. or larger                      1- ½ spaces per unit
  - c. 2-bedroom units                      1-3/4 spaces per unit
  - d. 3-bedroom units                      2 spaces per unit
  - e. Senior housing                      1-1/4 spaces per unit
4. Residential hotel; rooming/boarding house                      Two spaces per three guest rooms plus one additional space per two employees.
5. Mobile home park                      or                      One space per mobile home Subdivision site plus one space per two sites for guest parking.

**B. Commercial Residential**

1. Hotel                      One space per two guest rooms or suites plus one space per two employees.
2. Motel                      One space per guest unit plus one additional space per two employees.

**C. Institutional**

1. Convalescent Hospital                      One space per two beds for nursing home patients or residents plus one space for every two employees.

2. Hospital Spaces equal to 1.5 times the number of beds.

**D. Place of Public Assembly**

1. Church One space per three seats or six feet of bench length.

2. Library; reading room One space per 40 gross square feet of floor area plus one space per two employees.

3. Pre-school or nursery Two spaces per teacher.

4. Kindergarten, elementary, junior high school Two spaces per teacher plus two spaces per administrative person.

5. High school Two spaces per classroom plus one space per five students.

6. Other auditorium; meeting room One space per three seats or six feet of bench length.

7. Mortuaries One space per four seats or eight feet of bench length in chapels.

**E. Commercial Amusement**

1. Stadium; arena; theater One space per four seats or eight feet of bench length.

2. Bowling alley Four spaces per alley plus one space per two employees.

3. Dance hall; skating rink One space per 100 square feet of floor area plus one space per two employees.

**F. Commercial**

1. Retail store One space per 200 gross square feet of floor area.

2. Service or repair shop One space per 400 gross square feet of floor area plus one space per two

employees.

3. Retail store handling exclusively bulky merchandise such as automobiles and furniture One space per 500 gross square feet of floor area.
4. Bank; professional office One space per 800 square feet of floor area.
5. Clinic or office for doctor, dentist, or other practitioner of the healing arts One space per 300 square feet of floor area plus one space per two employees.
6. Eating or drinking establishment One space per 100 gross square feet of floor area.

**G. Industrial**

1. Storage warehouse; manufacturing establishment; rail or trucking freight terminal One space per employee on largest shift.
2. Wholesale establishments One space per employee plus one space per 800 square feet of patron serving area.
3. Public utility (gas, water, telephone, etc.) One space per two employees on largest shift, plus one space per company vehicle.

**16.155.020 Off-Street Loading Requirements**

Off-street loading space shall be provided as listed below:

All office buildings shall require a minimum loading space size of 12 feet wide, 20 feet long and 14 feet high in the following amounts:

1. For buildings containing up to 5,000 square feet of gross floor area, one space; for each additional 10,000 square feet of gross floor area, or any portion thereof, one space.
2. All other commercial or industrial buildings shall require a minimum loading

space of 12 feet wide, 20 feet long, and 14 feet high in the following amounts:

3. For buildings containing up to 5,000 square feet of gross floor area, one space; for each additional 10,000 square feet of gross floor area, or any portion thereof, one space.

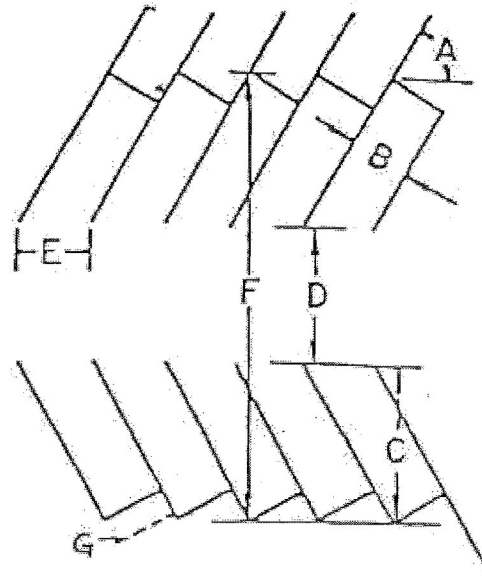
**16.155.025 Parking and Loading Area Development Requirements**

All parking and loading areas shall be developed and maintained as follows:

- A. **Surfacing**: Areas used for standing and maneuvering of vehicles shall have durable and dustless surfaces maintained adequately for all weather use and drained to avoid flow of water across public sidewalks.
- B. **Screening**: When any public parking or loading area is within or adjacent to a residential zone, such parking or loading area shall be screened from all residential properties with an ornamental fence, wall or hedge of at least five feet in height but not more than six feet in height, except where vision clearance is required.
- C. **Periphery**: Parking spaces along the outer boundaries of a parking lot shall be contained by a bumper rail or a curb at least four inches high and set back a minimum of four feet from the property line.
- D. **Lighting**: Artificial lighting which may be provided shall not create or reflect substantial glare in a residential zone or on an adjacent dwelling.
- E. **Design of Parking Spaces and Driveways**

Off-street parking lots shall be designed in accordance with City Standards for stalls and aisles as set forth in the following drawing and table:

	a	b	c	d	e	f	g
45°	8.5'	17.5'	13.0'	12.0'	48.0'	2.0'	
	9.0	17.5	12.0	12.7	47.2	2.0	
	9.5	17.5	11.0	13.4	46.0	2.0	
	10.0	17.5	11.0	14.1	46.0	2.0	
60°	8.5'	19.0'	18.0'	9.8	56.0'	2.5'	
	9.0	19.0	16.0	10.4	54.0	2.5	
	9.5	19.0	15.0	11.0	53.0	2.5	
	10.0	19.0	14.0	11.6	52.0	2.5	
75°	8.5'	19.5'	25.5'	8.8'	64.0'	2.5'	
	9.0	19.5	23.0	9.3	62.0	2.5	
	9.5	19.5	22.0	9.8	61.0	2.5	
	10.0	19.5	21.0	10.3	60.0	2.5	
90°	8.5'	18.5'	28.0'	8.5'	65.0'	3.0	
	9.0	18.5	26.0	9.0	63.0	3.0	
	9.5	18.5	25.0	9.5	62.0	3.0	
	10.0	18.5	24.0	10.0	61.0	3.0	



- A Parking Angle
- B Stall Width
- C Stall Depth (no bumper overhang)
- D Aisle Width Between Stall Lines (S)
- E Stall Width Parallel to Aisle
- F Module Width (no bumper overhang)
- G Bumper Overhang

Notes:

1. For one (1) row of stalls use "C" plus "D" as minimum bay width.
2. Public alley width may be included as part of dimension "D," but all parking stalls must be on private property, off the public right-of-way.
3. For estimating available parking area, use 350 square feet per vehicle for stall, aisle and access areas.
4. The stall width for self-parking of long duration is 8.5'; for higher turnover self-parking is 9.0'; and for supermarkets and similar facilities is 9.5' - 10.0'.
5. The minimum aisle width for two-way traffic and for emergency vehicle operations area is 24'. The minimum aisle width for emergency vehicle access (open way traffic is 20'.
6. Where appropriate bumper overhang area is provided (extruded curbs), "G" can be subtracted from "C" to determine stall depth.
7. Dimensions of required recreational vehicle spaces are 10' x 25'.

**Chapter 16.160**  
**Clear Vision Areas**

**16.160.000 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, including alleys.

- 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 ten (10) feet in height as measured from street grade. Sight obstructions include, but are not limited to, fences, vegetation, berms, signs and structures. The sight triangle shall be measured from the street corner (apex), to a distance of twenty (20) feet along each street side (see Figure 1). For the purpose of this Section, a street corner is defined as that point where the extended edges 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 may be located within the vision clearance area, provided the diameter does not exceed 24 inches.
  
- B. A private access shall be treated as a public street for the purpose of this section. The vision clearance area shall be determined in the manner set forth form in Chapter 16.160.000.010(A). The edge of the 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.

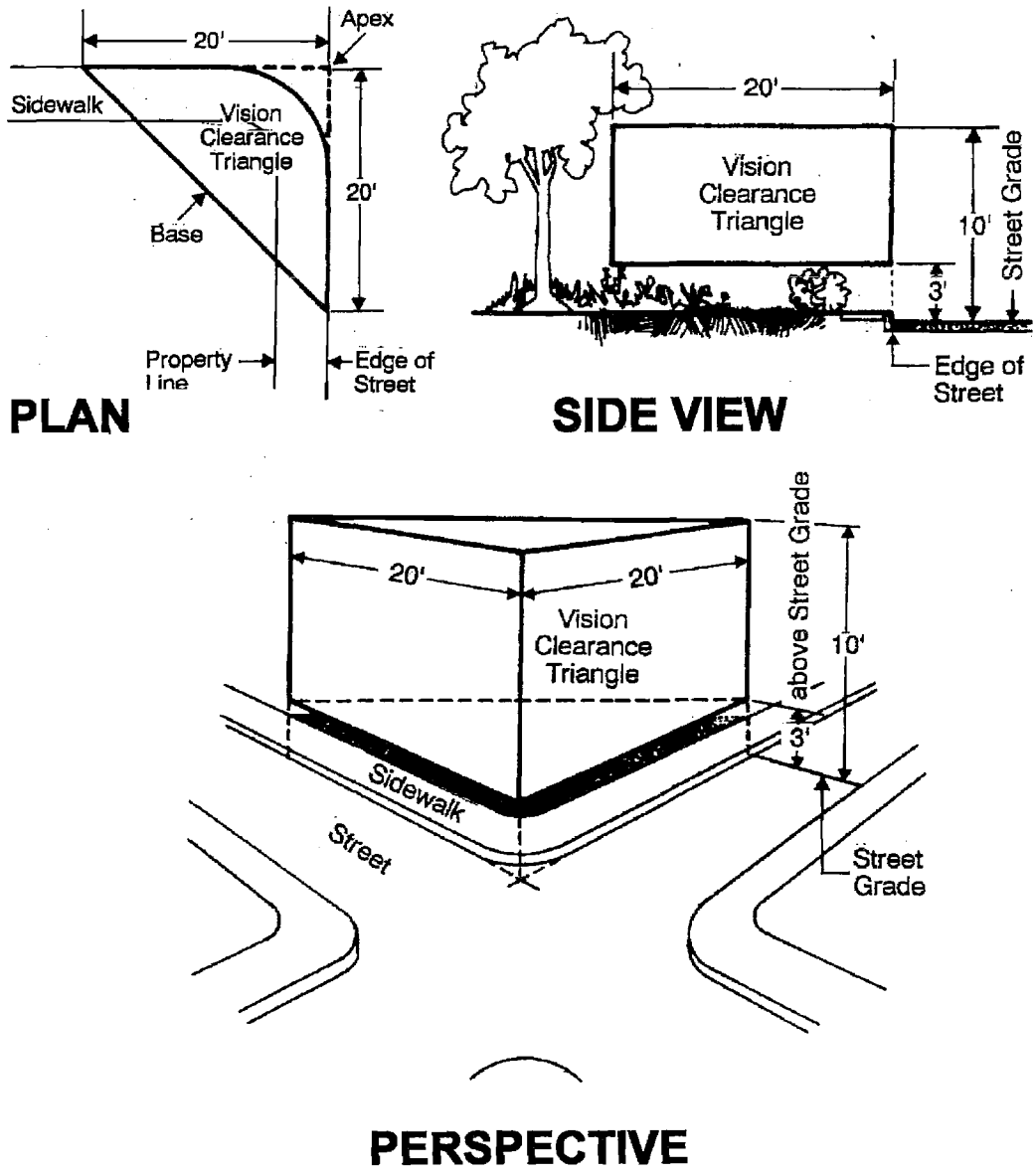


Figure 1: Clear Vision Area Illustration



**Chapter 16.165**  
**Street Vacations and Dedications**

**16.165.000 Description**

That the public right-of-way described in the Deed of Dedication and shown on the accompanying map attached hereto as Exhibit A, is a public street in the City of North Plains, Washington County, Oregon, and that the same be and hereby is vacated under the terms and provision of ORS Chapter 271.

**16.165.005 Filing**

That the City Recorder be and hereby is instructed to file a certified copy of this Ordinance with the County Clerk of Washington County, and the County Surveyor or Washington County under the terms and provisions of ORS Chapter 271, in order to facilitate the correction of the County Tax Maps.

**16.165.010 Community Safety**

It is necessary and desirable for the peace, health and safety of the citizens of North Plains for the purpose of providing suitable and appropriate protection of property owners, that this ordinance shall be effective immediately upon passage by the Council and approved by the Mayor, and an emergency is declared to exist.

**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 City Planner

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

7. Minor Modifications to development approvals per code
8. Minor Variance Permit up to 10% of the standard
9. Other application not specifically described
10. 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. Legislative & 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

**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.

**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 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.
- 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 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 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 recommended pursuant to Section 16.170.001.

- 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.
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.
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.

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.

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.

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**

A. Pre-application Conference. A pre-application conference is required for all Type III quasi-judicial applications under this Section. 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 insufficient 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 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;

- 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;
- 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 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 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 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 Legislative Decisions**

- A. Pre-Application Conference. A pre-application conference is required for all legislative applications initiated by a party other than the City of North Plains. 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:
  1. 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);
  2. Any affected governmental agency;
  3. Any person who requests notice in writing;
  4. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175;
  5. 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 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;
- 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.

## 5. 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:
  - 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.
5. 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.
6. Approval Process and Authority.
  - a. The Planning Commission shall:
    - i. 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
    - ii. 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.

- iii. 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;
  - b. 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:
    - i. Report the failure together with the proposed change to the City Council; and
    - ii. 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.
  - c. The City Council shall:
    - i. 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;
    - ii. Consider the recommendation of the Planning Commission; however, the City Council is not bound by the Commission's recommendation; and
  - d. The City Council shall approve any legislation by ordinance, which shall be signed by the Mayor after adoption.

7. Vote Required for a Legislative Change.

- a. 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.
- b. A vote by a majority of the qualified members of the City Council present is required to decide any motion made on the proposal.

8. 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.
9. 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.
10. Record of the Public Hearing.
  - a. 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;
  - b. All exhibits received and displayed shall be marked to provide identification and shall be part of the record;
  - c. The official record shall include:
    - i. All materials considered by the hearings body;
    - ii. All materials submitted by City staff to the hearings body regarding the application;
    - iii. The verbatim record made by the stenographic, mechanical or electronic means; the minutes of the hearing; and other documents considered;
    - iv. The final ordinance;
    - v. All correspondence; and
    - vi. A copy of the notices that were given as required by this Chapter.

## Chapter 16.175 Design Review

### 16.175.000 Purpose

The purpose of Design Review Approval is to insure compliance with the objectives and provisions of this ordinance and the Comprehensive Plan; to mitigate the impacts where development may cause a conflict between uses in the same or adjoining zones, to reduce and eliminate unsightly, unhealthful or unsafe conditions, which adversely affect the public health, safety, and general welfare.

This section is designed to address the location and design of a use that is allowed within the zone. In considering the design review requirements, the City shall take into account the impact of the proposed development on nearby properties, the capacity and circulation of the street system, the capacity of the utility and service systems, and the appearance of the street and the community.

### 16.175.005 Design Review Approval Requirements

A building, grading, parking, or development permit, as specified in this chapter shall not be issued for a use subject to this section, nor shall such uses be commenced, enlarged, altered, changed or moved until a design review application is approved by the City.

### 16.175.010 Design Review Approval Procedures

Design review is required for all new developments and modifications of existing developments described below. Regular maintenance, repair and replacement of existing materials (e.g. roof, siding, awnings, etc.), parking resurfacing and similar maintenance and repair shall be exempt from review.

- A. Limited Land Use Design Review – Type II.** A Type II Land Use Design Review application is conducted by the City without a public hearing and in accordance with this chapter. This procedure shall be used when the City Planner finds that the applicable standards are primarily clear and objective but may require a limited exercise of discretion. This procedure is for changes in land use and developments that do not require a conditional use permit or comprehensive design review approval. A limited land use review ensures compliance with the basic land use and development standards of the land use district, such as lot area, building setbacks, and orientation, lot coverage, building height, landscaping, parking and other development standards



A Limited Land Use review is required for the types of changes in land use and development proposals listed below. Land uses and development exceeding the thresholds below require a Type III Design Review application.

1. A change in occupancy from one type of land use to a different land use;
2. A development proposal that increases increases lot coverage by no more than 10%;
3. Non-residential building additions up to 500 square feet or 20% of an existing structure, whichever is greater.
4. Minor modifications to development approvals that require one or more discretionary approval standards.
5. Minor alterations to a development that has a valid conditional use permit that require one or more discretionary approval standards, and as determined by Chapter 16.51;
6. Non-residential Accessory structures and accessory parking;
7. Having a condition for major public improvements where a specific plan was not considered (e.g., transportation facilities and improvements, parks, trails and similar improvements as determined by the City Planner).

**B. Limited Land Use Design Review Approval Criteria.** A Limited Land Use Design Review shall be conducted prior to issuance of building permits, occupancy permit, business license or public improvement permits as determined by the City Planner and an application shall be approved only upon meeting all of the following criteria:

1. The proposed land use or development is permitted by and meets the intent of the underlying land use district;
2. Adequate findings can be shown to address discretionary application criteria, and
3. When new development is proposed, the proposal is found to comply with the applicable sections of this chapter apply.

**C. Type III Design Review.** Type III design review applications are reviewed by the Planning Commission including a public hearing in accordance with this chapter. It applies to all development in the City, except those specifically listed or similar to those under "A." above and the standards of this chapter.

**16.175.115 Filing Procedure**

Design Review Applications shall be filed on a Planning Department form as provided by the City Recorder and shall be accompanied by such drawings, sketches, and descriptions as the City deems necessary to describe the proposed development. An application shall not be deemed complete unless all information requested is provided.

**16.175.020 Pre-Application Conference**

Prior to filing a Design Review Application, the applicant shall schedule a pre-application conference with the City.

**16.175.025 Application**

Following the pre-application conference, the applicant shall submit the formal application to the City accompanied by the appropriate fee and application materials, along with a site development plan and other information in accordance with the pre-application meeting and the requirements of this chapter.

**16.175.030 Filing**

A design review application must be filed for any of the following uses, except for single family or duplex construction and accessory structures and unless determined to be a Type II limited land use review pursuant to 16.175.010(A).

- A. New buildings or structures.
- B. Building alterations substantially affecting the exterior design and/or dimensions of an existing structure.
- C. Any exterior alteration to an existing nonresidential use, which has not previously been subject to design review, except for painting, the replacement of roofing and siding material.
- D. Any exterior alteration to an existing nonresidential use which has been subject to design review.
- E. Any alteration of site improvements, such as the landscaping in conjunction with an existing nonresidential use which has been subject to design review.
- F. Any new permitted land use on undeveloped property, such as parking lots, concession stands, storage yards, etc.
- G. Site grading of property affecting or altering the on-site or off-site drainage.

H. A change of use within a zone unless the use change will not affect parking, exit requirements, and other standards of this ordinance.

I. The removal of a substantial portion of mature trees existing on-site.

**16.175.035 Design Review Plan - Submittal Requirements**

A. **Information Requirements.** Information provided on the design review plan shall conform to the following:

1. Drawings depicting the proposal shall be presented on sheets not larger than twenty-four inches by thirty-six inches in the number of copies directed by the city;
2. Drawings shall be at a scale sufficiently large enough to enable all features of the design to be clearly discerned;
3. An electronic copy of the drawings shall be submitted in Adobe Acrobat (.pdf) or other software format designated by the City Planner.

B. **Site Analysis Diagram.** This element of the design review plan, which may be in a freehand form to scale, shall indicate the following site characteristics:

1. Location and species of trees greater than six inches in diameter when measured four and one-half feet above the natural grade, and an indication of which trees are to be removed;
2. On sites that contain steep slopes, potential geologic hazard or unique natural features that may affect the proposed development, the city may require contours mapped at two-foot intervals;
3. Natural drainage ways and other significant natural features;
4. All buildings, roads, retaining walls, curb-cuts and other manmade features;
5. Natural features, including trees and structures on adjoining property having a visual or other significant relationship with the site.

C. **Site Photographs.** Photographs depicting the site and its relationship to adjoining sites may also be provided.

D. **Site Development Plan.** This element of the design review plan shall indicate the following:

1. Legal description of the lot;
2. Boundary dimensions and area of the site;
3. Location of all new structures and existing structures proposed to be retained, including their distances from the property line;
4. Area of the site covered by the structures described in subdivision 3 of this subsection and their percentage of the site;
5. All external dimensions of proposed buildings and structures;
6. The location of a building's windows, doors, entrances and exits;
7. Parking and circulation areas, including their dimensions;
8. Service areas for such uses as the loading and delivery of goods;
9. Locations, descriptions and dimensions of easements;
10. Grading and drainage plans, including spot elevations and contours at close enough intervals to easily convey their meaning;
11. Location of areas to be landscaped;
12. Private and shared outdoor recreation areas;
13. Pedestrian circulation;
14. The location of mechanical equipment, garbage disposal areas, utility appurtenances and similar structures;
15. Exterior lighting on the proposed building(s), including the type, intensity and area to be illuminated;
16. Location, size and method of illumination of signs;
17. Provisions for handicapped persons;

18. Other site elements which will assist in the evaluation of site development;
19. The location and names of all existing streets within or on the boundary of the proposed development;
20. A written summary showing the following:
  - a) For commercial and nonresidential development:
    1. The square footage contained in the area proposed to be developed,
    2. The percentage of the lot covered by structures,
    3. The percentage of the lot covered by parking areas and the total number of parking spaces,
    4. The total square footage for all landscaped areas including the percentage consisting of natural materials and the percentage consisting of hard-surfaced areas such as courtyard,
  - b) For residential development:
    1. The total square footage in the development,
    2. The number of dwelling units in the development (include the units by the number of bedrooms in each unit, e.g., ten one-bedroom, twenty-five two-bedroom, etc.),
    3. Percentage of the lot covered by:
      - (A) Structures,
      - (B) Parking areas,
      - (C) Recreation areas,
      - (D) Landscaping.

E. **Landscape Plan.** Development proposals with a total project cost exceeding two hundred fifty thousand dollars shall have the landscape plan prepared by a licensed landscape architect. This element of the design review plan should indicate the following:

1. The size, species and locations of plant materials to be retained or placed on the site;

2. The layout of proposed irrigation facilities;
3. The location and design details of walkways, plaza, courtyards and similar seating areas, including related street furniture and permanent outdoor equipment including sculpture;
4. The location, type and intensity of lighting proposed to illuminate outdoor areas;
5. The location and design details of proposed fencing, retaining walls and trash collection areas; and
6. For commercial projects with a total project cost exceeding two hundred fifty thousand dollars, a rendering showing the proposed landscape plan in perspective. Such renderings shall be prepared for each of the project's main elevations.

F. **Architectural Drawings.** This element of the design review plan shall indicate the following:

1. A plot plan specifying the building footprint and dimensions, including all points of access. Floor plans of interior spaces to the extent required to clarify access functions. Such floor plans shall be provided for all building floors and shall include appropriate dimensions;
2. Exterior elevations showing finish materials, windows, doors, light fixtures, stairways, balconies, decks and architectural details. These elevations shall be provided for every exterior wall surface, including those which are completely or partially concealed from view by overlapping portions of the structure. Existing and finished grades at the center of all walls shall be shown with elevations of floors indicated and a dimension showing compliance with height limitations;
3. The color and texture of finish materials shall be described on the drawings and samples shall be submitted of the materials and color ranges of siding, roofing and trim;
4. Location and type of exterior light fixtures including the lamp types and levels of illumination that they provide;
5. A comprehensive graphic plan showing the location, size, material and method of illumination of all exterior signs, subject to the other applicable requirements of the Zoning and Development

Ordinance. At the applicant's option, this plan may be submitted for approval at any time prior to the issuance of occupancy permits.

G. **Architectural Model.**

1. Architectural models may be required for:
  - a. All new construction, other than duplexes or triplexes,
  - b. Alterations to existing structures other than duplexes or triplexes where the proposed alteration involves the addition of one thousand square feet of gross floor area or more;
2. The model shall be to scale and represent the proposed development and adjoining buildings within fifty feet of applicant's property lines;
3. The model need only be a massing model sufficient to illustrate the relationship of the proposed structure(s) to the site and surrounding properties.

H. **Property Survey.**

1. A survey of the property by a licensed land surveyor clearly delineating property boundaries. The city may waive this requirement where there is a recent survey which can be used to establish the applicant's property boundaries;
2. Prior to the design review board meeting, the applicant will have clearly marked the corners of proposed buildings and other significant features proposed for the site.

**16.175.040 Engineer's Assessment**

Prior to the development of lots containing unstable soils as defined by this ordinance, the City shall require a registered engineer's assessment of the design and structural techniques needed to mitigate potential hazards. In the event there are inadequate mitigation measures, the City shall prohibit development.

**16.175.045 Documentation**

All documentation and completed plans required by the Planning Commission shall be submitted and approved prior to obtaining any required permits or licenses.

**16.175.050 Type III Design Review Criteria**

Approval of a Type III Design Review application shall be based on the following criteria:

**A. Relation of Site Plan Elements to the Environment**

1. The elements of the site plan shall be compatible with the natural environment and existing buildings and structures having a visual relationship with the site.
2. The elements of the site plan should promote energy conservation, and provide protection from adverse climatic conditions, noise and air pollution.
3. Each element of the site plan shall effectively, efficiently and attractively serve its function. The elements shall be on a human scale, interrelated, and shall provide spatial variety and order.
4. In commercial and industrial zones adjacent to State or Federal highways, and/or lying in County jurisdiction within urban growth boundaries, a coordinated circulation and access plan shall be submitted for the site and all properties in the immediate vicinity (no more than 1/4 mile to each site) to assure the public's safety in entering or leaving the site, as well as when traveling through the area. This requirement may be waived by the Planning Staff if adequate access control and efficient and safe circulation can be obtained without the development and approval of a coordinated circulation and access plan.
5. Safety and Privacy. The site plan should be designed to provide a safe environment while offering appropriate opportunities for privacy and transitions from public to private spaces.
6. Preservation of Natural Landscape. The landscape and existing grade shall be preserved to the maximum practical degree, considering development constraints and suitability of the landscape or grade to serve the applicant's functions. Preserved trees and shrubs shall be protected during construction.
7. Pedestrian and Vehicular Circulation and Parking. The location and number of points of access to the site, the interior circulation patterns, the separations between pedestrians and moving and parked vehicles, and arrangement of parking areas in relation to building and structures, shall be harmonious with proposed and neighboring buildings and structures.



8. Drainage. Surface drainage systems shall be designed so as to not adversely affect neighboring properties, streets and/or surface and subsurface water quality. All surface water shall be contained on-site.
9. Buffering and Screening. Areas, structures, and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking, and similar accessory areas and structures shall be designed, located, buffered, or screened to minimize adverse impact on the site and neighboring properties.
10. Utilities. All utility installations above ground, if such are allowed, shall be located so as to minimize adverse impacts on the site and neighboring properties.
11. For any access within the Light Industrial (M-1) zone, the access shall be spaced a minimum of 200 feet from the nearest access on the same side of the street; this is to be coordinated between O.D.O.T., Washington County and the City of North Plains.

#### **B. Required Landscaping**

Areas Subject to Landscape Requirements: All use types as allowed in the particular zoning district, and subject to Design Review shall meet the provisions of this section.

1. Multi-family Residential. 15% landscaping of the gross lot area required. All areas subject to the final site plan and not otherwise improved shall be landscaped.
2. Community Commercial. 5% landscaping of the gross lot area required. All areas subject to the final site plan and not otherwise improved shall be landscaped.
3. General Commercial. 5% landscaping of the gross lot area required. All areas subject to the final site plan and not otherwise improved shall be landscaped. Screening by tall trees between highway commercial and adjacent residential zones, on side of highway commercial zone from highway to which it relates, such that the trees provide an attractive backdrop to elevated signage and adjacent residential uses.
4. Light Industrial. 5% landscaping of the gross lot area required. All areas subject to final site plan and not otherwise improved shall be landscaped.
5. Landscape Management. Natural vegetation is acceptable if maintained in a neat and fire safe manner.

6. Other Landscape Areas. All areas utilized for subsurface sewage disposal land treatment, except for single-family residences are required to be landscaped and maintained.

### **C. Landscaping in Parking and Loading Areas**

In addition to the above provisions, the following landscape requirements apply to parking and loading areas.

1. A parking or loading area shall be separated from any lot line adjacent to a roadway by a landscaped strip at least 5 feet in width.
2. A landscaped strip separating a parking or loading area from a street shall contain:
  - a) Street trees spaced as appropriate to the species, not to exceed 50 feet apart, on the average; and
  - b) Low shrubs, not to reach a height greater than 3'0", spaced no more than 8 feet apart, on the average; and
3. Vegetative ground cover if required.
4. Landscaping in a parking or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.
5. The landscaping in a parking area shall have a width of not less than three feet.

### **D. Irrigation**

Provisions shall be made for watering planting areas where such care is required. Underground sprinklers may be required.

### **E. Maintenance**

Required landscaping shall be continuously maintained.

### **F. Special Requirements**

The Planning Commission may require the following, in addition to the minimum requirements and standards of this ordinance, as a condition of Design Review Approval.

1. An increase in building separation, to afford improvement in light reception or air circulation or to afford greater fire resistance, based on building structural and fire flow requirements.
2. Additional off-street parking, according to specific requirements for the type of development.
3. Screening of the proposed use by a fence, or landscaping.
4. Limitations on the size, location, intensity and number of exterior lights.
5. Limitations on the number, and location of curb cuts.
6. Improvement or enlargement of utilities serving the proposed use, where existing facilities will be burdened by the proposed use.
7. Landscaping, or increases in landscaping requirements for the site.
8. Limitations on the number and size of signs.
9. Review of and adjustments in design for conformance with the historic architectural design theme.
10. Any other limitations or conditions it considers necessary to achieve the purposes of this ordinance and the Comprehensive Plan.

**16.175.155 Design Review - Specific Use Standards**

The following specific uses shall comply with the standards of the zone in which they are located and with the additional standards and conditions set forth in this section.

**A. Churches, or Other Religious Institutions or Hospitals**

In residential districts, all buildings shall be setback a minimum of 30 feet from a side or rear lot line, no sign exceeding 10 square feet in area, nor internally illuminated, off-street parking screened from abutting residential property.

**B. Medical Clinics, Clubs, Lodges, Community Centers, Golf Courses, Grounds and Buildings for Games or Sports, Country Clubs, Swimming Clubs, Tennis Clubs, Government Structures and Land Uses, Parks, Playgrounds**

The Planning Commission may authorize these uses if it determines that the following will be provided:

1. Access from principal streets subject to City Public Works Standards.
2. Building and site design provisions, including landscaping, that will effectively screen neighboring uses from noise and glare.

3. Subject to site plan review if the use is located in a residential district, all such uses shall be located with off-street parking screened from abutting residential property. No sign exceeding 10 square feet in area, nor internally illuminated, shall be permitted. All buildings shall be set back a minimum of 30 feet from side or rear lot lines. There shall be no external evidence of any incidental commercial activities taking place within the building. If located in a residential district design of a type that conforms with the type of allowed residential use adjacent to it is required.

**C. Schools**

Nursery schools shall have a minimum site size of 10,000 square feet, and provide and maintain at least 100 square feet of outdoor play area per child. A sight-obscuring fence at least four feet but not more than six feet high shall separate the play area from adjoining lots.

**D. Multi-Family Dwelling(s)**

A multi-family dwelling and a multi-family dwelling complex shall comply with the following provisions:

1. The maximum number of dwelling units permitted by the applicable zone per gross acreage of a site (e.g., 24 dwelling units per acre in R-2.5) shall be based on the total surface area measured horizontally within the lot lines of the lot. The actual achievable density on the site may be less than the maximum allowable density due to site constraints such as easements, rights-of-way and environmental constraints. The maximum density may be increased as follows:
  - a. If dedicated open space which is developed and landscaped equals 50% or more of the total area of the site, a maximum of 10% increase in the number of units may be granted.
  - b. If in addition to open space as provided in (a) above, a maintained playground area with approved equipment such as goal posts, swings, slides, etc., is provided, the number of units permitted may be increased an additional 5%.
  - c. If in addition to open space and playgrounds as provided in (a) and (b) above, an approved recreational community building is provided, an additional 10% increase of units may be granted.
2. The maximum total increase in dwelling units made possible by development of open space, playgrounds and recreational facilities shall be 25% of the number of units otherwise allowed.

3. There shall be no outdoor storage of furniture, tools, equipment, building materials or supplies belonging to the occupants or management of the complex.
4. For a multi-family dwelling complex with five or more dwelling units, a minimum of at least 2,500 square feet plus 150 square feet per dwelling unit shall be provided for a recreational play area, group or community activities or common open space. Such area shall be improved with grass, plantings, surfacings, equipment or buildings suitable for recreational use. The Planning Commission may require recreational areas to be screened from streets, parking areas or other uses by a sight-obscuring fence. No play area is required if more than 70% of the area is preserved as open space and is improved and landscaped for recreational enjoyment.
5. All roadways and parking areas shall be paved and roadways shall conform to City Public Works Standards.
6. A sight obscuring fence or hedge may be required by the Planning Commission when, in its judgment, such screening is necessary to preserve the values of nearby properties, protect the aesthetic character of the neighborhood or vicinity, and to provide security for occupants of the subject complex.
7. All structures associated with such a complex shall be set back 30 feet from the property line of an abutting single family residential lot or use unless approved otherwise by the Planning Commission.
8. Sidewalks or other approved surfaced pedestrian walkways within the complex shall be provided.
9. Bicycle parking facilities shall be provided.
10. Public Park. The developer shall set aside and dedicate to the public for park and recreational purposes not less than 8% of the gross area of said development, if the land to be dedicated is suitable and adaptable for such purposes and is generally located in an area planned for parks.

The City shall determine whether or not said land is, in fact, suitable for park purposes. Provided, further, that any such approval shall be subject to the condition that the City Council accept the deed dedicating such land.

In the event there is no suitable park or recreation area or site in the proposed area to be developed or adjacent thereto, then the developer shall, in lieu of setting aside land, pay into a park acquisition and development fund a sum of money equal to the fair market value of the

land that would have been donated under the above conditions. For the purpose of determining the fair market value, an appraisal performed by a state certified appraiser, or the latest value of the land as un-platted and without improvements as shown on the Washington County Assessor's tax roll shall be used. The sum so contributed shall be used for acquisition of suitable area of park and recreation purposes or for the development of recreational facilities. Such expenditures shall be made for neighborhood or community facilities within the area of the community that will reasonably benefit the contributing development.

Funds contributed in lieu of park land shall be credited to a park acquisition and development fund and shall be deposited with the City. Such funds may be expended only on order of the City Council for the purpose of acquiring or developing land for park or recreation purposes.

11. All such complexes shall provide adequate access.

12. If the complex or any unit thereof is more than 500 feet from a public fire hydrant, such shall be provided at appropriate locations on a vehicular way and shall conform in design and capacity to the public hydrants in the City.

#### **E. Recreational Vehicle Park**

A recreational vehicle park shall conform to state standards in effect at the time of construction and the following provisions:

##### **1. Use Standards.**

Management headquarters, recreational facilities, toilets, dumping stations, showers, coin-operated laundry facilities, and other uses and structures customarily incidental to operation of a recreational vehicle park and campground are permitted as accessory uses to the park.

##### **2. Design Standards**

- a) The maximum density of an RV park shall be 15 units per acre.
- b) The pad provided for each recreational vehicle shall be not less than 700 square feet exclusive of any space used for common areas such as roadways, general use structures, walkways, parking spaces for vehicles other than recreational vehicles and landscaped areas.

- c) Roadways shall be not less than 30 feet in width if parking is permitted on the margin of the roadway, or not less than 20 feet in width if parking is not permitted on the edge of the roadway and shall be paved with asphalt, concrete or similar impervious surface and designed to permit easy access to each recreational vehicle space.
- d) A space provided for a recreational vehicle shall be covered with crushed gravel or paved with asphalt, concrete, or similar material and be designed to provide for the control of runoff or surface water. The part of the space which is not occupied by the recreational vehicle and not intended as an access way to the recreational vehicle or part of an outdoor patio need not be paved or covered with gravel provided the area is landscaped or otherwise treated to prevent dust or mud.
- e) A recreational vehicle space shall be provided with piped potable water and sewage disposal service. A recreational vehicle staying in the park shall be connected to the water and sewage service provided by the park if the vehicle has equipment needing such service, and proper back-flow prevention devices are installed per City Public Works Standards.
- f) A recreational vehicle space shall be provided with electrical service.
- g) Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations for the use of guests of the park and located in such number and of such capacity that there is no uncovered accumulation of trash at any time.
- h) No recreational vehicle shall remain in the park for more than 3 months in any 6 month period.
- i) No recreational vehicle or any other camping unit shall be used as a permanent place of abode, dwelling, or business or for indefinite periods of time. Occupancy and/or placement extending beyond three months in any six months shall be presumed to be permanent occupancy. Any action toward removal of wheels of a recreational vehicle except for temporary purposes of repair is hereby prohibited. Camping units other than recreational vehicles shall be limited to 30 days in any 60 day.
- j) The total number of parking spaces in the park, except for the parking provided for the exclusive use of the manager or employees of the park, shall be equal to one space per recreational vehicle space. Parking spaces shall be covered with crushed gravel or paved with asphalt, concrete or similar material.

- k) Entrance driveways shall be located not closer than 150 feet from the intersection of public streets.
- l) The park shall provide toilets, lavatories and showers for each sex as required by the State Building Agency Administrative Rules, Chapter 918. Such facilities shall be lighted at all times of night and day, shall be ventilated, and shall be provided with adequate floor drains to permit easy cleaning.
- m) 12. Recreational vehicles or other camping units shall be separated from each other and from other structures by at least 10 feet. Any accessory structure such as attached awnings, carports, or individual storage facilities shall, for purposes of this separation requirement, be considered to be part of the recreational vehicle.
- n) The recreational vehicle park shall be enclosed by a fence, wall, landscape screening, earth mounds, or by other designs approved by the Planning Commission which will complement the landscape and assure compatibility with the adjacent environment.
- o) Each recreational vehicle park shall set aside along the perimeter of the recreational vehicle park a minimum 10' strip which shall be site obscuring landscaping and used for no other purpose. Additional area for landscaping may be required through the design review process.

**F. Bed and Breakfast Inn**

A Bed and Breakfast Inn shall comply with all applicable state laws and the following conditions:

1. No more than three (3) sleeping rooms shall be available for the accommodation of inn visitors.
2. No more than six (6) guests shall be accommodated at any one time.
3. One daily meal shall be provided to inn guests.
4. The exterior of the building shall maintain a residential appearance.
5. No materials or commodities shall be delivered to or from the residence in a bulk or quantity that will create congestion.
6. The bed and breakfast inn shall be operated in a way that will prevent unreasonable disturbance to area residents.



7. One off-street parking space shall be provided for each guest room in addition to parking required for the residence.

**G. Commercial Use or Accessory Use Not Wholly Enclosed Within a Building, on a Lot Adjoining or Across a Street From a Lot in a Residential Zone**

These uses may be permitted conditionally subject to the following standards:

1. A sight-obscuring fence or evergreen hedge may be required by the Planning Commission when they find such a fence or hedge or combination thereof is necessary to preserve the values of nearby properties or to protect the aesthetic character of the neighborhood or vicinity.
2. In addition to the requirements of the applicable zone, the Planning Commission may further regulate the placement and design of signs and lights in order to preserve the values of nearby properties, to protect them from glare, noise, or other distractions or to protect the aesthetic character of the neighborhood or vicinity.
3. In order to avoid unnecessary traffic congestion and hazards, the Planning Commission may limit access to the property.

**H. Amusement Enterprise**

An amusement enterprise may be authorized after consideration of the following factors:

1. Adequacy of access from principal streets together with the probable effect of traffic volumes on adjoining and nearby streets.
2. Adequacy of building and site design provisions to maintain a reasonable minimum of noise and glare from the building and site.

**I. Radio, Television Tower, Utility Station or Substation**

1. In a residential zone, all equipment storage on the site may be required to be within an enclosed building.
2. The use may be required to be fenced and landscaped.
3. The minimum lot size for a public utility facility may be waived on finding that the waiver will not result in noise or other detrimental effect to adjacent property.

4. Transmission towers, posts, overhead wires, pumping stations, and similar installations shall be located, designed and installed to minimize conflicts with scenic values.

**16.175.060 Violation**

Failure to comply with an approved Design Review and Site Plan and any conditions of approval shall be a zoning violation, subject to the requirements of this chapter.

**Chapter 16.180**  
**Conditional Use Permit**

**16.180.000 Purpose and Scope**

The purpose of a conditional use is to provide for those uses which possess unique and special characteristics making impractical their inclusion as outright permitted uses in the underlying zoning district. Such uses shall not be incompatible with the type of uses permitted in surrounding areas. Location and operation of designated conditional uses shall be subject to review and authorized only by issuance of a conditional use permit.

**16.180.005 Application and Fee**

A pre-application conference pursuant to the Application Review section of this chapter is recommended. An application for a Conditional Use Permit shall be filed with the City Recorder 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. Depending on the scale of the project, the City may also determine that a simultaneous request for a Design Review permit pursuant to Chapter 16.175 is required. Conditional Use Permit requests shall be subject to the quasi-judicial public notice and public hearing requirements as described in the Application Review section of this chapter.

**16.180.010 Review Criteria**

A conditional use may be authorized upon adequate demonstration by the applicant that the proposed use satisfies all relevant requirements of this Ordinance and the following general criteria:

- A. The use is listed as a conditional use in the underlying zoning district;
- B. The use is consistent with those goals and policies of the Comprehensive Plan which apply to the proposed use;
- C. The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features;
- D. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zoning district; and

- E. The proposed use is timely, considering the adequacy of public facilities and services existing or planned for the area affected by the use.

**16.180.015 Conditions of Approval**

In approving an application for a conditional use, the Planning Commission may impose conditions to protect the area surrounding the proposed use and to preserve the basic purpose and intent of the underlying zoning district. These conditions may include, but are not limited to, the following:

- A. Increasing the required parcel area or yard dimensions;
- B. Limiting the height, size, or location of the buildings and structures;
- C. Controlling the location and number of vehicle access points;
- D. Increasing the road width;
- E. Increasing the number of required off-street parking or loading spaces;
- F. Limiting the number, size, location or lighting of signs;
- G. Requiring fencing, screening, or landscaping to protect adjacent or nearby property;
- H. Prescribing exterior finish for buildings or additions thereto;
- I. Designating areas and prescribing improvements for open space;  
and
- J. Prescribing a time limit within which to fulfill any established conditions.
- K. Prescribing limits on traffic, noise, vibrations, dust, fumes, or any other factors that may affect surrounding properties

**16.180.020 General Requirements**

Any conditional use authorized pursuant to this Ordinance shall be subject to the following additional requirements:

- A. A conditional use shall be subject to the standards of the zoning district in which it is located except as these standards have been modified in authorizing the conditional use. No modification of a

zoning district standard shall have the effect of rezoning the property.

B. A conditional use may be enlarged or altered pursuant to the following:

1. Major alterations of a conditional use including changes, alterations or deletion of any conditions imposed shall be processed as a new conditional use permit application; and
2. Minor alterations of a conditional use may be approved by the City Planner as a Limited Land Use permit pursuant to Chapter 16.170 if requested prior to issuance of building permits for the conditional use. Minor alterations are those changes which may affect the siting and dimensions of structural and other improvements relating to the conditional use, and may include small changes in the use itself. Any change which would affect the basic type, character, arrangement or intent of the conditional use originally approved shall be considered a major alteration.

#### **16.180.025 Compliance with Conditions**

Compliance with conditions imposed in granting a conditional use permit and adherence to the approved plot plan shall be required. Any departure from these conditions of approval and approved plans constitutes a violation of this ordinance. The Planning Commission may revoke any conditional use permit for failure to comply with any prescribed condition of the conditional use permit approval or for any other violation of this ordinance.

#### **16.180.030 Revocation of a Conditional Use Permit**

A violation of any section of this ordinance or of any condition attached to the approval of a conditional use shall be punishable by revocation of the conditional use permit, or a fine not to exceed \$100, or by both such revocation and fine. Each day the violation is allowed to continue shall constitute a separate violation.

## **Chapter 16.185 Variance**

### **16.185.000 Purpose and Scope**

The purpose of a variance is to provide administrative 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.

### **16.185.005 Application and Fee**

A pre-application conference pursuant to the Application Review section of this chapter is recommended. An application for a variance shall be filed with the City Recorder and accompanied by the appropriate fee. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangements of the proposed development. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this section. Except for Administrative Variances per 16.185.015, Variance requests shall be subject to the quasi-judicial public notice and public hearing requirements of the Application Review section of this chapter.

### **16.185.010 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;
- 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;
- C. That the variance would result in minimal 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

- 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.

**16.185.015 Administrative Review Criteria**

Minor variances, not to exceed 10%, from lot size, depth, width, area, coverage, landscaping and setback standards may be authorized administratively upon adequate demonstration by the applicant that the proposed variance satisfies the following criteria; administrative variances shall be processed in accordance with Application Review section of this chapter:

- A. That special conditions and circumstances, such as lot shape and configuration, exist which are peculiar to the land, building or structure involved;
- B. That the variance would result in minimal detriment to the immediate vicinity.
- C. An application for an Administrative Variance is limited to one lot per application.
- D. No more than three Administrative Variances may be approved for one lot or parcel in 12 months.

**16.185.020 Conditions of Approval**

In approving an application for a 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.

**16.185.025 Compliance with Conditions**

Compliance with conditions imposed in approval of a variance and adherence to an approved plot plan shall be required. Any departure from these conditions of approval and approved plans constitutes a violation of this Ordinance. The Planning Commission may revoke approval of any variance for failure to comply with any condition imposed in approval of the variance or for any other violation of this Ordinance.

**Chapter 16.190**  
**Similar Uses**

**16.190.000 Purpose and Scope**

The purpose of this chapter is to provide for those uses not specifically listed in a particular zoning district but which are similar in character, scale and performance to the permitted uses specified therein. Zoning districts in which a similar use may be authorized are:

A.	Community Commercial	C1
B.	General Commercial	C2
C.	Light Industrial	M1
D.	General Industrial	M2

**16.190.005 Application and Fee**

An application for a similar use shall be filed with the City Recorder 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. Similar use requests shall be subject to the public notice requirements and public hearing requirements of the Application Review section of this chapter.

**16.190.010 Review Criteria**

A similar use may be authorized by the Planning Commission pursuant to Chapter 16.190 or as a part of development review, pursuant to the Design Review, provided that the applicant demonstrates that the proposed use satisfies the following criteria:

- A. The use is consistent with the purpose of the underlying zoning district and is similar in character, scale and performance to permitted uses specified in the underlying district.
- B. The use conforms with the applicable standards and limitations of the underlying zoning district.

**16.190.015 Conditions of Approval**

In approving an application for a similar use, the Planning Commission may impose such conditions as it deems appropriate to ensure that the intent of this section is carried out.



**16.190.020 Compliance with Conditions**

Compliance with conditions imposed in approval of a similar use and adherence to an approved plot plan shall be required. Any departure from these conditions of approval and approved plans constitutes a violation of this Ordinance. The Planning Commission may revoke approval of any similar use for failure to comply with any condition imposed in approval of the similar use or for any other violation of this Ordinance.

**Chapter 16.195**  
**Nonconforming Uses**

**16.195.000 Purpose and Scope**

This Chapter is intended to address those uses or structures that were lawfully established before the date of adoption or amendment of this Ordinance but which would be prohibited or restricted under the terms of this Ordinance or an amendment hereto. The general purpose of this Section is to encourage the conversion of such nonconforming uses to conforming uses. However, this chapter allows nonconforming uses and structures to be continued, altered, restored or replaced subject to satisfaction of the review criteria specified in below. Nothing contained in this Ordinance is intended to require any change in the plans, construction, or designated use of any structure for which a building permit was issued and actual construction commenced prior to the date of adoption of this Ordinance or any amendment hereto. The alteration or expansion of a nonconforming use is not permitted except in compliance with the provisions of this chapter. For the purposes of this chapter, alteration does not include normal repairs or replacement of non-bearing walls, fixtures, wiring, plumbing or roofing or siding materials.

**16.195.005 Application and Fee**

An application for the alternation or expansion of a nonconforming use shall be filed with the City and accompanied by the appropriate fee. It is the applicant's responsibility to submit a complete application that addresses the applicable review criteria of this chapter. A nonconforming use application is subject to the public notice requirements and public hearing requirements of this chapter.

**16.195.010 Review Criteria**

- A. The Planning Commission may authorize alteration, restoration or replacement of a nonconforming use or structure when any of the following circumstances apply:
  - 1. The alteration is necessary to comply with any lawful requirements for alteration of said use or structure.
  - 2. Restoration or replacement is made necessary by fire, casualty, or natural disaster. Any restoration or replacement approved pursuant to this subsection A shall be commenced within one (1) year from the occurrence of the fire, casualty or natural disaster.
  
- B. In any other circumstance, the alteration, restoration or replacement of a

nonconforming use or structure may be authorized by the Planning Commission, provided that the applicant demonstrates that the proposal satisfies the following criteria:

1. That the alteration of the use will result in a reduction in nonconformity of the use, or would have no greater adverse impact on the neighborhood; and
  2. That the alteration of structures or physical improvements will result in a reduction in nonconformity of the structures or improvements or would have no greater adverse impact on the neighborhood.
- C. If any nonconforming use is discontinued for a period of one (1) year, the nonconforming use shall not be resumed and any subsequent use of the property and structure involved shall conform to the requirements of this ordinance.

**16.195.015 Conditions of Approval**

In approving the alteration, restoration or replacement of a nonconforming use, the Planning Commission may impose such conditions as it deems appropriate to ensure that the intent of this chapter is carried out. Such conditions shall be reasonably related to the criteria set forth in Review Criteria.

**16.195.020 Compliance with Conditions**

Compliance with conditions imposed in a permit for the alteration, restoration or replacement of a nonconforming use and adherence to the approved plot plan is required. Any material departure from these conditions of approval and approved plans constitutes a violation of this Ordinance. The Commission may revoke any permit issued hereunder for failure to comply with any prescribed condition of approval, or for any other violation of this Ordinance.

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

**16.200.000 Purpose and Scope**

Amendments may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes or to address changes in the law. The purpose of this chapter is to describe the general requirements and criteria to be considered in reviewing an application for an amendment to the Comprehensive Plan or this Ordinance. An amendment may be made to the text of the Comprehensive Plan or this Ordinance or to the Comprehensive Plan Map or Official Zoning Map. An amendment may be processed in either a legislative or quasi-judicial manner, as follows:

**A. Legislative Amendments**

Legislative amendments may only be made for the establishment of policy. Such an amendment may be initiated only by the City Council or the Planning Commission. An owner of land may submit an application to the City Council or Planning Commission to initiate the amendment by making such an application.

Such amendments shall be made only by the Council after review and recommendation by the Planning Commission and after public hearings have been held pursuant to the Application Review section of this Ordinance.

**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.

**16.200.010 Application and Fee**

An application for an amendment shall be filed with the City Recorder 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.

## **16.200.015 Review Criteria**

### **A. Text Amendment**

An amendment to the text of the Comprehensive Plan or this Ordinance shall be based upon a need for such an amendment identified by the City Council or the Planning Commission. Such an amendment shall be consistent with the following review criteria:

1. Impact of the proposed amendment on land use and development patterns within the city, as measured by:
  - A. Traffic generation and circulation patterns in compliance with the Transportation System Plan (TSP);
  - B. Demand for public facilities and services, in compliance with the City utility master plans;
  - C. Level of park and recreation facilities;
  - D. Economic activities;
  - E. Protection and use of natural resources;
  - F. Compliance of the proposal with existing adopted special purpose plans or programs, such as public facilities improvements.
2. The proposed amendment complies with all applicable Statewide Planning Goals and administrative rule requirements.
3. The amendment is appropriate as measured by at least one of the following criteria:
  - (a) It corrects identified error(s) in the provisions of the plan.
  - (b) It represents a logical implementation of the plan.
  - (c) It is mandated by changes in federal, state, or local law.
  - (d) It is otherwise deemed by the City Council to be desirable, appropriate, and proper.
4. Compliance with the statewide Transportation Planning Rule. When a development application includes a Comprehensive Plan, Zone Map or Text Amendment, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with

Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule. "Significant" means the proposal would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors). This would occur, for example, when a street classification, requiring traffic to exceed the levels associated with a "collector" street classification, requiring a change in the classification to an "arterial" street as identified by the City's Transportation System Plan (TSP); or
  - (b) Change the standards implementing a functional classification system; or
  - (c) As measured at the end of the planning period identified in the North Plains TSP or Comprehensive Plan; or
  - (d) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance identified in the North Plains TSP or Comprehensive Plan; or
  - (e) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the North Plains TSP or Comprehensive Plan.
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.
6. Exceptions. Amendments to the Comprehensive Plan or land use regulation with a significant effect on a transportation facility, where the facility is already performing below the minimum acceptable performance standard identified in the North Plains TSP or Comprehensive Plan, may be approved when all of the following criteria are met:
- (a) The amendment does not include property located in an interchange area, as defined under applicable law;
  - (b) The currently planned facilities, improvements or services are not adequate to achieve the standard;
  - (c) The currently planned facilities, improvements or services at a minimum mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development; and
  - (d) The road authority provides a written statement that the proposed funding and timing for the proposed development mitigation are sufficient to avoid degradation to the facility.

**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;
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;

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

**16.200.020 Findings**

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

**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.



**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. 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.
  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 Recorder 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 than six square feet in size. The sign 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. 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.

**16.205.020 Application Requirements**

- A. Applications for annexation shall be made on forms provided by the City Recorder 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.
  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.

**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.

**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.

**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, 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.

**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 his 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.

## Chapter 16.210 Temporary Permits

### 16.210.00 Purpose

The purpose of a temporary permit is to allow a use or structure for a use which is temporary or seasonal in nature, provided such use is consistent with the intent of the zoning district in which it is located and is in compliance with the provisions of this ordinance.

### 16.210.005 Application and Fee

An application for a temporary permit shall be filed with the City Recorder and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application which describes the number of employees, the hours of operation, a description of the operation and its duration, and also addresses the review criteria of this chapter. A Temporary Use Permit may be authorized as an Administrative Permit, a Limited Land Use Permit or a Quasi-Judicial Permit by the Planning Commission pursuant to Chapter 16.210.010 below.

### 16.210.010 Types, Requirements and Procedures for Temporary Uses

Temporary uses are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary uses include, but are not limited to: construction trailers, leasing offices, temporary carnivals and fairs, parking lot sales, retail warehouse sales, and seasonal sales such as Christmas tree sales and vegetable stands. Three types of temporary uses require permit approval (See A, B and C):

**A. Seasonal and Special Events.** These types of uses occur only once in a calendar year and for no longer a period than 60 days. Using the Limited Land Use procedure under the Application Review section of this chapter, the City shall approve, approve with conditions or deny a temporary use permit based on findings that all of the following criteria are satisfied:

1. The use is permitted in the underlying land use district and does not violate any conditions of approval for the property (e.g., prior development permit approval);
2. The applicant has proof of the property-owner's permission to place the use on his/her property;
3. Parking will be utilized by customers and employees of the temporary use which is needed by the property owner to meet their minimum parking requirement ;



4. The use provides adequate vision clearance and shall not obstruct pedestrian access on public streets;
5. Ingress and egress are safe and adequate when combined with the other uses of the property;
6. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare or lights that affect an adjoining use in a manner in which other uses allowed outright in the district do not affect the adjoining use; and
7. The use is adequately served by sewer or septic system and water, if applicable. (The applicant shall be responsible for obtaining any related permits.)

**B. Temporary Sales Office or Model Home.** Using an Administrative Permit approval procedure under Application Review section of this chapter, the City may approve, approve with conditions or deny an application for the use of any real property within the City as a temporary sales office, offices for the purpose of facilitating the sale of real property, or model home in any subdivision or tract of land within the City, but for no other purpose, based on the following criteria:

1. Temporary sales office:
  - a. The temporary sales office shall be located within the boundaries of the subdivision or tract of land in which the real property is to be sold;
  - b. The property to be used for a temporary sales office shall not be permanently improved for that purpose;
  - c. Conditions may be imposed regarding temporary utility connections, and as necessary to protect public health, safety, or welfare.
2. Model house:
  - a. The model house shall be located within the boundaries of the subdivision or tract of land where the real property to be sold is situated; and
  - b. The model house shall be designed as a permanent structure that meets all relevant requirements of this Code and other applicable codes and permit requirements.

**C. Temporary Building, Trailer, Kiosk or Structure.** Temporary or permanent placement of a building, trailer, kiosk, or structure, including but not limited to prefabricated building(s), for use on any real institutional, commercial or industrial property within the City shall require a development permit. Using a Quasi-Judicial Permit procedure, as governed by the Application Review section of this application the City may approve, approve with conditions or deny an application for a placement of a building, trailer, kiosk, or structure for temporary use, or temporary placement, such as a temporary commercial or industrial use or space associated with the primary use on the property, based on following criteria:

- a. The temporary trailer or building shall be located within the specified property line setbacks of the parcel of land on which it is located;
- b. The primary use on the property to be used for a temporary trailer is already developed;
- c. Ingress and egress are safe and adequate as demonstrated by an approach permit approved by the road authority, as applicable;
- d. There is adequate parking for the customers or users of the temporary use;
- e. The use will not result in vehicular congestion on streets;
- f. The use will pose no impediment or hazard to pedestrians in the area of the use;
- g. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare or lights that affect an adjoining use in a manner which other uses allowed outright in the district do not affect the adjoining use;
- h. The building complies with applicable building codes;
- i. The use can be adequately served by sewer or septic system and water, if applicable. (The applicant shall be responsible for obtaining any related permits); and
- j. The length of time that the temporary building will be used does not exceed 6 months. When a temporary building exceeds this time frame, the applicant shall be required to remove the building, or renew the temporary use permit for no more than one additional year; and

- k. Conditions may be imposed regarding temporary utility connections, and as necessary to protect public health, safety, or welfare.

**16.210.015 Conditions of Approval**

In issuing a temporary permit, the Planning Commission or City Planner may impose reasonable conditions as necessary to preserve the basic purpose and intent of the underlying zoning district. The public need for the conditions shall be supported by findings. These conditions may include, but are not limited to the following.

- a. Increasing the required yard dimensions;
- b. Requiring fencing, screening or landscaping to protect adjacent or nearby property;
- c. Limiting the number, size, location or lighting of signs;
- d. Limiting the time for certain activities; and
- e. Limiting the total duration of the uses.

**16.210.020 Compliance with Conditions**

Compliance with conditions imposed in approval of a temporary use permit and adherence to an approved plot plan shall be required. Any departure from these conditions of approval and approved plans constitutes a violation of this ordinance. The Planning Commission may revoke approval of any temporary permit for failure to comply with any conditions imposed in approval of the temporary permit or for any other violation of this ordinance.

City of North Plains  
31360 NW Commercial  
North Plains, OR 97133



ATTN: Plan Amendment Specialist  
DLCD  
635 Capitol Street NE, Suite 150  
Salem OR, 97301-2540

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