



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](http://www.lcd.state.or.us)



## NOTICE OF ADOPTED AMENDMENT

09/17/2012

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 002-12

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office. This amendment was submitted without a signed ordinance.

### Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, September 28, 2012

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

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

**\*NOTE:** The 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: Angie Lehnert, City of North Plains  
Gordon Howard, DLCD Urban Planning Specialist  
Anne Debbaut, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

# Notice of Adoption

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

☐ In person ☐ electronic ☐ mailed

**DATE STAMP**

**DEPT OF**

**SEP 10 2012**

**LAND CONSERVATION AND DEVELOPMENT**

Electronic Only

Jurisdiction: **City of North Plains**

Local file number: **ZDA-12-005**

Date of Adoption: **9/5/2012**

Date Mailed: **9/5/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: May 2012

☐ Comprehensive Plan Text Amendment

☐ Comprehensive Plan Map Amendment

☒ Land Use Regulation Amendment

☐ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

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

Zoning Code text amendments in the R-2.5 Zone to decrease the minimum lot size for single family detached and multi family homes, to clarify the average lot width for attached and detached homes, and to make minor grammatical revisions.

Does the Adoption differ from proposal? Yes, Please explain below:

Slight differences in lot/parcel sizes, setbacks, and height standards than the original proposal.

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>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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. 002-12 (19319) [17161]

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

City of North Plains, Washington County, Clean Water Services

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Local Contact: **Angie Lehnert**

Phone: **(503) 647-5555** Extension:

Address: **31360 NW Commercial**

Fax Number: - -

City: **North Plains**

Zip: **97133-**

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](mailto:plan.amendments@state.or.us).

## **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

### **16.30.010     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**

- Lots created by subdivision: 6,000 square feet maximum lot size per dwelling unit
- Single-family detached dwelling: - 4,000 2,500 square feet minimum
  - ~~Minimum Lot Size: 2,500 square feet~~
  - ~~Maximum Lot Size: 6,000 square feet if lots are created by subdivision~~
- Two-family dwelling (duplexes), Triplexes & attached single family dwellings: 2,500 square feet per unit minimum lot size
- Multi-family dwelling developments (greater than 3 units): 10,000 4,000 square feet minimum foot lot;
- All other uses 4,000 square feet minimum

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

- No minimum lot width or depth.
- ~~The minimum average lot width shall be 40 feet, except that lots for attached single family dwellings (attached or detached) 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:**

- For all structures: 10 feet
- Garage: ~~or carport~~ 20 feet
- ~~Carport: 10 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
- Side yards should be established to create separation between structures and meet fire codes and provide space for pervious surface area
- Single family dwellings created by subdivision must have at least one 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 - 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 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 for impervious surfaces shall not exceed 65% 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 Chapter 16.155 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");

All manufactured homes shall also comply with the requirements of the Manufactured Homes section of this chapter.

**ORDINANCE NUMBER 405**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH PLAINS,  
OREGON, AMENDING MUNICIPAL CODE CHAPTER 16.30 ZONE R2.5**

**WHEREAS**, the City of North Plains Planning Commission and City Council have reviewed Municipal Code Section 16.30 to ensure that it is consist with the goals of creating a community with quality high-density housing options, and

**THE CITY COUNCIL OF THE CITY OF NORTH PLAINS, OREGON, ORDAINS  
AS FOLLOWS:**

**Section 1.** Municipal Code Section 16.30 is amended in its entirety to read in accordance with "Exhibit A".

**Section 2.** Severability. If any provision of this Ordinance or its application to any person or circumstances is held to be unconstitutional or invalid for any reason, the remainder of this Ordinance or the application of the provisions to other persons or circumstances shall not be affected.

**Section 3.** Effective Date. This Ordinance shall become effective within thirty days from the date of adoption.

**INTRODUCED** on the 6th day of August, 2012, **AND ADOPTED**  
this \_\_\_\_ day of \_\_\_\_\_, 2012.

**CITY OF NORTH PLAINS, OREGON**

By: \_\_\_\_\_  
David Hatcher, Mayor

ATTEST:

By: \_\_\_\_\_  
Martha DeBry, City Manager/Recorder



47-5555  
ommercial Street  
OR 97133-6215

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

97301258425

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USA  
FIRST-CLASS  
FOREVER



DEPT OF

SEP 10 2012

LAND CONSERVATION  
AND DEVELOPMENT

