ORDINANCE NO. 450

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH PLAINS, OREGON,
IMPLEMENTING AN INSTITUTIONAL AND PUBLIC USE ZONE

WHEREAS, the City of North Plains Planning Commission initiated proceedings to amend
five sections of the Zoning and Development Ordinance, Chapter 16 of the Municipal Code,
and of the zoning map, in order to create an Institutional and Public Use (IPU) zone; and

WHEREAS, the applicable sections of the Zoning and Development Ordinance include:

- 16.060 Institutional and Public Use (IPU) Zone
- 16.080 Sign Standards
- 16.145 Public Facility Requirements
- 16.155 Off-Street Parking and Loading
- 16.175 Design Review; and

WHEREAS, the City submitted the proposed amendments to DLCD on October 4, 2017; and

WHEREAS, the Planning Commission conducted a duly-noticed public hearing, and
reviewed the proposed code text and zoning map amendments and staff report at its meeting
on November 8, 2017, and forwarded a recommendation to the City Council; and

WHEREAS, the City Council conducted a duly-noticed public hearing, and reviewed the
proposed code text and zoning map amendments, Planning Commission recommendation and
staff report at its meeting on December 4, 2017; and

WHEREAS, having considered the application, the evidence in the record and the
applicable criteria for the amendments proposed in Application File No. 17-066 (Institutional
and Public Use Zone) to amend the Zoning Map and Sections 16.060, 16.080, 16.145, 16.155
and 16.175 of the Zoning and Development Ordinance (Chapter 16 of the Municipal Code);
and

Now, therefore,

THE CITY OF NORTH PLAINS ORDAINS AS FOLLOWS:

Section 1. The North Plains Zoning Map is hereby amended to reflect the
approved changes, as shown in “Exhibit A”, attached hereto.

Section 2. Chapter 16 of the North Plains Municipal Code is hereby amended
as shown in “Exhibit B”, attached hereto.

Section 3. In support of its decision, the City Council adopts the findings of the
Planning Commission Recommendation, dated November 27, 2017
and attached hereto as “Exhibit C”. 
Section 4. This Ordinance shall become effective on the 30th day after its adoption.

INTRODUCED on the 4th day of December, 2017, ADOPTED on the 18th day of December, 2017 and EFFECTIVE on the 17th day of January, 2018.

CITY OF NORTH PLAINS, OREGON

By: ____________________________
   Teri Lenahan, Mayor

ATTEST:

By: ____________________________
   Lori Lesmeister, City Recorder
Chapter 16.060
Institutional and Public Use (IPU)

16.060.000 Purpose

The IPU zoning district serves the need for the designation of areas for necessary institutional uses such as schools and churches, and public and semipublic uses such as parks, a local government center and other governmental and public service uses. This district may be located at any place throughout the City, based on a determination by the City that such areas are required. Uses authorized in the IPU zone include:

16.060.005 Permitted Uses

Permitted uses are subject to the requirements of Chapter 16.175, Design Review, if applicable. Refer to Zoning Code Use Table.

A. Churches, synagogues, temples, cathedrals or places of worship.

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, military, sanitary sewer and stormwater management facilities, road building maintenance facilities or water district facilities.

E. Public or private parks, open spaces or trails.

F. Public utilities including wells, water storage tanks, or sanitary sewer pump stations.

G. Private utilities including electric power substations; telephone exchanges; television, radio or microwave transmission facilities.

H. Other similar uses deemed appropriate by Planning Commission.

16.060.010 Conditional Uses

Subject to the requirements of Chapter 16.175, Design Review, if applicable and the Development Standards section of this chapter.

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

A. Commercial daycare facilities.
B. Cemeteries, mortuaries and funeral homes.

C. Broadcast towers or other antennae.

16.060.015 Dimensional Standards

The following dimensional standards are the minimum requirements for all development in the IPU District except for modifications permitted under the Lot, Building, & Yard Exceptions, Chapter 16.115, or Planned Unit Development, Chapter 16.140.

A. Lot/Parcel Size

- No minimum lot or parcel size.

B. Lot/Parcel Depth and Width

- No minimum lot width or depth.

C. Setback Requirements

Principle structures and accessory structures with a floor area greater than 200 square feet shall maintain the following minimum yard setbacks.

1. **Front Yard**: same as most restrictive adjacent residential front yard setback standard

2. **Rear Yard**: 10 feet

3. **Interior Side Yard**: 10 feet for primary structures, 5 feet for accessory structures.

4. **Street Side Yard**: 10 feet plus additional space necessary to comply with the standards of chapter 16.160, Clear Vision Areas.

5. **Flag Lots Approved**: Flag lots are subject to Chapter 16.125 Lot Development Standards.

6. **Height of Buildings**: 35 feet

7. **Lot/Parcel Coverage**: None, provided that all setbacks and parking requirements are met.

16.060.020 Parking Requirements

Parking requirements are specified in Chapter 16.155, Off Street Parking and Loading.
Chapter 16.080
SIGN STANDARDS

16.080.000 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 building 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 lines of any one premises along public right-of-way on which it borders.

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. **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.

P. **Mural** Any piece of hand-produced artwork painted, tiled or applied directly on an exterior wall, ceiling or other large permanent surface. A distinguishing characteristic of mural painting is that the architectural elements of the given space are harmoniously incorporated into the picture. The following are NOT considered murals:

1. mechanically produced or computer generated prints or images, including but not limited to digitally printed vinyl;

2. murals containing electrical or mechanical components; or

3. changing image murals.

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. **Portable Sign** - A sign that is at all times movable by hand. A portable sign includes sandwich boards and yard signs.

V. **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 roofline.

W. **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.)

X. **Roof Sign** - Any sign erected over or on the roof line of a building.

Y. **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.

Z. **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.

AA. **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, i.e. garage sale signs.

BB. **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. Temporary signs include sandwich boards and flags.
CC. **Unlawful Sign** - A sign that was constructed without the necessary permits or approvals of the city.

DD. **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.

EE. **Wayfinding Sign** - A sign that is generally within the right-of-way and not on private property that is erected with permission of (and generally by) the jurisdiction with authority over the right-of-way. Wayfinding encompasses all of the ways in which people orient themselves in physical space and navigate from place to place.

FF. **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.

16.080.005 **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.

F. Sign permits are not required for wayfinding signs erected by the jurisdiction with authority over the right-of-way in which the sign is placed.
G. Compliance with this sign code shall be reviewed by City Staff prior to issuance or renewal of any business license on a property in the City.

16.080.010 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 eight (8) square feet. These signs are generally used when a residence is for sale, rent or lease, when improvements are being done to the home and for political purposes.

   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 and/or announcements not exceeding 4 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.

   h. Licensed care facilities on a premises may have one (1) sign not exceeding 4 square feet.

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.:J-9.01aO(A)(2)
5. Snipe Sign
6. Mural

16.080.015 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 the 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, except as provided in subsection e. below.

   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, except as provided in subsection e. below.

   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, except as provided in subsection e. below.

   e. For properties adjacent to Highway 26, signage on the wall facing the highway is permitted of a size up to twenty-five percent (25%) of the wall area. Any properties containing pre-existing non-conforming signage shall be subject to the wall sign provisions of subsections a. through d., above.

   f. 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.

   g. Window sign, provided that not more than 25% of a
window's area is included in a windowsign.

h. 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.

i. For properties with greater than 200 feet of total street frontage, one monument sign for each street 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 of this section.

j. A mural meeting the definition under Section 16.80.000 is allowed with no maximum size.

k. Changeable copy signs incorporated into the allowable square footage of signs for the property are permitted.

B. Uniform Sign Plan- A development anticipating more than one business on the premises shall submit a uniform sign plan with the land use application for design review.

C. 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

16.080.020 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 the C-1 zone.

B. Uniform Sign Plan- A development anticipating more than one business on the premises shall submit a uniform sign plan with the land use application for design review.

C. 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

16.080.025 Signs in Institutional and Public Use Zone

A. Permitted Signs

1. One wall sign not exceeding 32 square feet shall be permitted on a maximum of two (2) building elevations. Wall signs must be attached flat against the building face.

2. One free-standing sign per street frontage not exceeding 32 square feet per sign face shall be permitted. A minimum setback of 10 feet from property lines adjacent to public streets is required. The maximum height of any portion of a free-standing sign shall be limited to 6 feet from ground level at its base.

16.080.030 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 is allowed with no maximum size.

2. Signs complying with 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. Uniform Sign Plan- A development anticipating more than one business on the premises shall submit a uniform sign plan with the land use application for design review.

C. 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
16.080.035  Temporary Signs

The following temporary signs are permitted in all zones:

A. Temporary signs and banners, for a maximum period of six weeks 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.

C. Portable signs are considered temporary signs for the purposes of this ordinance.

D. 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.

E. 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. All temporary signs must be located at least 100 feet from other temporary signs.

16.080.040  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.
16.080.045  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.

16.080.050  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 and shall be removed by the
property owner.

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.

D. **Highway Signs.** Any non-conforming signs located at tax lots
1N312AB00400, 1N301DC06300 or 1N3120000200, that were approved
under previous regulations, or for which a variance was granted, and
which was installed prior to April 1, 2013 will be permitted until such time
that all or a portion of the sign is removed or in poor repair, for any
reason including acts of god. Highway signs cannot be altered in
physical dimensions.
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.

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<tr>
<td>Commercial, Industrial, Institutional, Public or Semi-Public Expansions</td>
</tr>
</tbody>
</table>

N = Not required  Y = Yes, required C=Conditional, required in some case

Note: Street lights shall be installed per City Standards.

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C¹ 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\(^2\) **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\(^3\) **Street Improvements for Commercial, Institutional, Public, Semi-Public 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\(^4\) **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 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 and Clean Water Services 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; or

2. Improved to a standard providing adequate potable water flows pursuant to the City Water Master Plan and approved by the City 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 City.

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 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 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 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.

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 demonstrate compliance with all required insurance policies.

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, 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, 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 16.155
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  2 spaces per dwelling unit
2. Duplexes and Triplexes  1.5 spaces per dwelling unit
3. Multi-family dwellings and attached single-family dwellings:
   a. Studio units or 1-br units < 500 sq. ft.  1 space per dwelling unit
   b. 1-bedroom units 500 sq. ft. or larger  1.5 spaces per dwelling unit
   c. 2-bedroom units  1.75 spaces per dwelling unit
   d. 3-bedroom units  2 spaces per dwelling unit
   e. Senior housing  1.25 spaces per dwelling unit
4. Residential hotel; rooming/boarding house  2 spaces per 3 guest rooms plus one additional space per two employees
5. Mobile home park  1 space per mobile home plus 1 guest parking space for every two homes

**B. Commercial Residential**
1. Hotel  1 space per 2 guest rooms or suites plus 1 space per two employees.
2. Motel  1 space per guest room or suite plus 1 space per two employees.

**C. Community Services, Institutional and Semi-Public Uses**

1. General Office/Government Office  3 spaces per 1,000 sq ft gross floor area
2. Community Recreation Buildings/Covered Picnic Areas  1 space per 250 sq ft, or 1 space per 6 patrons to the maximum capacity, plus 1 space per employee on the largest shift
3. Church, Chapel, Auditorium, Lodge, Fraternal/Civic Assembly with or without eating/drinking facilities  1 space per 6 fixed seats, or, where there are no fixed seats, 1 space per 10 patrons to the maximum capacity
4. Library or Museum  2 spaces per 1,000 sq ft gross floor area
5. Hospitals/Medical Centers  1 space per 1,000 sq ft gross floor area
6. Medical/Dental Offices/Clinics  4 spaces per 1,000 sq ft gross floor area
7. Day Care/Small School  1 space per employee and 1 space per 5 students
8. Preschool/Kindergarten  2.5 spaces per 1,000 sq ft gross floor area
9. School- Elementary or  1.5 spaces per classroom, plus recreation
Middle/Junior High  facilities, if applicable

10. School- Senior High School/Vocational or College  2 spaces per 1,000 sq ft gross floor area, plus recreation facilities, if applicable
11. Park, private or public  None

**D. Commercial Amusement**
1. Stadium/Arena/Theater  1 space per 4 seats or 8 feet of bench length
2. Bowling Alley  4 spaces per alley plus 1 space per 2 employees
3. Dance Hall/Skating Rink  1 space per 100 sq ft of floor area plus 1 space per 2 employees

**E. Commercial**
1. Retail Store  1 space per 200 sq ft gross floor area
2. Service or Repair Shop  1 space per 400 sq ft gross floor area plus 1 space per 2 employees
3. Retail Store (handling exclusively bulky merchandise such as automobiles or furniture)  1 space per 500 sq ft gross floor area
4. Bank/Professional Office  1 space per 800 sq ft gross floor area
5. Clinic or Office for Doctor, Dentist, or other Practitioners of the Healing Arts  1 space per 300 sq ft gross floor area plus 1 space per 2 employees
6. Eating and Drinking Establishment  1 space per 100 sq ft gross floor area

**F. Industrial**
1. Storage Warehouse/Manufacturing Establishment/Rail or Trucking Freight Terminal  1 space per employee on largest shift
2. Wholesale Establishment  1 space per employee plus 1 space per 800 sq ft of patron serving area
3. Public Utility (gas/water/telephone/etc)  1 space per 2 employees on largest shift, plus 1 space per company vehicle

**16.155.020 Off-Street Loading Requirements**

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

A. 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.

B. 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:

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.

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:
<table>
<thead>
<tr>
<th></th>
<th>a</th>
<th>b</th>
<th>c</th>
<th>d</th>
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<tr>
<td>45°</td>
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<td>27.5'</td>
<td>37.0'</td>
<td>47.5'</td>
<td>8.0'</td>
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<td></td>
<td>9.0</td>
<td>37.5'</td>
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<td></td>
<td>9.5</td>
<td>37.5'</td>
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<td>14.1'</td>
<td>46.0'</td>
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<td></td>
<td>10.0</td>
<td>17.5'</td>
<td>11.0'</td>
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<td>46.0'</td>
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</tbody>
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| 60° | 8.5' | 19.0' | 28.5' | 38.0' | 47.5' | 8.5' | 2.5' |
|     | 9.0  | 39.0' | 28.5' | 9.8  | 10.4' | 56.0' | 2.5  |
|     | 9.5  | 39.5' | 18.0' | 11.0' | 11.0' | 54.0' | 2.5  |
|     | 10.0 | 39.5' | 14.0' | 11.6' | 11.6' | 52.0' | 2.5  |

| 75° | 8.5' | 19.5' | 25.5' | 38.5' | 47.5' | 8.8' | 2.5' |
|     | 9.0  | 19.5' | 25.5' | 9.3  | 9.3  | 62.0' | 2.5  |
|     | 9.5  | 19.5' | 23.0' | 9.8  | 9.8  | 61.0' | 2.5  |
|     | 10.0 | 19.5' | 21.0' | 10.3 | 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 (f)  
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 16.175
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 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.

16.175-1
1. A change in occupancy from one type of land use to a different land use;

2. A development proposal that 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).

A Type II 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 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.

B. 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.

16.175.015 Filing Procedure

Design Review Applications shall be filed on a Planning Department form as provided by the City and shall be accompanied by such drawings, sketches, and descriptions as the City deems necessary to describe the proposed development. An application shall
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, 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 or adjacent to a residential district, all such uses shall be located with off-street parking screened from abutting residential property. 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 or adjacent to a residential district, design shall be of a type that conforms with the type of allowed residential use adjacent to it.

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, surfaces, 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 backflow 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.
Before the Planning Commission of the City of North Plains

In the matter of an application for zoning and development code text amendments and zoning map amendments
City of North Plains, APPLICANT

RECOMMENDATION TO CITY COUNCIL
17-066-Zoning Code Text Amendment and Zoning Map Amendment
Institutional and Public Use Zone
PC Hearing Date: November 8, 2017

Whereas, the City of North Plains Planning Commission initiated an update of five sections of the Zoning and Development Ordinance, Chapter 16 of the Municipal Code, and an update of the zoning map, in order to create an Institutional and Public Use (IPU) zone; and

Whereas, the sections of the Zoning and Development Ordinance included in this recommendation are:

- 16.060 Institutional and Public Use (IPU) Zone
- 16.080 Sign Standards
- 16.145 Public Facility Requirements
- 16.155 Off-Street Parking and Loading
- 16.175 Design Review; and

Whereas, the Planning Commission conducted a duly-noticed public hearing, and reviewed the proposed code changes and staff report at its meeting on November 8, 2017; and

Whereas, the Planning Commission considered the submitted staff report and reviewed the proposed code text amendments and zoning map amendments for compliance with the North Plains Comprehensive Plan, which incorporates the Statewide Planning Goals, and thereafter closed the hearing and deliberated; and

Whereas, having considered the application and the evidence in the record, the Planning Commission adopted a motion to recommend approval to the City Council of file 17-066 Institutional and Public Use (IPU) Zone- Text and Map Amendments, and instructed staff to prepare findings and conclusions in a written recommendation.

Now therefore, it is hereby recommended by the North Plains Planning Commission:

The Planning Commission recommends approval to the City Council of proposed zoning code text and zoning map updates, file 17-066 Institutional and Public Use (IPU) Zone- Text and Map Amendments, based on the findings and conclusions contained in Exhibit A (attached) which the Planning Commission hereby adopts as its findings, and determines to be reasonable.

Stewart King
Chairperson

Date

IPU Zone- PC Recommendation to City Council
Zoning and Development Ordinance Update
File# 17-066-IPU Zone- Text and Map Amendments Planning
Commission Recommendation to City Council Exhibit A

FINDINGS

General Findings

1. Finding: Applications for zoning code text amendments and/or zoning map amendments require Type IV legislative reviews and decisions. The Planning Commission conducts a public hearing on the matter and forwards a recommendation to the City Council. The City Council is the City's decision making body.

2. Finding: The proposed code changes are applicable to the properties identified on the proposed amended zoning map. As such, public notice was provided to all property owners of land identified as IPU on the map, in addition to all properties within 250-feet of these properties, on October 27, 2017.


4. Finding: Procedures: In accordance with ZOO Chapter 16.170 Application Review and Procedures, public notice was published in a newspaper of general circulation in the City at least 10 days prior to the Planning Commission hearing. On November 8, 2017, the Planning Commission conducted a public hearing to discuss and make a recommendation regarding this application.

Specific Findings based on North Plains Municipal Code (NPMC)

(Code text is **Bold.** All findings are from the 11/1/17 Staff Report to Planning Commission)

**16.200 COMPREHENSIVE PLAN & ZONING AMENDMENTS**

**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.

**Finding:** This amendment is necessary to update the Zoning and Development Ordinance to provide a zoning category for Institutional and Public Uses. The proposed text amendments do not affect the traffic generation and circulation patterns, but they do provide more opportunities for the City to meet the demand for public facilities and services, level of park and recreation facilities. The proposed amendments do not affect economic activities, protection and use of natural resources or adopted special purpose plans or programs. This standard is met.

2. The proposed amendment complies with all applicable Statewide Planning Goals and administrative rule requirements.

**Finding:** Oregon’s 19 Statewide Planning Goals are addressed below. Though several of the goals are not applicable to the proposed comprehensive plan text amendments, those that are applicable are responded to in detail.

**Goal 1 Citizen Involvement**
The proposed code update does not specifically affects the City’s citizen involvement program.
This land use application is subject to a City of North Plains Type IV land use review, which includes a significant citizen involvement component. This process has been established by the city and determined to be consistent with this goal. The mandatory public notice of the action and decision, and the hearings on this case before the Planning Commission and City Council are all avenues of citizen participation.

**Goal 2 Land Use Planning**
This statewide goal requires that land use decisions 1) have an adequate factual base, 2) that alternatives have been considered, and 3) that implementation measures are consistent with and adequate to carry out comprehensive plan.
The proposed text amendments are to bring clarity and consistency to the public notice standards. The factual base of the noticing requirements come from ORS 197.763, which provides the state-mandated minimum public notice requirements. Staff has reviewed all of the proposed code text updates and considered
alternatives and implementation measures. The proposed changes are consistent with and adequate to carry out the Comprehensive Plan.

**Goal 3 Agricultural Lands**
This goal does not apply because the City does not include area designated for agricultural use.

**Goal 4 Forest Lands**
This goal does not apply because the City does not include area designated for forest use.

**Goal 5 Open Spaces, Scenic and Historic Areas, and Natural Resources**
There are no proposed changes to text regarding open spaces, scenic and historic areas and natural resources. Therefore, the intent of this goal remains satisfied by the policies of the Comprehensive Plan and implementation in the Zoning Ordinance.

**Goal 6 Air, Water and Land Resources Quality**
There are no proposed changes to text regarding air, water, or land resources. Therefore, the intent of this goal remains satisfied by the policies of the Comprehensive Plan and implementation in the Zoning Ordinance.

**Goal 7 Areas Subject to Natural Hazards**
There are no proposed changes to text regarding areas subject to natural hazards. Therefore, the intent of this goal remains satisfied by the policies of the Comprehensive Plan and implementation in the Zoning Ordinance.

**Goal 8 Recreational Needs**
The IPU zone will allow the provision of parks as an outright permitted use. This will result in more land being zoned for parks as an outright permitted use. Therefore, the intent of this goal remains satisfied by the policies of the Comprehensive Plan and implementation in the Zoning Ordinance.

**Goal 9 Economic Development**
This goal requires that comprehensive plans provide adequate opportunities for a healthy economy. The North Plains Comprehensive Plan has been acknowledged in compliance with Goal 9. The proposed text amendments do not affect the economic opportunities of the city.

**Goal 10 Housing**
The purpose of Goal 10 and its implementing rule (Oregon Administrative Rule 660-008) is to ensure opportunity for the provision of adequate numbers and types of needed housing units. The proposed IPU zone will remove a small amount of residential land from the City; however, this land is already developed or designated as an institutional use. The proposed text amendment does not affect the City's ability to provide needed housing.

**Goal 11 Public Facilities and Services**
The proposed amendments to the text of the zoning ordinance do not include substantive changes to public facilities and services.
Goal 12 Transportation  
The Transportation Planning Rule (TPR), OAR 600-012.0060, requires that, where an amendment to a comprehensive plan or zoning regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures that assure that allowed land uses are consistent with the function, capacity, and performance standards of the facility. This application is for inclusion of an IPU zone- a citywide code change that will result in the change of zoning to properties all over the City. However, the current zoning of these properties permits outright or conditionally the uses identified in the IPU zone. In addition, the vast majority of these properties are developed with an IPU use. The proposed changes, as proposed, have no negative impact on planned transportation functionality.

Goal 13 Energy Conservation  
There are no identifiable energy consequences of this land use action. The proposed text amendments will not result in any appreciable difference in waste production or recycling compared with development under the existing zoning.

Goal 14 Urbanization  
The proposed text amendments are intended for the areas within the City limits that are urbanized. When new areas are proposed for inclusion in the City, Goal 14 will be addressed. There are no impacts to the other urbanization factors in the statewide planning goals, so this proposal is consistent.

Goal 15 Willamette River Greenway  
Goal 16 Estuarine Resources  
Goal 17 Coastal Shorelands  
Goal 18 Beaches and Dunes  
Goal 19 Ocean Resources

The City is not within the plan boundary for the Willamette River Greenway, does not have any estuarine resources, and is not on the Oregon Coast, so goals 15 through 19 do not apply.

As discussed above, the proposed text amendments are generally consistent with the Statewide Planning Goals.

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.
Finding: The proposed text amendments generally represent a logical implementation of the plan. The inclusion of an IPU zone in the City's zoning code allows the City a more accurate way to identify uses on properties, both residential and institutional. The proposed amendment is appropriate.

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.

Finding: The proposed text amendments do not include changes to the Transportation System Plan or significantly affect a transportation facility as the uses of the property are already established. Future uses in the IPU zone are generally permitted or conditionally permitted in the current R-zones. The proposed text amendments are in compliance with the Transportation Planning Rule.

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.

Finding: The proposed map amendments are consistent with the goals and policies of the Comprehensive Plan. The purpose statement of the proposed IPU zone was written to accommodate the types of uses the Planning Commission deems appropriate in the IPU zone. The proposed amendments to the Zoning Map are timely as the Planning Commission finds it a priority to separate institutional and public uses out of the residential zones. The proposed IPU zone includes properties that are already developed or approved as IPU uses. The uses presently permitted in the R-zones are those that are included in the IPU zone. There is no change to the transportation system identified with this map amendment.

16.200.020 Findings

Findings justifying a decision on an application shall be made in writing, and shall be provided to the applicant.

Finding: The City Council's final decision will include written findings. As the City is the applicant, they will have the findings.

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.

Finding: Staff does not find it necessary to subject this decision to any conditions of approval.