ORDINANCE NO. 456

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH PLAINS, OREGON, IMPLEMENTING AN UPDATE TO THE ZONING AND DEVELOPMENT CODE CHAPTER 16.145 PUBLIC FACILITIES AND DECLARING AN EMERGENCY

WHEREAS, the City of North Plains Planning Commission initiated proceedings to amend one section of the Zoning and Development Ordinance, Chapter 16 of the Municipal Code; and

WHEREAS, the applicable section of the Zoning and Development Ordinance is Chapter 16.145- Public Facilities; and

WHEREAS, the City submitted the proposed amendments to DLCD on December 5, 2018; and

WHEREAS, the Planning Commission conducted a duly-noticed public hearing, and reviewed the proposed text amendments and staff report at its meeting on January 9, 2019; and

WHEREAS, the City Council conducted a duly-noticed public hearing, and reviewed the proposed code text amendments, Planning Commission recommendation and staff report at its meeting on January 22, 2019; and

WHEREAS, the City is compelled to adopt and implement the updates to Chapter 16.145 (Public Facilities) before additional private development is proposed in the City; and

WHEREAS, the proposed code text amendments bring the Zoning and Development Code into alignment with the North Plains Public Works Standards; and

WHEREAS, having considered the application, the evidence in the record and applicable criteria for the amendments proposed in Application File No. 18-211 (Zoning Code Update) to amend Section 16.145 of the Zoning and Development Ordinance (Chapter 16 of the Municipal Code).

Now, therefore:

THE CITY OF NORTH PLAINS ORDAINS AS FOLLOWS:

Section 1. The City hereby adopts the proposed code amendments proposed in File 18-211, 2019 Public Facilities Zoning Code Update, attached hereto as Exhibit “A” and incorporates them into the North Plains Zoning and Development Code, Chapter 16 of the Municipal Code.

Section 2. In support of its decision, the City Council

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adopts the findings within the Planning Commission Recommendation for File No. 18-211, dated January 11, 2019, attached hereto as Exhibit "B".

**Section 3.** An emergency being declared, this Ordinance shall become effective immediately upon its adoption.

INTRODUCED, ADOPTED AND EFFECTIVE this 22nd day of January, 2019.

CITY OF NORTH PLAINS, OREGON

By: [Signature]

Teri Lenahan, Mayor

ATTEST:

By: [Signature]

Lori Lesmeister, City Recorder

Ordinance No. 456
January 22, 2019
Chapter 16.145
Public Facility and Service Requirements

16.145.000 Purpose

To ensure the health, safety, and the economic stability of the community, and to establish a quality system of public improvements, the City shall require any buildings or other development for which public facilities and public rights-of-way are not fully provided or improved to current City standards, to install said improvements. 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 16.145.115 or future provision of the improvement is assured per Chapter 16.145.120.

<table>
<thead>
<tr>
<th>Fire Hydrant</th>
<th>Street Improvements</th>
<th>Water Line</th>
<th>Sewer Line</th>
<th>Storm Drainage &amp; Trees</th>
<th>Street Lights</th>
<th>Communications Infrastructure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Homes</td>
<td>N</td>
<td>C</td>
<td>Y</td>
<td>4 C</td>
<td>Y</td>
<td>5C</td>
</tr>
<tr>
<td>Two Family &amp; Multifamily Dwellings</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>5C</td>
</tr>
<tr>
<td>Partitions, Subdivisions and Manufactured Home Parks</td>
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<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>New Commercial, Industrial, Institutional, Public or Semi-Public Buildings</td>
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<td>Y</td>
<td>Y</td>
<td>Y</td>
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<tr>
<td>Commercial, Industrial, Institutional, Public or Semi-Public Expansions</td>
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<td>3 C</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>5C</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.

C 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.

C2 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.

C3 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.

C4 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.

C5 Communications Infrastructure
Communications infrastructure, including but not limited to conduit for communication utilities, shall be installed to adequately serve the approved level of development. Communications infrastructure shall be required when other public utility or roadway improvements are required of a development, and as required by City standards.

16.145.010 Public Facility Standards

Except as otherwise provided, all public improvements shall conform to City standards and specifications found in the Public Works Design Standards and installed in accordance with Chapter 16.145. The Council may establish additional specifications to supplement the standards of this Code and other applicable ordinances. Except for public projects constructed consistent with an existing facility plan or projects otherwise approved by the City, public improvements shall not be undertaken until land use approval has been granted, a public improvement plan review fee has been paid, all improvement plans have been approved by the City, and an improvement permit has been issued. 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 Tualatin Valley Fire & Rescue.

E. **Communications Infrastructure**

No development permit shall be approved for any property until the City has reviewed and approved provisions for communications infrastructure. Generally, public telecommunication and franchise utility conduits (including but not limited to: electric power, telephone, natural gas, lighting, cable television and broadband internet) shall be installed to serve all newly created lots and developments in North Plains.

F. **Underground Facilities**

1. Except as otherwise provided, all utility facilities, including but not limited to, electric power, telephone, natural gas, lighting, cable television, and telecommunication cable, shall be placed underground, unless specifically authorized for above ground installation, because the points of connection to existing utilities make underground installation impractical, or for other reasons deemed acceptable by the City.

2. Exception. Surface-mounted transformers, surface-mounted connection boxes and meter cabinets, temporary utility service facilities during construction, high capacity electric and communication feeder lines, and utility transmission lines operating at fifty thousand (50,000) volts or more may be located above ground. The City reserves the right to approve location of all surface-mounted transformers.
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.

16.146.126  **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 repaired 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.
Before the Planning Commission of the City of North Plains

In the matter of an application for an updated Zoning and Development Code City of North Plains, APPLICANT

RECOMMENDATION TO CITY COUNCIL
18-211- 2019 Public Facilities Zoning Code Update
PC Hearing Date: January 9, 2019

Whereas, the City of North Plains initiated an update to Chapter 16.145 (Public Facilities) of the Zoning and Development Code; and

Whereas, the Planning Commission conducted a duly-noticed public hearing, and reviewed the proposed zoning code changes and staff report at its meeting on January 9, 2019; and

Whereas, the Planning Commission considered the submitted staff report and reviewed the proposed code text amendments for compliance with the North Plains Comprehensive Plan, which incorporates the Statewide Planning Goals, and thereafter closed the hearing; 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 18-211 Zoning Code Update 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 the proposed Zoning Code 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 11/11/19
Zoning and Development Code Update  
File# 18-211  
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 Zoning Code Update is applicable citywide. As such, public notice was published in a newspaper of general circulation on December 24, 2018 and December 31, 2018 and was mailed citywide on December 19, 2018.


4. **Finding: Procedures**: In accordance with ZDO Chapter 16.170 Application Review and Procedures, on January 9, 2019, 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 01/02/19 Staff Report to Planning Commission)

**COMPLIANCE WITH CITY OF NORTH PLAINS MUNICIPAL CODE**

**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: The adoption of the proposed Zoning Code text amendment is a necessary factual basis for the City to review proposed land use developments. The proposed text amendments do not affect the traffic generation and circulation patterns, level of park and recreation facilities, economic activities, protection and use of natural resources or compliance with special purpose plans or programs. The proposed text amendment does, however, increase the City’s capacity to meet the demand for public facilities and services, in compliance with the City utility master plans. 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 zoning code text amendments, those that are applicable are responded to in detail.

Goal 1 Citizen Involvement
The proposed changes to the Zoning and Development Code do not specifically address citizen involvement.
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 process identified above was utilized in the drafting of this proposed Zoning Code Amendment. Alternatives have been considered throughout the drafting of the proposed code language updates. 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 Goal 5 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**  
There are no proposed changes to text regarding recreational needs. 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**  
There are no proposed changes to text regarding economic development. Therefore, the intent of this goal remains satisfied by the policies of the Comprehensive Plan and implementation in the Zoning Ordinance.

**Goal 10 Housing**  
There are no proposed changes to text regarding housing. Therefore, the intent of this goal remains satisfied by the policies of the Comprehensive Plan and implementation in the Zoning Ordinance.

**Goal 11 Public Facilities and Services**  
The proposed amendments to the text of the zoning ordinance includes substantive changes to public facilities and services. The proposed amendments include the requirement to underground electric power (where appropriate) and provide telecommunication and franchise utility conduits. The proposed text amendments allow the City’s Zoning and Development Code to better support the adequate provision of public facilities and services, directly in compliance with Goal 11.

**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. The proposed zoning code text amendment proposes changes to the way public infrastructure utilities are constructed. No changes are proposed to street or transportation network standards. The proposed zoning code text amendment does not affect the transportation system of the City.

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
There are no identifiable impacts to the 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 Comprehensive Plan. The proposed text amendments are also proposed to correct identified conflicts in the Zoning and Development Code, such as incorrect section references. The proposed amendment is appropriate and this standard is met.

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. The proposed text amendments are in compliance with the Transportation Planning Rule.

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.