ORDINANCE NO. 460

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH PLAINS, OREGON, AMENDING THE ZONING AND DEVELOPMENT CODE, CHAPTERS 16.00 (GENERAL PROVISIONS) AND 16.130 (LAND PARTITIONING)

WHEREAS, the City of North Plains initiated proceedings to amend the City’s Zoning and Development Code to increase the land use approval time for a minor land partition from one year to two years; and

WHEREAS, the City submitted the proposed amendments to DLCD on April 3, 2019; and

WHEREAS, the Planning Commission conducted a duly-noticed public hearing, and reviewed the proposed Zoning Code Text Amendment and staff report at its meeting on May 8, 2019; and

WHEREAS, the City Council conducted a duly-noticed public hearing, and reviewed the proposed Zoning Code Text Amendment, Planning Commission recommendation and staff report at its meeting on May 20, 2019; and

WHEREAS, the City Council considered the application, the evidence in the record and applicable criteria for the amendments proposed in Application File No. 19-028 (Zoning Code Text Amendment- Partition Expiration).

Now, therefore:

THE CITY OF NORTH PLAINS ODNAINS AS FOLLOWS:

Section 1. The City hereby adopts the proposed Zoning Code Text Amendment, proposed in File 19-028, attached hereto as Exhibit “A”.

Section 2. In support of its decision, the City Council adopts the findings within the Planning Commission Recommendation for File No. 19-028, dated May 8, 2019, attached hereto as Exhibit “B”.

Section 3. This Ordinance shall become effective on the 30th day after its adoption.
INTRODUCED on the 20th day of May, 2019, ADOPTED on the 3rd day of June and EFFECTIVE on the 3rd day of July, 2019.

CITY OF NORTH PLAINS, OREGON

By: ________________________________
    Teri Lenahan, Mayor

ATTEST:

By: ________________________________
    Lori Lesmeister, City Recorder
Chapter 16.00
ZONING AND DEVELOPMENT

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

16.00.005 Purpose and Scope
This Ordinance is enacted to:

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

16.00.010 State and Federal Regulations
All development within the City shall adhere to:

A. State and federal air quality standards.
B. State and federal water quality standards.
C. State noise standards.
16.00.020 **Conformance Required**

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

16.00.030 **Violation of Conditions**

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

16.00.035 **Stop – Order Hearing**

A. **Stop order issued.** Whenever any work is being done in violation of the provisions of the Code or a condition of any permit or other approval granted pursuant herein, the City may order the work stopped by written notice served on persons engaged in doing such work or causing such work to be done. All work under the permit or approval shall cease until it is subsequently authorized or affirmed in writing by the city to continue.

B. **Appeal Opportunity.** A person or organization that has been served the stop work order may appeal the decision by submitting a letter to the City Manager within 15 calendar days of the date of the stop work order requesting a hearing with the City Council. The City Council shall hold this hearing and make written findings as to the violation within thirty (30) days.

C. **Stop order hearing.** When an appeal is timely filed, the City Manager shall schedule a City Council hearing on the stop order. At the discretion of the City Manager, such hearing may be 1) part of a hearing on revocation of the underlying development approval, or 2) solely to determine whether a violation has occurred.

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

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

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

16.00.050 **Savings Clause**

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

16.00.060 **Conflicting Ordinances**

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

16.00.070 **Fees**

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

A. Fees shall be considered a deposit and all actual costs will be billed against this deposit. If the deposit is not adequate to cover processing costs, then the applicant will be responsible for all additional costs.

B. Fees shall be payable at the time of application and shall be as set forth by resolution of the City Council. A fee is not required for an application initiated by the Planning Commission or the City Council.

C. Fees are not refundable unless the application is withdrawn prior to the notification of a hearing or the issuance of an administrative decision.

D. The City Council may reduce or waive the fees upon showing of just cause.

E. Delinquent accounts may result in a lien against the property for which the application is submitted.
16.00.080  Termination of Approvals and Extensions

Except as otherwise provided in this Ordinance, approval of an application or permit is void after one year or such lesser time as the approval may specify unless substantial construction has taken place or the proposed use has occurred. Approval of a partition, subdivision or PUD is void after two years or such lesser time as the approval may specify unless substantial construction has taken place or the proposed use has occurred.

The Planning Commission may grant two-year extensions for partitions, subdivisions and PUDs and one year extensions for all other applications. Extensions may be granted administratively if the original approval was made administratively. The request for an extension must be filed with the City on or before the expiration date.

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

A. The City determines just cause for the delay and the reason for the delay is outside the control of the applicant.

B. No significant changes to the applicable standards of this Ordinance or the applicable regulations of other affected jurisdictions (Clean Water Services, Washington County, Tualatin Valley Fire & Rescue, etc.) have been made. Any extension requests shall be referred to affected city departments or other governmental jurisdictions for comment.

C. No significant changes have been made to properties within 250 feet of the exterior boundaries of the subject property.

16.00.090  Final Action on Permit Application Within 120 Days

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

In computing any period of time prescribed or allowed by this section, the day or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or legal
holiday, in which event the period runs until the next day which is not a Saturday, Sunday or legal holiday.
Chapter 16.130
LAND PARTITIONING

16.130.000 **Definition**

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

16.130.005 **General Provisions**

A. All partitions shall conform to all applicable Zoning District Standards, Development Standards of this ordinance and the comprehensive plan.

B. A master plan for development shall be required for any application which leaves a portion of the subject property capable of redevelopment.

C. Partition approval is valid in perpetuity, upon recording of the final partition plat.

D. A parcel within an approved partition may not be re-divided within the same calendar year in which it was recorded except through the subdivision process.

E. A tentative partition that creates a public road to access any of the proposed parcels shall be reviewed at a public hearing of the Planning Commission pursuant to the provisions of Public Hearings in this chapter.

F. Notice of the public hearing shall be provided in accordance with the provisions of Public Notice Requirements in this chapter.

G. Approval of a Tentative Map for a partition is valid for two (2) years after the date of the written decision. A final plat map for a partition shall be approved and recorded within this two (2) year time period or the tentative approval shall lapse.

H. Requests for extensions of partition approvals may be made in accordance with the provisions of this chapter.

16.130.100 **Submittal Requirements for Tentative Partition Review**

A. An application for a partition shall be submitted on forms provided by the City and accompanied by the appropriate filing fee.

B. An application shall include one (1) copy of a tentative partition drawn to scale and shall contain, at a minimum, the following:
1. Name and address of the owner of the property to be divided.

2. Legal description of the property and Tax Lot ID (TLID) by Township, Range, Section and Tax Lot.

3. North arrow and scale.


5. Individual parcel designation, e.g. Parcel I, Parcel II.

6. Dimensions and size in square feet or acres of all proposed parcels.

7. Adjacent property under the same ownership.

8. All adjacent roads (public or private), including name and road width.

9. Location and size of all existing and proposed utilities.

10. All existing structures on the property and their setbacks.

11. Natural drainage ways, streams, wetlands or other significant natural features of the property.

12. Existing or proposed easements.

16.130.015 Process for Tentative Partition Review

A tentative partition that does not create a public road to access any of the proposed parcels shall be reviewed administratively by the City. Conditions may be attached to the approval of a tentative partition.

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

16.130.020 Partition Approval Criteria

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

A. Survey Submitted

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

B. Final Approval

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

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

C. Recording of Approved Partition Required

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

D. Improvements/Bonding

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