ORDINANCE NO. 461

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH PLAINS, OREGON, AMENDING THE ZONING MAP

WHEREAS, the City of North Plains initiated proceedings to amend the City's Zoning Map to change the zone of 0.26 acres of Tax Lot 1N312AB00200 from C-2 (Highway Commercial) to IPU (Institutional and Public Use); and

WHEREAS, the City proposes this zone change to increase the size of an existing, adjacent public park and develop the park as a Veterans Memorial; 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 Map 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 Map 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 amendment proposed in Application File No. 19-027 (Zoning Map Amendment- Veterans Park).

Now, therefore:

THE CITY OF NORTH PLAINS ORDAINS AS FOLLOWS:

Section 1. The City hereby adopts the proposed Zoning Map Amendment, proposed in File 19-027, 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. 19-027, 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
CITY OF NORTH PLAINS PLANNING COMMISSION

Subject: Veterans Park Zoning Map Amendment

From: Heather Austin, AICP, Consulting Land Use Planner

City Staff Report

May 1, 2019

City File: #19-027

Application Purpose: The City proposes to amend the Official Zoning Map to change the zone of 0.26 acres of property from C-2 (Highway Commercial) to IPU (Institutional and Public Use).

Public Hearing Date: May 8, 2019

Applicant: The City of North Plains
31360 NW Commercial Street
North Plains, OR 97133

Site Location: 1N312AB00200
South of NW Highland Court, east of NW 313th

REQUEST

The City requests approval of a quasi-judicial amendment to the Official Zoning Map.

This request is subject to a Type IV process for review by the Planning Commission, who will conduct a public hearing and then make a recommendation to the City Council. The City Council will review the Planning Commission’s recommendation and conduct a public hearing before making the City’s final decision on this proposal.

SUMMARY CONCLUSIONS

This report includes findings regarding each applicable Comprehensive Plan and Zoning Code criterion. The proposal is consistent with the Comprehensive Plan and Zoning Code criteria for an Official Zoning Map Amendment.

BACKGROUND

The City is initiating a Zoning Map Amendment to change the zone of 0.26 acres of property from C2 to IPU. The subject site is adjacent to Vern Galaway Memorial Park. The objective of the zoning map amendment is to increase the size of the public park to develop it as a Veterans Memorial Park.
COMPLIANCE WITH CITY OF NORTH PLAINS MUNICIPAL CODE

16.200 COMPREHENSIVE PLAN & ZONING AMENDMENTS

16.200.015 Review Criteria

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;

   Finding: The Comprehensive Plan is structured to reflect Oregon’s 19 Statewide Planning Goals. Each of these goals are addressed below. Though several of the goals are not applicable to the proposed zoning map amendment, those that are applicable are responded to in detail.

Goal 1 Citizen Involvement
The proposed change to the Zoning Map does 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 Map Amendment. Alternatives have been considered throughout the drafting of the proposed amendment. The proposed change is 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. However, the increase in size of a public park by 0.26 acres is consistent with the Comprehensive Plan as it includes by reference the Parks Master Plan. The Parks Master Plan identifies a deficiency in public park area. Therefore, the intent of this goal is satisfied by the policies of the Comprehensive Plan and implementation in the Zoning Map Amendment.

**Goal 9 Economic Development**
There are no proposed changes to text regarding economic development. The City recognizes that the conversion of C-2 land to IPU may reduce the opportunity for employment land on this site. However, the 0.26 acre site size is limited to the point of having very little impact on the development potential of the remaining land in C2 zoning adjacent to this site. 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 that directly affect 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**
There are no proposed changes to text regarding public facilities and services. Therefore, the intent of this goal remains satisfied by the policies of the Comprehensive Plan and implementation in the Zoning Ordinance.
**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 map changes 0.26 acres from C2 zoning to IPU zoning. Based on reasonable worst-case scenario standards, the likely impact to the transportation network is reduced by the proposed zone change. No changes are proposed to street or transportation network standards.

**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 map amendment is generally consistent with the Statewide Planning Goals.

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;**

   **Finding:** The purpose statement of the IPU zone states:

   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.

The development of this site as part of a public park meets the purpose statement of the IPU zone and all uses permitted in the IPU zone can be accommodated on this site and developed to City standards. This criterion is met.

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

Finding: The proposed amendment is timely. The City recently adopted an updated Parks Master Plan and has initiated several public recreation projects called for in the plan. This site is adjacent to a public park and has been identified as part of a large Veterans Memorial park development. There are very few utilities and services needed to serve a public park; however, all services and utilities are available to the site. The proposed zone change supports the development of this park, serving all residents of North Plains. This criterion is met.

4. That the amendment conforms to the Transportation Planning Rule provisions under this chapter 16.200.015 subsection 5.

Finding: As stated above, 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 map changes 0.26 acres from C2 zoning to IPU zoning. Based on reasonable worst-case scenario standards, the likely impact to the transportation network is reduced by the proposed zone change. No changes are proposed to street or transportation network standards. This criterion is met.

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.

**CONCLUSION**

The Planning Commission is considering a recommendation to the City Council of the proposed Zoning Map Amendment. The Planning Commission may recommend that the City Council approve, approve with Conditions or deny the Zoning Map Amendment.

Staff recommends the Planning Commission recommend approval of City File Number 19-027, Veterans Park Zoning Map Amendment, to the City Council for a public hearing at their regularly scheduled meeting on May 20, 2019.
PROPERTY LINE ADJUSTMENT SURVEY

LOCATED IN THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 12,
TOWNSHIP 1 NORTH, RANGE 3 WEST, W.M.
CITY OF NORTH PLAINS, WASHINGTON COUNTY, OREGON

The purpose of this survey is to monument the adjusted boundary between two parcels described in Document NO. 2008-15467 and Document NO. 2014-046571. The adjustment is based on a property line adjustment issued and recorded for the adjustment as Document NO. 2014-046571.

The southern portion of the Highland Court was determined by holding monument "A" and monument "B".

The second monument at the southwest corner of parcel 2 was not found. This corner's location was determined at the intersection of record plat distances from monument "A" and monument "C".

The configuration of the adjusted line was determined by agreement between the two landowners.

This survey was completed using a Trimble 5800 Pro PNT total station.

TRACT "A" OF
PARTITION PLAT NO. 1986-690
CITY OF NORTH PLAINS
DOCUMENT NO. 2013-046571

ADJUSTED AREA 2.514 AC. (BASED ON ASSESSOR DATA)

MONUMENT NOT FOUND CALCULATED POSITION AT INTERSECTION OF PLAT DISTANCES

MONUMENT "A" FOUND AT 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "GARVEY." PLG. 727

MONUMENT "B" FOUND AT 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "GARVEY." PLG. 727

MONUMENT "C" FOUND AT 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "GARVEY." PLG. 727

REFERENCES:
(a) Partition Plat No. 1986-690 by A. Hietti, February 1986
(b) Document NO. 2013-046571
(c) Document NO. 2008-134833

REFERENCE DATA:
5.2862 ft. = 1.000 m
5.5000 ft. = 1.000 m
1.000 ft. = 0.3048 m

SCALE OF DRAWING:
1 INCH = 100 FEET

IPU- Institutional and Public Use Zoning
Proposed Zone Change from C-2 to IPU
C-2- Highway Commercial Zoning

LEGAL:
FIND MONUMENT FOR PARTITION PLAT NO. 1986-690 AT POINT:
SET 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "GARVEY".

RECORDED EASEMENT
ADJUSTED BOUNDARY
ORIGINAL BOUNDARY

PRELIMINARY DRAFT
WASINGTON COUNTY SURVEYOR'S OFFICE
ACCEPTED FOR FILING

Stantec Professional Surveyors
Oregon
Casey J. Wohlfart
RDC678

PRELIMINARY DRAFT
WASINGTON COUNTY SURVEYOR'S OFFICE
ACCEPTED FOR FILING

Stantec Professional Surveyors
Oregon
Casey J. Wohlfart
RDC678

PRELIMINARY DRAFT
WASINGTON COUNTY SURVEYOR'S OFFICE
ACCEPTED FOR FILING

Stantec Professional Surveyors
Oregon
Casey J. Wohlfart
RDC678

PRELIMINARY DRAFT
WASINGTON COUNTY SURVEYOR'S OFFICE
ACCEPTED FOR FILING

Stantec Professional Surveyors
Oregon
Casey J. Wohlfart
RDC678