ORDINANCE NO. 464


WHEREAS, the City of North Plains initiated proceedings to amend the City's Zoning and Development Code to update the process and development standards used by the City to review annexation applications; and

WHEREAS, the City submitted the proposed amendments to DLCD on June 5, 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 July 10, 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 September 3, 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. 19-069 (Zoning Code Text Amendment- Annexations).

Now, therefore:

THE CITY OF NORTH PLAINS ORDAINS AS FOLLOWS:

Section 1. The City hereby adopts the proposed Zoning Code Text Amendment, proposed in File 19-069, 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. 19-069 (Mistakenly labeled File No. 19-077), dated July 10, 2019, attached hereto as Exhibit “B”.

Section 3. This Ordinance shall become effective on the 30th day after its adoption.

INTRODUCED on the 3rd day of September, 2019, ADOPTED on the 16th day of September and EFFECTIVE on the 16th day of October, 2019.

Ordinance No. 464
Amending the Zoning & Development Code, Chapter 16.205 (Annexations)
Adopted September 16, 2019
Page 2 of 2
CITY OF NORTH PLAINS, OREGON

By: ____________________________
   Teri Lenahan, Mayor

ATTEST:

By: ____________________________
   Lori Lesmeister, City Recorder
Zoning and Development Code Update
File# 19-077
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 June 24, 2019 and was included in the City Newsletter.


4. Finding: Procedures: In accordance with ZDO Chapter 16.170 Application Review and Procedures, on July 10, 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 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 annexations. 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, demand for public facilities and services or compliance with 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 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 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 code text amendment proposes changes to the process by which an annexation is processed. 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. Annexation is the primary way non-urban land becomes part of the City. It is the intent of the City to update the annexation portion of the Zoning Code to ensure compliance with state law and implementation of best standards of practice. This goal is met.

**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 code text amendment also corrects an identified error in the provision of the plan, in that state law changed to no longer allow voter-approved annexation. 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.
Chapter 16.205
ANNEXATIONS

16.205.000 Statement of Purpose.

The City of North Plains finds annexation is the first step to converting future urbanizable lands to urban land within the North Plains Urban Growth Boundary and Urban Planning Area and as such, it is an important part of the process of providing timely and orderly urban development. The City also recognizes that development of lands at urban densities must include the consideration of the provision of adequate levels of required urban services and infrastructure such as police, fire, sanitary sewer, water, roads, storm water disposal. Policies and procedures adopted in this Chapter are intended to carry out the purposes of the North Plains Comprehensive Plan and ensure that annexation of lands to the City is done timely and orderly and consistent with the Charter which requires that, unless otherwise mandated by State law, all annexation proposals must be approved by a majority vote of the City’s citizens before the annexation becomes effective.

16.205.005 Conditions for Annexation.

The following conditions must be met prior to or concurrent with City processing of any annexation request:

A. The subject property must be located within the North Plains Urban Growth Boundary.

B. The subject property must be contiguous to the existing City limits or separated from it only by a public right of way or a stream, bay, lake or other body of water, per ORS 221.111(1).

C. Right-of-way that is not within the Urban Growth Boundary may be annexed for road reconstruction or modification or for the placement of utilities.

16.205.010 Criteria

The following criteria shall apply to all annexation requests:

A. The proposed use for the site complies with the North Plains Comprehensive Plan and with the designation(s) thereon. If a re-designation of the plan map is requested concurrent with annexation, the uses allowed under the proposed designation must comply with the Comprehensive Plan.

B. An adequate level of urban services and infrastructure must be available or made available in a specified time period determined by Council. An adequate level of service...
urban services is defined as:

1. Municipal sanitary sewer, storm drainage and water service meeting the requirements enumerated in the Comprehensive Plan for provision of those services.

2. Rights of way with adequate design capacity for the proposed use and projected future uses.

3. Where construction of improvements necessary for delivery of the urban services identified in subsection (1) above or the rights-of-way identified in subsection (2) above are not thought to be immediately necessary, the applicant shall note the methods that are proposed to be used for providing and/or financing those services/improvements including (but not limited to) dedication of right-of-way, granting waiver(s) of remonstrance against possible future local improvement districts created or other approaches/devices to pay for improvement costs.

C. Findings documenting the availability of police, fire, parks, school facilities and all related services shall be made allowing for conclusive findings either for or against the proposed annexation. The adequacy of each of these services shall be considered in relation to each annexation proposal.

D. The proposed annexation represents a logical direction for City expansion, promotes an orderly, reasonable and economically feasible expansion of the City boundaries and, in the judgement of the City, serves the present and future interests of the City.

E. The burden of providing evidence supporting the findings for Section 16.205.070 A-C is upon the applicant.

Improvements for needed infrastructure may be secured by a funding mechanism that will place the primary economic burden on the territory proposed for annexation and not on the City of North Plains generally.

16.205.015 Application Filing, Publication and Posting Deadlines.

Except as otherwise mandated by State law, annexation proposals must be approved by a majority vote of the City's citizens. For annexations subject to such voter approval, annexation elections can be scheduled on any election date set by law. An application deadline for all proposed annexations subject to voter approval is established to permit public hearings by both the Planning Commission and City Council so as to allow for meeting the election date filing deadlines. Applications for annexations subject to voter approval shall be filed with the City before the close of business on the 145th day prior to the date on which the election is scheduled. Publication, and posting deadlines for all annexations are as follows:

A. Notice of public hearing shall be published once each week for two successive weeks prior to the day of hearing before the legislative body, in a newspaper of
general circulation in the city, and shall be posted in three public places in the city for a like period.

B. For all annexations subject to voter approval, notice of Measure Election shall be published in a newspaper of general circulation as required by State Law. In addition, a map depicting the property proposed to be annexed shall be published in the County Voters' Pamphlet along with an unbiased Explanatory Statement.

C. The City shall cause the property proposed to be annexed to be posted with a minimum of one sign not greater than six square feet in size. The sign shall provide notice of the annexation election, a map of the subject property and other relevant information regarding the proposed annexation.

D. For all proposed annexations subject to voter approval, the decision to set the annexation for an election shall be at the discretion of the City Council and shall be approved by resolution. All costs associated with placing the matter on the ballot shall be paid by the applicant or owner of the property proposed to be annexed.

16.205.020 Application Requirements

A. Applications for annexation shall be made on forms provided by the City and include, at a minimum, the following material:

1. Written consent to the annexation signed by the affected property owners as required by State law.

2. Legal description of the property to be annexed and a boundary survey certified by a registered engineer or surveyor licensed in the State of Oregon.

3. Vicinity map and map of the area to be annexed including adjacent City territory.

4. General land use plan indicating types and intensities of proposed development, transportation corridors, watercourses, significant natural features, and adjoining development.

5. Payment of annexation fees, as the same are set by Council resolution.

B. In addition to the information and fees required under subsection (A) above, an applicant shall also be required to provide the following information:

1. A statement of the overall development concept and methods by which the physical site, surrounding area and community will be affected as well as proposed actions designed to mitigate negative effects from the development,
if any.

2. A statement addressing the availability, capacity and status of existing water, sanitary sewer, drainage, transportation, park and school facilities as determined and an analysis as to the anticipated increased demand for said facilities generated by the proposed development.

3. A statement analyzing anticipated additional facilities required to meet the increased demand and proposed phasing of such facilities in accordance with projected demand.

4. A statement setting out proposed method(s) and source(s) of financing required to provide the additional facilities identified in the analysis described in subsection (3) above.

5. A narrative demonstrating the need for the urban development proposed for the annexation area analyzing the following:

a. Availability within the City of undeveloped land designated for proposed urban development.

b. Analysis of immediate, short-term (1 to 5 years) demand for proposed urban development.

c. Probable phasing of proposed urban development consistent with projected demand for period in which the annexation area is expected to develop.

C. A statement addressing how the proposed annexation represents a logical direction for City expansion, promotes an orderly, reasonable and economically feasible expansion of the City boundary and serves the present and future interests of the City.

16.205.025  **Acceptance of Application: Staff Evaluation.**

A. The City Planner shall review the application in accordance with Sections 16.205.005-16.205.020 to ensure that the application complies with the conditions and criteria set out therein, is complete and that all appropriate fees have been paid.

B. After accepting a complete application, the City Planner shall prepare a report evaluating the proposal’s compliance with the Review Criteria set out in Section 16.205.030 and provide his/her recommendation thereon to the Planning Commission and schedule a hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with the Application Review section of this chapter.
16.205.030  **Review Criteria.**

Annexation shall be reviewed to assure consistency with the purposes of this Chapter, the Comprehensive Plan and other applicable policies and standards adopted by either the City and the State. In addition, a finding shall be made that the City is capable of providing services to the subject property(ies) commensurate with the needs of existing property(ies) and any proposed increases.

16.205.035  **Action By The Planning Commission.**

The Planning Commission shall conduct a public hearing consistent with the Application Review section of this chapter to evaluate the proposed annexation and determine the appropriate zoning classification that should apply upon annexation of the territory. The Planning Commission shall conduct its hearing at the next available meeting that complies with the notice requirements of Section 16.205.015.

Following the close of the public hearing, the Planning Commission shall designate the development district(s) that will apply to the area proposed to be annexed and forward that recommendation to the City Council. The Commission's recommendation shall include Findings of Fact and Conclusions of Law specifying how the proposal has or has not complied with the Application Requirements and Review Criteria. The Planning Commission shall specify such consideration as in its findings and conclusions of law.

16.205.040  **Annexation Declaration.**

A. The City Council shall by ordinance declare annexation only after determining that all State requirements have been met, all requirements of this ordinance have been met, and all applicable fees have been paid and, for all annexations subject to voter approval, that the annexation request has been approved by a majority of those voting.

B. The Ordinance declaring the annexation shall include the following language:

1. “Pursuant to ORS 199.510(c), the property is also being annexed into the boundaries of Clean Water Services for the provision of sanitary sewer, storm and surface water management.”

2. “The property is also being annexed into the boundaries of Tualatin Valley Fire & Rescue for the provision of emergency services.”

16.205.045  **Health Hazard Annexation.**

The City Council shall annex those areas constituting a health hazard in accordance with Oregon Revised Statutes, taking into consideration the ability of the City to provide
necessary services. Annexation of areas constituting a health hazard is not subject to voter approval.

16.205.050 Island Annexation.

The City shall not allow islands or enclaves of unincorporated territory surrounded by or within the city limits.

16.205.055 Coordination.

All annexation requests shall be coordinated with affected public and private agencies, including, but not limited to Washington County, Portland General Electric, Northwest Natural Gas, Hillsboro School District, Tualatin Valley Fire & Rescue, Clean Water Services and, where appropriate, state agencies. Coordination shall be made by referral of annexation request to all appropriate entities sufficiently in advance of proposed final City action to allow for review by those entities and incorporation of their recommendation(s) into the City’s records.

16.205.060 Effective Date of Zoning District Designation.

A. The decision of the City regarding establishment of the zoning district designation shall become effective upon expiration of the appeal period unless an appeal has been filed in accordance with the Application Review section of this chapter.

B. Areas annexed to the City shall be assigned City zoning designations pursuant to Section 16.010.010.

16.205.065 Action by City Council.

A. The recommendations of the Planning Commission on an annexation proposal will be set for a public hearing before the City Council pursuant to the Application Review section of his chapter. The Council shall review the Planning Commission’s recommendation(s) on all annexation proposals. For proposed annexations subject to voter approval, review by the City Council shall occur prior to the proposal(s) being referred for a vote of the electors by the Council. The Council shall refer annexation proposals only in those instances where voter approval is authorized under State law, where the annexation proposal complies with the criteria established Section 16.205.010 and where the requirements of this Chapter have otherwise been satisfied.

B. The decision of the City Council shall be supported by written Findings of Fact and Conclusions of Law, including a Finding that the proposed annexation is in the best
interests of the City and its residents considering the timing of and extent to which municipal services and infrastructure can be provided, represents a logical direction for City expansion, promotes an orderly, reasonable and economically feasible expansion of the City boundary and serves the present and future interests of the City.
Before the City Council of the City of North Plains

In the matter of an application for adoption of a Zoning and Development Code Text Amendment City of North Plains, APPLICANT

NOTICE OF DECISION-19-069 Zoning Code Text Amendment Annexations CC Hearing Date: September 3, 2019

WHEREAS, the City of North Plains initiated an update to Chapter 16.205 (Annexations) of the Zoning and Development Code; 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 July 10, 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 September 3, 2019; and

WHEREAS, the Planning Commission and City Council considered the submitted staff report and reviewed the proposed Zoning Code Text Amendment 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 City Council approved File No. 19-069 Zoning Code Text Amendment and conducted a first reading on September 3, 2019, conducted a second reading and adoption of Ordinance 464 on September 16, 2019, and made the updated Zoning Code Text Amendment effective October 16, 2019.

Now therefore, the City of North Plains Ordains as Follows:

The City Council approves the proposed Zoning Code Text Amendment, file 19-069, based on the findings and conclusions contained in the Planning Commission recommendation dated July 10, 2019, which the City Council hereby adopts as its findings, and determines to be reasonable.

This updated Zoning Code Text Amendment shall take effect pursuant to Ordinance No. 464 as signed by the Mayor of North Plains.

This decision, with associated findings, is available anytime for review at cityofnpp.org or at City Hall, 31360 NW Commercial Street, during business hours.

This decision may be appealed to the Oregon Land Use Board of Appeals within twenty-one (21) days of the date of this notice. Any party with legal standing may file an appeal. Appeals may be filed by submitting a Notice of Intent to Appeal consistent with applicable legal requirements. If you have questions about this decision, or the appeal process, please contact City Manager Andy Varner at 503-647-5555 or visit North Plains City Hall at 31360 NW Commercial Street.

Teri Lenahan
Mayor

Date

09/16/2019

2019 Zoning Code Text Amendment-Annexations- Notice of Decision
Chapter 16.205
ANNEXATIONS

16.205.000  Statement of Purpose.

The City of North Plains finds annexation is the first step to converting future urbanizable lands to urban land within the North Plains Urban Growth Boundary and Urban Planning Area and as such, it is an important part of the process of providing timely and orderly urban development. The City also recognizes that development of lands at urban densities must include the consideration of the provision of adequate levels of required urban services and infrastructure such as police, fire, sanitary sewer, water, roads, storm water disposal. Policies and procedures adopted in this Chapter are intended to carry out the purposes of the North Plains Comprehensive Plan and ensure that annexation of lands to the City is done timely and orderly and consistent with the Charter which requires that, unless otherwise mandated by State law, all annexation proposals must be approved by a majority vote of the City’s citizens before the annexation becomes effective.

16.205.005  Conditions for Annexation.

The following conditions must be met prior to or concurrent with City processing of any annexation request:

A. The subject property must be located within the North Plains Urban Growth Boundary.

B. The subject property must be contiguous to the existing City limits or separated from it only by a public right of way or a stream, bay, lake or other body of water, per ORS 221.111(1).

C. Right-of-way that is not within the Urban Growth Boundary may be annexed for road reconstruction or modification or for the placement of utilities.

16.205.010  Criteria

The following criteria shall apply to all annexation requests:

A. The proposed use for the site complies with the North Plains Comprehensive Plan and with the designation(s) thereon. If a re-designation of the plan map is requested concurrent with annexation, the uses allowed under the proposed designation must comply with the Comprehensive Plan.

B. An adequate level of urban services and infrastructure must be available or made available in a specified time period determined by Council. An adequate level of
urban services is defined as:

1. Municipal sanitary sewer, storm drainage and water service meeting the requirements enumerated in the Comprehensive Plan for provision of those services.

2. Rights of way with adequate design capacity for the proposed use and projected future uses.

3. Where construction of improvements necessary for delivery of the urban services identified in subsection (1) above or the rights-of-way identified in subsection (2) above are not thought to be immediately necessary, the applicant shall note the methods that are proposed to be used for providing and/or financing those services/improvements including (but not limited to): dedication of right-of-way, granting waiver(s) of remonstrance against possible future local improvement districts created or other approaches/devices to pay for improvement costs.

C. Findings documenting the availability of police, fire, parks, school facilities and all related services shall be made allowing for conclusive findings either for or against the proposed annexation. The adequacy of each of these services shall be considered in relation to each annexation proposal.

D. The proposed annexation represents a logical direction for City expansion, promotes an orderly, reasonable and economically feasible expansion of the City boundaries and, in the judgement of the City, serves the present and future interests of the City.

E. The burden of providing evidence supporting the findings for Section 16.205.070 A-C is upon the applicant.

Improvements for needed infrastructure may be secured by a funding mechanism that will place the primary economic burden on the territory proposed for annexation and not on the City of North Plains generally.

16.205.015 Application Filing, Publication and Posting Deadlines.

Except as otherwise mandated by State law, annexation proposals must be approved by a majority vote of the City’s citizens. For annexations subject to such voter approval, annexation elections can be scheduled on any election date set by law. An application deadline for all proposed annexations subject to voter approval is established to permit public hearings by both the Planning Commission and City Council so as to allow for meeting the election date filing deadlines. Applications for annexations subject to voter approval shall be filed with the City before the close of business on the 145th day prior to the date on which the election is scheduled. Publication, and posting deadlines for all annexations are as follows:
A. Notice of public hearing shall be published once each week for two successive weeks prior to the day of hearing before the legislative body, in a newspaper of general circulation in the city, and shall be posted in three public places in the city for a like period.

B. For all annexations subject to voter approval, notice of Measure Election shall be published in a newspaper of general circulation as required by State Law. In addition, a map depicting the property proposed to be annexed shall be published in the County Voters’ Pamphlet along with an unbiased Explanatory Statement.

C. The City shall cause the property proposed to be annexed to be posted with a minimum of one sign not greater than six square feet in size. The sign shall provide notice of the annexation election, a map of the subject property and other relevant information regarding the proposed annexation.

D. For all proposed annexations subject to voter approval, the decision to set the annexation for an election shall be at the discretion of the City Council and shall be approved by resolution. All costs associated with placing the matter on the ballot shall be paid by the applicant or owner of the property proposed to be annexed.

16.205.020  **Application Requirements**

A. Applications for annexation shall be made on forms provided by the City and include, at a minimum, the following material:

1. Written consent to the annexation signed by the affected property owners as required by State law.

2. Legal description of the property to be annexed and a boundary survey certified by a registered engineer or surveyor licensed in the State of Oregon.

3. Vicinity map and map of the area to be annexed including adjacent City territory.

4. General land use plan indicating types and intensities of proposed development, transportation corridors, watercourses, significant natural features, and adjoining development.

5. Payment of annexation fees, as the same are set by Council resolution.

B. In addition to the information and fees required under subsection (A) above, an applicant shall also be required to provide the following information:

   1. A statement of the overall development concept and methods by which the
physical site, surrounding area and community will be affected as well as proposed actions designed to mitigate negative effects from the development, if any.

2. A statement addressing the availability, capacity and status of existing water, sanitary sewer, drainage, transportation, park and school facilities as determined and an analysis as to the anticipated increased demand for said facilities generated by the proposed development.

3. A statement analyzing anticipated additional facilities required to meet the increased demand and proposed phasing of such facilities in accordance with projected demand.

4. A statement setting out proposed method(s) and source(s) of financing required to provide the additional facilities identified in the analysis described in subsection (3) above.

5. A narrative demonstrating the need for the urban development proposed for the annexation area analyzing the following:

   a. Availability within the City of undeveloped land designated for proposed urban development.

   b. Analysis of immediate, short-term (1 to 5 years) demand for proposed urban development.

   c. Probable phasing of proposed urban development consistent with projected demand for period in which the annexation area is expected to develop.

C. A statement addressing how the proposed annexation represents a logical direction for City expansion, promotes an orderly, reasonable and economically feasible expansion of the City boundary and serves the present and future interests of the City.


A. The City Planner shall review the application in accordance with Sections 16.205.005-16.205.020 to ensure that the application complies with the conditions and criteria set out therein, is complete and that all appropriate fees have been paid.

B. After accepting a complete application, the City Planner shall prepare a report evaluating the proposal's compliance with the Review Criteria set out in Section 16.205.030 and provide his/her recommendation thereon to the Planning Commission and schedule a hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with the Application Review
section of this chapter.

16.205.030  **Review Criteria.**

Annexation shall be reviewed to assure consistency with the purposes of this Chapter, the Comprehensive Plan and other applicable policies and standards adopted by either the City and the State. In addition, a finding shall be made that the City is capable of providing services to the subject property(ies) commensurate with the needs of existing property(ies) and any proposed increases.

16.205.035  **Action By The Planning Commission.**

The Planning Commission shall conduct a public hearing consistent with the Application Review section of this chapter to evaluate the proposed annexation and determine the appropriate zoning classification that should apply upon annexation of the territory. The Planning Commission shall conduct its hearing at the next available meeting that complies with the notice requirements of Section 16.205.015.

Following the close of the public hearing, the Planning Commission shall designate the development district(s) that will apply to the area proposed to be annexed and forward that recommendation to the City Council. The Commission’s recommendation shall include Findings of Fact and Conclusions of Law specifying how the proposal has or has not complied with the Application Requirements and Review Criteria. The Planning Commission shall specify such consideration as in its findings and conclusions of law.

16.205.040  **Annexation Declaration.**

A. The City Council shall by ordinance declare annexation only after determining that all State requirements have been met, all requirements of this ordinance have been met, and all applicable fees have been paid and, for all annexations subject to voter approval, that the annexation request has been approved by a majority of those voting.

B. The Ordinance declaring the annexation shall include the following language:

1. “Pursuant to ORS 199.510(c), the property is also being annexed into the boundaries of Clean Water Services for the provision of sanitary sewer, storm and surface water management.”

2. “The property is also being annexed into the boundaries of Tualatin Valley Fire & Rescue for the provision of emergency services.”

16.205.045  **Health Hazard Annexation.**
The City Council shall annex those areas constituting a health hazard in accordance with Oregon Revised Statutes, taking into consideration the ability of the City to provide necessary services. Annexation of areas constituting a health hazard is not subject to voter approval.

16.205.050  **Island Annexation.**

The City shall not allow islands or enclaves of unincorporated territory surrounded by or within the city limits.

16.205.055  **Coordination.**

All annexation requests shall be coordinated with affected public and private agencies, including, but not limited to Washington County, Portland General Electric, Northwest Natural Gas, Hillsboro School District, Tualatin Valley Fire & Rescue, Clean Water Services and, where appropriate, state agencies. Coordination shall be made by referral of annexation request to all appropriate entities sufficiently in advance of proposed final City action to allow for review by those entities and incorporation of their recommendation(s) into the City’s records.

16.205.060  **Effective Date of Zoning District Designation.**

A. The decision of the City regarding establishment of the zoning district designation shall become effective upon expiration of the appeal period unless an appeal has been filed in accordance with the Application Review section of this chapter.

B. Properties annexed to the City shall be assigned City zoning designations pursuant to Section 16.010.010.

16.205.065  **Action by City Council.**

A. The recommendations of the Planning Commission on an annexation proposal will be set for a public hearing before the City Council pursuant to the Application Review section of this chapter. The Council shall review the Planning Commission’s recommendation(s) on all annexation proposals. For proposed annexations subject to voter approval, review by the City Council shall occur prior to the proposal(s) being referred for a vote of the electors by the Council. The Council shall refer annexation proposals only in those instances where voter approval is authorized under State law, where the annexation proposal complies with the criteria established Section 16.205.010 and where the requirements of this Chapter have otherwise been satisfied.
B. The decision of the City Council shall be supported by written Findings of Fact and Conclusions of Law, including a Finding that the proposed annexation is in the best interests of the City and its residents considering the timing of and extent to which municipal services and infrastructure can be provided, represents a logical direction for City expansion, promotes an orderly, reasonable and economically feasible expansion of the City boundary and serves the present and future interests of the City.