City of North Plains Planning Commission

Administrative Review

Subject: Verboort Gordon Road Minor Land Partition
From: Heather Austin, AICP, Consulting Land Use Planner

City Staff Report
July 20, 2015

City File: #15-037

Application Purpose: An application for approval of a two-parcel minor land partition. The existing home will be retained on one of the parcels.

Public Hearing Date: July 27, 2015

Applicant/Property Owner: Laurie Verboort
11440 NW Gordon Road
North Plains, OR 97133

Site Location: 11440 NW Gordon Road

Tax Lot: 1N301BC00202

Size: 2.35 acres

City Land Use Classification: R-2.5 (High Density Residential)

Pre-Application Meeting Date: None
Application Submitted: May 14, 2015
Application Deemed Complete: June 16, 2015
Public Notice mailed: June 16, 2015
Public Notice Published: July 8, 2015
120-Day Deadline: October 14, 2015

Exhibits
1. Applicant’s submitted materials

Request

The Applicant requests approval to amend the previous approval of a minor land partition to divide a 2.35 acre site into two parcels, to now partition the property into three parcels.
This request is subject to a Type I Administrative review process.

**Summary Conclusions**

The City accepts many of the Applicant’s findings. Areas where information was missing from the Applicant’s submittal or inconsistent with code criteria have been addressed with a recommended condition of approval of the partition application.

**SITE DESCRIPTION**

This property is on the southeast corner of NW North Avenue and NW Gordon Road. The project site is 2.35 acres and is located within the City of North Plains. The property is zoned R-2.5 for high-density residential development is developed with one single-family detached home that was constructed in 1935 and will be retained.

This lot was created by Deed Number 79-035006, recorded on August 28, 1979, prior to current land partition laws in Washington County or North Plains. Laurie Verboort has demonstrated ownership of this parcel.

The site is within the City of North Plains but adjacent to the City Limits and Urban Growth Boundary (UGB). Adjacent land to the south and east is within the City and zoned R-2.5 and adjacent land to the west and north is outside of the City limits and UGB.

**Compliance with City of North Plains Municipal Code**

**ZONES**

16.30 ZONING DISTRICT R-2.5

16.30.005 Permitted Uses

Permitted uses are subject to the requirements of the Design Review section of this chapter, if applicable. Refer to Zoning Code Use Table.

L. Residential Homes

**Finding:** This application is for partition of residential property for one additional home on Parcel 2 and eventual redevelopment adjacent to NW Wascoe Street on Parcel 3. There is one existing residential home on the site. The use is permitted on this site.

16.30.015 Dimensional Standards

The following dimensional standards shall be the minimum requirements for all development in the R-2.5 District except for modifications permitted under Lot, Building, & Yard Exceptions or Planned Unit Development sections of this chapter. In addition, a minor adjustment of up to 10% of the required setback, area, lot size, lot depth or lot width may be granted by the City pursuant to Variance section of this chapter provided the adjustment complies with administrative variance review criteria.

A. Lot/Parcel Size
   - Lots created by subdivision: 6,000 square feet maximum lot size per dwelling unit
   - Single-family dwelling: 2,500 square feet minimum

B. Lot/Parcel Depth and Width
• No minimum lot width or depth

**Finding:** All three of the proposed parcels meet the 2,500 square foot minimum requirement. As this is a partition and not a subdivision, the maximum lot size is not applicable. This standard is met.

C. Setback Requirements
Principle structures, accessory dwellings and accessory structures with a floor area greater than 200 square feet shall maintain the following minimum setbacks except that development on flag lots shall be subject to the setback standards for Flag Lots.

D. Front Yard:
- For all structures: 10 feet
- Garage: 20 feet
Garages, carports, accessory dwellings and accessory structures shall be flush with, or recessed behind, the front building elevation of the principle structure.

E. Rear Yard:
- Street-access lots: 10 feet
- Alley-access lots: 6 feet
- Accessory structures and accessory dwellings: 5 feet

F. Side Yard:
- Side yards should be established to create separation between structures and meet fire codes and provide space for pervious surface area
- Single family dwellings created by subdivision must have at least one side yard
- Adjacent to street- 10 feet plus additional necessary to comply with the standards of Clear Vision Areas section of this chapter.
- Accessory Structures and Accessory Dwellings- 5 foot adjacent to street setback, except as provided for in the Accessory Use, Structures and Dwellings section of this chapter.

**Finding:** The submitted plans show all parts of the existing home 89 feet from Gordon Road and 139 feet from North Avenue, exceeding the front setback of 10 feet and front garage setback of 20 feet. The Rear and side yards from the existing home and all accessory structures to the new property line are proposed at 10 feet, meeting the requirements of this Code. Any new homes constructed on the second or third parcels will be required to meet all applicable setbacks.

**Recommended condition:** Prior to issuance of building permits, review structure placement for compliance with sections 16.30.015.D-F.

**Finding:** Sheet P04 - Preliminary Building Setback Plan illustrates proposed setbacks for all lots. The proposed setbacks were compared with the minimum requirements for the zone. All proposed lots show a minimum rear yard setback of 10 feet. All proposed lots show two side yards and all street side yards are a minimum of 10 feet. Therefore, the proposed preliminary plat meets the standards of 16.30.015.E and 16.30.015.F.

G. Flag lots approved:
• 10 feet for all yards, except for the yard facing a garage.
• The yard facing the garage shall be a minimum of 20 feet.

H. Height of Buildings:
Buildings shall not exceed a height of 35 feet or two and a half stories, whichever is less. Accessory dwellings (excluding accessory structures) shall not exceed 25 feet in height.

Finding: No flag lots are proposed as part of this application. The height of the existing home does not exceed 35 feet and the height of the future home is not indicated on the plans; however, compliance with this criterion can be verified at time of building permit submittal. Therefore, subsection 16.30.015.G is not applicable and the proposed preliminary plat can be conditioned to meet the standards of 16.30.015.H.

Recommended condition: Prior to issuance of building permits, review structure height for compliance with section 16.30.015.H, ensuring that the building height does not exceed 35 feet or two and a half stories, whichever is less.

I. Lot/Parcel Coverage
In the R-2.5 District, the maximum lot coverage for impervious surfaces shall not exceed 65%.

Finding: Parcel coverage is not specifically addressed in the Applicant’s submittal; however, the existing home occupies far less than 50% of the parcel on which it will sit. Compliance with this criterion for the new home can be verified at time of building permit submittal. Therefore, the proposed preliminary plat can be conditioned to meet the standards of 16.30.015.I.

Recommended condition: Prior to issuance of building permits, review lot coverage for compliance with section 16.30.015.I, ensuring that the maximum lot coverage for impervious surfaces does not exceed 65%.

16.30.025 Development Standards
The following standards will be applied to all single family dwellings (site-build, modular and manufactured homes) to be constructed or located in the City of North Plains:

A. All units shall utilize at least two of the following design features to provide visual relief along the front of the home:
   1. Dormers;
   2. Gables;
   3. Recessed entries;
   4. Covered porch entries;
   5. Cupolas;
   6. Pillars or posts;
   7. Bay or bow windows;
   8. Eaves (minimum 6” projection)
   9. Offsets on building face or roof (minimum 16”);

All manufactured homes shall also comply with the requirements of the Manufactured Homes section of this chapter.

Finding: The existing home is well built with many of the listed design elements, including dormers, gables, covered porch entries, pillars and eaves. Building elevations
are not included for any new homes as construction is not planned at this time. However, compliance with this criterion can be verified at time of building permit submittal. Therefore, the proposed preliminary plat can be conditioned to meet the standards of 16.30.025.

**Recommended condition:** Prior to issuance of building permits, review the front building elevations of any single-family residences for compliance with section 16.30.025, ensuring that at least two of the required design features are provided.

**LAND DIVISION**

**Chapter 16.130 LAND PARTITIONING**

**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.

**Finding:** This narrative addresses all applicable standards. Compliance with all criteria is either demonstrated or conditioned, as necessary. This standard is met.

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

**Finding:** A master plan has not been submitted even though both parcels are sized in a way that they could be redeveloped in the R-2.5 zone. While the City understands the Applicant wants to build one additional home on the site, a master plan for development should the property be sold in the future can be submitted prior to plat recordation, as conditioned below.

**Recommended condition:** Prior to recording the final plat, submit a master plan for development which shows the development potential for both parcels in the R-2.5 zone. This master plan should show the total number of lots possible from each parcel as well as access/circulation/connectivity. This master plan shall be included in the official record of this land use decision.

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

**Finding:** The approval of this partition shall be 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.

**Finding:** The City will not accept a partition application on this parcel within the same year that this partition is recorded.

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.

**Finding:** All of the proposed parcels have adequate access to both NW North Avenue, NW
Gordon Road and the recently created NW Wascoe Street. No public road is proposed at this time. However, potential future division of any parcel would be reviewed as a Type III Quasi-Judicial Permit by the Planning Commission. Furthermore, the previous 2-parcel version of this application had been reviewed and approved by the Planning Commission.

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

**Finding:** The public hearing that was scheduled and held on July 27, 2015 was noticed in accordance with the Public Notice Requirements in this chapter.

G. Approval of a Tentative Map for a partition is valid for one (1) year after the date of the written decision. A final plat map for a partition shall be approved and recorded within this one (1) 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.

**Finding:** The Applicant will be required to record the plat within one (1) year of tentative partition approval or request an extension of the approval.

**Recommended condition:** The partition plat shall be recorded within one (1) year of approval of the tentative partition plat, unless the Applicant applies for an extension per the standards of this code.

16.130.016 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.

STANDARDS FOR DEVELOPMENT

16.145 PUBLIC FACILITY AND SERVICE REQUIREMENTS

16.145.005 Application of Public Facility Standards
The provisions of Chapter 16.145 Public Facility and Service Requirements shall apply to development within the City of North Plains as listed in the following table. No development permit shall be approved unless the following required improvements are provided to City standards prior to occupancy or operation unless an exception is approved by the City Council per Chapter 16.145.020 or future provision of the improvement is assured per Chapter 16.145.030.

**Finding:** The partition of this property into three parcels will require application of public facility standards, as detailed in the subsections of 16.145, below.

16.145.010 Public Facility Standards
The following public facility standards shall be applicable to all development as specified in the Application Review section of this chapter.

A. Streets: Street improvements required by Chapter 16.145.005 Public Facility & Service Standards shall be provided in compliance with Street Standards of this ordinance.

**Finding:** Streets are discussed in detail in Section 16.150, further in this report.
B. Storm Drainage: No development permit shall be approved for any property until the City Engineer 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.

**Finding:** All storm drainage from this site is currently infiltrated on-site and/or conveyed via ditch along NW Gordon Road. Storm drainage for any construction on the second parcel will be required to obtain Clean Water Services approval, as conditioned below.

**Recommended condition:** Prior to issuance of building permits, obtain Clean Water Services approval of storm drainage for any new construction.

C. Sewage Disposal: No development permit shall be approved until the City Engineer and Clean Water Services has reviewed and approved provisions for connection to the public sewer system.

**Finding:** The existing home is served by a septic system that is located on the other proposed parcel. Adequate easements are required to ensure proper use and maintenance of the septic drainage field. Future construction on the second and third parcel will require connection to public sewer once available at the time of development or a new septic system permit if public sewer is not available.

**Recommended condition:** Prior to recording the final plat, submit documentation of easements adequate to allow the owner of the parcel with the existing home to access the septic system on the other parcel. Obtain the City’s approval of this documentation prior to plat recording.

**Recommended condition:** Prior to issuance of building permits, obtain City approval to connect to the public sewer system or obtain a permit to construct a new septic system to serve the site, if public sewer is not available.

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 Engineer; or
2. Improved to a standard providing adequate potable water flows pursuant to the City Water Master Plan and approved by the City Engineer and the Fire Chief for Washington County Fire District No. 2.

**Finding:** The existing home is on a well. Public water may be extended to serve the site prior to any new home construction. The new home will be required to connect to public water if available at time of construction, or obtain a well permit, as conditioned below.

**Recommended condition:** Prior to issuance of building permits, obtain City approval to
connect to the public water system or obtain a permit to construct a new well to serve the site if public water is not available.

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 is required. 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.

Finding: If any public improvements are required, the City will require a legal and enforceable document, contract or process to ensure public improvement completion. This generally occurs prior to issuance of building permits.

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.

Finding: The applicant is required to obtain permits from the City of North Plains or Washington County, as applicable, for any work performed in the right of way.

16.150 STREET STANDARDS

16.150.010 General Provisions
The following general provisions shall apply to the dedication, construction, improvement or other development of all public streets in the City of North Plains:
A. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets.
B. Development proposals shall provide for the continuation of existing principal streets where necessary to promote appropriate traffic circulation in the vicinity of the development.
C. Reserve strips: Reserve strips or street plugs controlling the access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights, and in these cases they may be required. The control and disposal of the land composing such strips shall be placed within the jurisdiction of the City under conditions approved by the Planning Commission.

Finding: This site is adjacent to fully connected streets. No additional continuation of public right-of-way is necessary adjacent to this site. No reserve strips are proposed. These standards are met.
D. Alignment: All streets other than minor streets or cul-de-sacs, as far as practical, shall be in alignment with existing streets by continuation of the center lines thereof. The staggering of street alignments resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 100 feet.

E. Future extension of streets: Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of a tract being developed and the resulting dead-end streets may be approved without turnarounds. Reserve strips and street plugs may be required to preserve the objectives of street extensions.

F. Intersection angles: Streets shall be laid out to intersect at angles as near to right angles as practical, except where topography requires lesser angle, but in no case shall the acute angle be less than 80 degrees unless there is a special intersection design. An arterial or collector street intersecting with another street shall have at least 100 feet of centerline tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Intersections which contain an acute angle of less than 80 degrees or which include an arterial or collector street shall have a minimum corner radius sufficient to allow for a roadway radius of 20 feet and maintain a uniform width between the roadway and the right-of-way line. All other intersections shall have a minimum corner radius sufficient to allow for a roadway radius of 10 feet and maintain a uniform width between the roadway and the right-of-way line. Ordinarily, the intersection of more than two streets at any one point will not be approved.

Finding: Subsections D., E. and F., above, apply to developments proposing or required to construct new streets. These standards are not applicable as no new streets are proposed or necessary to serve this development.

G. Existing streets: Whenever existing public streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision or development.

Finding: All existing streets are of adequate width.

H. Cul-de-sacs: Cul-de-sacs shall be as short as possible, and shall have maximum lengths of 600 feet and shall not serve more than 20 dwelling units. All cul-de-sacs shall terminate with circular turnarounds. Commercial and industrial cul-de-sacs shall have a minimum 55’ bulb radius. Additional cul-de-sac specifications, including specifications for residential cul-de-sacs, are contained within the most recently adopted public works/street standards of the City of North Plains and/or Washington County development standards.

I. Street names: No street names shall be used which will duplicate or be confused with the names of existing streets, except for extensions of existing streets. Street names and number shall conform to the established pattern in the City and shall be subject to the approval of the Planning Commission.

J. Grades and curves: Grades shall not exceed 6 percent on arterials, 10 percent on collector streets or 12 percent on any other street. Center line radii of curves shall not be less than 300 feet on arterials, 200 feet on collectors or 100 feet on other streets, and shall be to an even 10 feet. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable sites, the Planning Commission may accept steeper grades and sharper curves. In flat areas, allowance shall be made for finished street grades having a minimum slope of 0.5 percent.
Finding: Subsections H., I. and J. above apply to developments proposing new streets and are therefore not applicable.

K. Marginal access streets: If a development abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

Finding: NW Gordon Road and NW North Avenue are both classified as collector streets, Future NW Wascoe Street will be classified as a local street. There are no arterials adjacent to this site and, as such, this standard is not applicable.

L. Alleys: Alleys shall be provided in commercial and industrial districts unless other permanent provisions for access to off-street parking and loading facilities are made as approved by the Planning Commission. While alley intersections and sharp changes in alignment shall be avoided, the corners of necessary alley intersections shall have radii of not less than 10 feet.

Finding: This site is not in commercial or industrial districts and, therefore, alleys are not required.

M. Sidewalks shall be a minimum of five feet in width. Curbs and sidewalks shall be required along both sides of all public streets. All new development upon lots, tracts or parcels of land adjacent to a public street will be required to construct curbs and sidewalks.

Finding: This site is adjacent to both Gordon Road and North Avenue. Sidewalks are specifically discussed for these street frontages in section 16.31.070 below.

N. Street trees, where provided, shall not be of a species which has a shallow spreading root system which is likely to disturb sidewalk or street improvements.

Finding: Street trees are present along the right-of-way on the north side of the property. These trees are well established and are not of a species with a shallow spreading root system. This standard is met.

O. Access Spacing Standards shall, to the greatest extent possible, comply with Washington County’s standards and the most recently adopted public works/street standards of the City of North Plains. Washington County’s access spacing standards by street functional classification are as follows:

Major Arterial: 1,000 feet
Minor Arterial: 600 feet
Major Collector: 150 feet
Minor Collector: 50 feet
Local Street: 10 feet

Finding: The existing home takes access from NW Gordon Road, approximately 139 feet from the intersection with NW North Avenue, exceeding the minor collector standard. The access of the development on the other parcel will be required to meet all access spacing standards, as conditioned
Recommended condition: Prior to issuance of building permits, demonstrate compliance with access spacing standards found in Section 16.150.010.O of the North Plains Development Code.

16.150.115 General Right-of-Way and Improvement Widths
Construction specifications for all street and right-of-way improvement widths shall comply with the criteria of the most recently adopted public works/street standards of the City of North Plains, the North Plains Transportation System Plan, and/or Washington County standards. These standards shall be the minimum requirements for all streets, except where modifications are permitted under this chapter or the Street Standard adopted by the City Council of North Plains, whichever is less restrictive. Refer to Figures 5-2A-5-2P in the Transportation System Plan for detailed diagrams depicting street right-of-way, improved, and roadway width requirements.

16.150.025 Construction Specifications
Construction specifications for all public improvements shall comply with the criteria of the most recently adopted public works/street standards of the City of North Plains.

Finding: Ultimate width right of way widths exist for both NW Gordon Road and NW North Avenue. NW Wascoe Street to the south is currently under construction, but not yet dedicated. Future development on parcel 3 will require an 8’ right of way dedication to allow room for a 5’ wide detached sidewalk. This standard is met as conditioned below.

Recommended condition: Prior to issuance of building permits or subsequent plat recording on parcel 3, dedicate 8’ of right of way to complete the ultimate right of way width of 52’ for NW Wascoe Street.

16.31.070 Bikeways and Sidewalks Required on Arterials and Collectors

A. Glencoe Road: Include bicycle lanes and sidewalks on both sides of the road. This would provide connectivity to the existing sidewalks and future growth to the east of Glencoe Road.
B. Commercial Street: Include bicycle lanes and sidewalks on both sides of the road.
A detailed plan should be developed to make sure these facilities coexist with parking demand in the downtown area.
C. North Avenue: On the near term a sidewalk should be constructed on the south side of North Avenue to connect the existing sidewalk to Gordon Road. Sidewalks should also be added on the south side of North Avenue between NW 309th Avenue and Glencoe Road. These improvements would complete a system of sidewalks on North Avenue in addition to providing connectivity to the adjacent street system. In the Long term sidewalks should be added to the north side of North Avenue also.
D. Gordon Road: Provide sidewalk on the east side. This improvement will facilitate a connection to the future extension of sidewalk on the south side of North Avenue and to sidewalks along Commercial Street.

Finding: The proposed partition abuts both North Avenue and Gordon Road. However, partition of the property into two parcels is not proportional to construction of sidewalk for the length of street frontage. To address this code requirement, the City will require a waiver of remonstrance against a future Local Improvement District (LID) for construction of sidewalks along the Gordon and North frontages, as conditioned below.
**Recommended condition:** Prior to recording the final plat, submit to the City a signed waiver of remonstrance against future creation of a Local Improvement District for the construction of sidewalks on Gordon Road and North Avenue.

**16.155 Off Street Parking and Loading**

**Finding:** Section 16.155.015 requires two parking spaces per detached single family dwelling. The parcels resulting from this minor land partition will include ample space for off-street parking, exceeding this standard.

**16.160 Clear Vision Areas**

**16.160.000 Requirements**

Except in the C-1 zone, a clear vision area shall be maintained on the corners of all property adjacent to the intersection of two streets, a street and a railroad, or a driveway providing vehicular access to a public street, including alleys.

A. Lots or parcels on street corners (public and/or private) shall maintain a sight triangle with no sight obstruction between three (3) feet and ten (10) feet in height as measured from street grade. Sight obstructions include, but are not limited to, fences, vegetation, berms, signs and structures. The sight triangle shall be measured from the street corner (apex), to a distance of twenty (20) feet along each street side (see Figure 1). For the purpose of this Section, a street corner is defined as that point where the extended edges of the road surface of two intersecting streets meet. The City may require additional vision clearance based on a hazard identified by the City. However, tree trunks and sign poles not exceeding 12 inches in diameter may be located within the vision clearance area, provided the diameter does not exceed 24 inches.

B. A private access shall be treated as a public street for the purpose of this section. The vision clearance area shall be determined in the manner set forth from in Chapter 16.160.000.010(A). The edge of the paved surface area of the private access, be it roadway, curb or sidewalk, shall be treated as the right-of-way line in determining the vision clearance area.

**Finding:** No construction on residential lots or parcels that would create any sight obstruction is proposed with this application. Compliance with 16.160.000 will be addressed through subsequent construction plans.

**16.170 Application Requirements and Review Procedures**

Administrative, Limited Land Use, Quasi-Judicial & Legislative Decisions

**16.170.000 General Provisions**

C. Type III Quasi-Judicial Permits by Planning Commission

8. Minor Land Partition Permit
**Finding:** This application is classified as Type III because it is for a minor land partition permit.

16.170.001 Pre-application Conference

A pre-application conference is required for Type II, III and IV permits. The applicant shall file the appropriate application, pay the review fee and meet with the City Planner, other city staff and affected agencies. At the conference the City Planner shall identify the relevant comprehensive plan policies, map designations, zone and development standards and procedural requirements applicable to the application. The planner and affected agencies shall provide technical data and identify opportunities or constraints concerning the application.

Failure of the City to provide any information required by this section does not constitute a waiver of any of the standards, criteria or requirements for the application. Due to possible changes in federal, state, regional and local law, the applicant is responsible for assuring the application complies with all applicable laws on the day the application is deemed complete.

**Finding:** The City found that a minor partition of this lot did not require a pre-application meeting.

16.170.002 Neighborhood Meeting

Applicants or their representatives are encouraged to meet with adjacent property owners and neighborhood representatives prior to submitting an application to the City in order to solicit input and exchange information about the proposed development. The applicant for a Type III application is encouraged to hold a neighborhood meeting with a recognized neighborhood or community organization. If no organization exists, then the applicant is encouraged to hold a meeting with adjacent property owners within a radius of 250 feet who will receive public notice.

**Finding:** The Applicant did not provide evidence of a neighborhood meeting regarding this development. Because a neighborhood meeting is encouraged but not required, this standard is met.

16.170.012 Type III Quasi-Judicial Decisions by the Planning Decision

A. Pre-application conference. A pre-application conference is required for all Type III quasi-judicial applications under this Section. The requirements and procedures for a pre-application conference are described in Chapter 16.170.001.

**Finding:** The City found that a minor partition of this lot did not require a pre-application meeting.

B. Application Requirements.

1. Application form. A quasi-judicial application shall be made on forms provided by the City Planner or designee. The application shall include the property owner’s signature of consent. Entities with condemnation authority are not required to provide a consent signature.
2. Submittal Information. When a quasi-judicial application is required, it shall include:

a. The information requested on the application form;
b. One copy of a narrative statement that explains how the application satisfies each of the relevant criteria and standards insufficient detail for review and decision-making.
c. The required fee pursuant to Chapter 16.00.070; and
d. One set of pre-stamped and pre-addressed envelopes for all real property owners of record who will receive a notice of the application within 250 feet. The records of the Washington County Assessor’s office are the official records for determining ownership. The applicant shall produce the notice list. At the applicant’s request, and upon payment of a fee noted on the City’s fee list, the City may prepare the public notice mailing list. The City or the applicant shall use the most current County real property assessment records to produce the notice list. The City shall mail the notice of application.

Finding: The applicant has met the requirements of 16.170.020 and was deemed to have submitted a complete application on June 16, 2015.

CONCLUSIONS

The Planning Commission is considering approval of the Minor Land Partition Request for the Verboort property on Gordon Road.

Staff recommends approval of the application with conditions of approval outlined below.

CONDITIONS OF APPROVAL

Prior to Final Plat approval, the Applicant shall:

1. Submit a master plan for development which shows the development potential for both parcels in the R-2.5 zone. This master plan should show the total number of lots possible from each parcel as well as access/circulation/connectivity. This master plan shall be included in the official record of this land use decision.

2. Submit documentation of easements adequate to allow the owner of the parcel with the existing home to access the septic system on the other parcel. Obtain the City’s approval of this documentation prior to plat recording.

3. Submit for review and approval a partition plat consistent with the proposed plans, but revised to show an 8-foot Public Utility Easement (PUE) along the frontage of both NW North Avenue and NW Gordon Road.

4. Submit to the City a signed waiver of remonstrance against future creation of a Local Improvement District for the construction of sidewalks on Gordon Road and North Avenue.

5. Obtain approval of the Public Improvement Plans and construct all public improvements or adequately guarantee completion of public improvements consistent with Development Code Section 16.145.120.
Prior to Issuance of Building Permits, the Applicant shall:

1. Submit building permit applications which identify:
   A. Structure placement in compliance with sections 16.30.015.D-F, structure height in compliance with section 16.30.015.H, ensuring that the building height does not exceed 35 feet or two and a half stories, whichever is less.
   B. Lot coverage in compliance with section 16.30.015.I, ensuring that the maximum lot coverage for impervious surfaces does not exceed 65%.
   C. The front building elevations of any single-family residences in compliance with section 16.30.025, ensuring that at least two of the required design features are provided.
   D. Compliance with access spacing standards found in Section 16.150.010.O of the North Plains Development Code.

2. Obtain Clean Water Services approval of storm drainage for any new construction.

3. Obtain City approval to connect to the public sewer system or obtain a permit to construct a new septic system to serve the site, if public sewer is not available.

4. Obtain City approval to connect to the public water system or obtain a permit to construct a new well to serve the site, if public water is not available.

5. Prior to issuance of building permits or subsequent plat recording on parcel 3, dedicate 8’ of right of way to complete the ultimate right of way width of 52’ for NW Wascoe Street.

Ongoing Conditions:

1. An 8’ public utility easement should be located across all lot and tract frontages adjacent to public right-of-way.

2. Applicant shall comply with Washington County Fire District No. 2 regarding hydrant locations and other district requirements.

3. Applicant shall comply with the development standards of the City Zoning and Development Code Chapter 16.30 R-2.5 High-Density Residential.


5. All conditions of approval must be completed within one year of the date of this approval or the approval is void, unless specifically modified by an approved phased construction schedule, approval of an extension, or unless the applicant/owners provides assurances otherwise.

6. Prior to obtaining approval to begin construction of any public improvements, the applicant/owner shall provide a performance bond to the City in the amount of 125% of the total cost of such construction. Upon completion of all public improvements, the applicant/owner shall provide a maintenance bond to the City,
in the amount of 40% of the total cost of such construction, guaranteeing said improvements for a period of one (1) year following City acceptance of said improvements. Comply with the recommended conditions of the Public Works Director.

7. Street lights on city local streets shall be installed as per IES standards and the PGE “Acorn” fixture. The developer is to contact PGE outdoor Lighting services 503-844-5361.

8. All utilities shall be constructed underground.

9. The applicant/owners shall have a licensed land surveyor prepare a Final Plat of the proposed partition and submit it to the City for City approval, and then record it with the Washington County Surveyor’s Office and County Clerk’s Office. The applicant/owners shall then send a copy of the recorded Plat to the City Recorder.

10. The applicant/owners agree to waive their right to remonstrate against the formation of a local improvement district or other mechanism to construct future improvements to the streets, storm water, water and sewer systems that may be assessed against the subject property.

11. Prior to City approval of the final partition plat for the subject property, the applicant/owners shall sign and record a Development Agreement with the City, covering all of the conditions of approval and pay all fees.

12. The applicant shall be responsible for reimbursing the City for the reasonable costs associated with inspection of public works improvements.

13. It shall be the responsibility of the Developer or his representative to coordinate all design requirements with the appropriate agencies and utilities. In addition to the City of North Plains, Clean Water Services (CWS) must review and approve the proposed sanitary sewer /storm water sewer improvements. Also, the Fire District must review and approve the site plan for emergency access vehicles. Approval must be obtained in written form and any coordination work with all agencies shall be the Developers sole responsibility. Documentation of all written approvals and permits from affected agencies should be provided to the City for their records.

14. Approved plans do not guarantee the adequacy of the design, or guarantee that there will not be any design conflicts during construction. The design engineer should be notified of any design conflicts that are noted during construction and he/she should then immediately notify the City of North Plains. Modifications to the design must be approved by the City of North Plains and the appropriate Agency prior to continuing with any relevant construction activities.
15. After Planning Commission review the Applicant must submit separate construction plans that meet all Conditions of Approval, City of North Plains Public Works Design Standards, 1990 APWA Standard Specifications for Public Works Construction with August 1996 revisions, and Clean Water Services to the City for review and approval. Prior to the start of construction the plans must be approved by the City and all City and Agency permits must be obtained.
PARTITION PLAT NO. _____________
RECORDED AS DOCUMENT NO._____________________________

S C A L E - 1 " = 50 '

PARTITION PLAT OF A PORTION OF LOT 19, BLOCK 3 OF "NORTH PLAINS" LOCATED IN THE NORTHWEST ONE-QUARTER OF SECTION 1, TOWNSHIP 1 NORTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, IN THE CITY OF NORTH PLAINS, WASHINGTON COUNTY, OREGON

DATE: APRIL, 2016
PIONEER DESIGN GROUP PROJECT NO. 152-004
SHEET 1 OF 2

NARRATIVE:
THE PURPOSE OF THIS SURVEY IS TO LOCATE THE BOUNDARY OF THE TRACT DESCRIBED IN DOCUMENT NO. 2003-074766 AND TO PARTITION THIS TRACT AS SHOWN HEREON.

THE BASIS OF BEARINGS FOR THIS SURVEY IS NORTH 14°30'24" EAST PER SURVEY NO. 30473 (WASHINGTON COUNTY SURVEY RECORDS) ALONG THE EAST RIGHT-OF-WAY LINE OF NW GORDON ROAD. THIS LINE WAS ESTABLISHED HOLDING A 5/8" IRON ROD SET IN SAID SURVEY MARKING THE SOUTHWEST CORNER OF LOT 17, BLOCK 1 OF "NORTH PLAINS", AND THE 5/8" IRON ROD SET IN "SUNSET TERRACE" MARKING THE NORTHWEST CORNER OF SAID PLAT AND THE SOUTHWEST CORNER OF LOT 19, SAID BLOCK AND PLAT. THESE MONUMENTS WERE ALSO HELD TO ESTABLISH SAID EAST RIGHT-OF-WAY LINE.

THE SOUTH LINE OF DOCUMENT NO. 2003-074766 AND SOUTH LINE OF SAID LOT 19 WERE ESTABLISHED HOLDING SAID IRON ROD SET IN "SUNSET TERRACE" AND THE 5/8" IRON ROD SET IN SN 25,550 MARKING THE SOUTHEAST CORNER OF SAID LOT 19 IN ACCORDANCE WITH THE ADJACENT PLAT OF "SUNSET TERRACE".

THE SOUTH RIGHT-OF-WAY LINE OF NW NORTH AVENUE WAS ESTABLISHED HOLDING THE 3-1/4" ALUMINUM DISK MARKING THE CORNER COMMON TO DLC 81 AND 73, AND THE 5/8" IRON ROD SET IN SAID PLAT OF "NORTH PLAINS" SHOWN ON THE WESTERLY EXTENSION OF SAID SOUTH RIGHT-OF-WAY LINE NEAR THE CENTERLINE OF NW GORDON ROAD.

THE EAST LINE OF SAID DOCUMENT NO. 2003-074766 WAS ESTABLISHED HOLDING THE IRON RODS SET IN SN 25,550 MARKING THIS LINE.

PLAT NOTES:
1. THIS PARTITION PLAT IS SUBJECT TO CONDITIONS IMPOSED BY THE CITY OF NORTH PLAINS IN DOCUMENT NO. 15-037 MLP.
2. THIS PARTITION PLAT IS SUBJECT TO VEHICLE ACCESS RESTRICTIONS RECORDED IN DOCUMENT NO. 2016- _______ .
3. PARCEL 2 IS SUBJECT TO A PRIVATE SEPTIC SYSTEM EASEMENT OVER ITS ENTIRETY FOR PARCEL 1. THIS EASEMENT WILL AUTOMATICALLY EXTINGUISH WHEN THE EXISTING HOME ON PARCEL 1 IS CONNECTED TO A PUBLIC SANITARY SEWER SYSTEM.