

General Plan Amendment

Proposal for 540 West 4300 North

December 10, 2024



Background

- Property owner concept for 5-acre lots; Road Master Plan not addressed
- Issue of “rough proportionality” – Legal test to match impacts of the development with required public improvements
 - An exaction must be compared against the impact created by the development and if there is an increased need for public services caused by this (US Supreme Court Cases: Dolan v. City of Tigard 1994 & Nollan v. California Coastal Commission 1987)
- Option for road exaction through increase in density
- General Plan inconsistency with density and road plan requires an amendment

Stages of Planning

General Plan

- Goals for future development – i.e. levels of density, future needs, built-out growth, etc.
- Transportation planning
- Public services and facilities
- Water use and preservation
- Sensitive lands
- Moderate-income housing plan
- Economic development
- General in nature
- Non-binding

Zoning

- Implements the General Plan at parcel specific level
- Permitted and conditional land uses (building heights, densities, setbacks, etc.)
- Enforced through zoning ordinances specific to intended uses and densities and zoning maps
- Legally binding

Subdivision

- Legal division and definition of land
- Plat map recorded
- Infrastructure installation
- Vesting of rights within zoning ordinances
- Evaluation of land-specific soils, grading, environmental factors
- Utility connections
- Legal exactions occur

Site Plan

- Design/layout of a specific project, building placement, parking, landscaping, utilities.
- Review for compliance with zoning, subdivision rules, & city standards
- Often prerequisite to obtaining building permits

Building Permit

- Official approval to begin construction, ensuring compliance with building codes, safety standards, and site plan requirements.
- Required for new structures, additions, or significant renovations. Includes inspections throughout the construction process
- Must meet Building/Fire Codes

Master Road Plan

- Coordination of transportation system
- Future land use planning
- Fire accesses and enhanced safety for existing and future developments
- Consideration of traffic flow and ways to avoid bottlenecks, congestion, and travel inefficiencies
- Supports cohesive design, maintenance and access
- Utility corridors



Proposal

- General Plan amendment to 30.6 acres of land at approximately 540 West 4300 North
- From the density classification **Rural Residential 5 (0-1 units per 5-acres of land)** to **Rural Residential 2 (0-1 units per 2-acres of land)**
- Environmental impacts are evaluated at the subdivision level, and final approval for lot configurations is contingent upon these assessments. As such, the proposal **does not** guarantee a specific number of lots; actual lot numbers will be determined based on environmental and site-specific considerations.



Planning Commission Review

Nov. 7 Planning Commission Meeting

- Public hearing held with two public comments received; questions were raised whether proper noticing occurred – staff verified that all noticing requirements were met
- Planning Commission tabled and determined it wanted to complete review of the City's adopted Sensitive Lands Plan prior to making a recommendation on this item

Nov. 21 Planning Commission Meeting

- Discussion of Sensitive Lands Plan and application to this property
- Planning Commission approved a recommendation of approval to the City Council with a 5-2 vote
- Planning Commissioners Farr and Kotter voted against the recommendation of approval. Stated concerns related to the Sensitive Lands Plan and environmental concerns specific to the property. There was also discussion of needing additional public feedback and a full General Plan update prior to making this determination

Options

Option 1

Reduce density in General Plan to Rural Residential 2 (two-acre average lots) for road to be installed as a legal exaction

Option 2

City funding roadway (estimate of \$1.4 Million) and land acquisition costs to install road and retain current density

Option 3

Eliminate planned roadway from General Plan

Option 4

Other undefined options the Council wishes to consider or pursue