

PRELIMINARY AGENDA
REGULAR SESSION
CITY OF NORTH PLAINS, CITY COUNCIL MEETING
NORTH PLAINS SENIOR CENTER
31450 NW Commercial
Monday, April 1, 2013
7:00 P.M.

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE:**
3. **ROLL CALL**
4. **CONSENT AGENDA:** *(The items on the Consent Agenda are normally considered in a single motion. Any item may be removed for separate consideration upon request by any member of the Council.)*
 - A. Approval of regular session agenda
 - B. Approval of minutes of 3/18/2013 Council meeting
5. **PUBLIC COMMENT:** *(Persons wishing to speak on matters not on the agenda may be recognized at this time. Speakers must complete a "Public Comment Registration form" on the information table and return it to the City Recorder. You are not required to give your address when speaking to the City Council, only your name. Presentations are limited to five minutes.)*
6. **PRESENTATION:**
None Scheduled
7. **PUBLIC HEARING:**
None Scheduled
8. **NEW BUSINESS:**
 - A. Discussion of 2013-14 Budget Schedule
 - B. Council to consider Resolution No. 1781 Appointment of Anapreet Kaur Gill to Budget Committee
 - C. Council to consider Resolution No. 1782 Accepting Bids and Awarding the Bid for the NW Claxtar Street Waterline and Roadway Improvements
 - D. Discussion on placement of agenda packet material on City website before the Council meets

9. **UNFINISHED BUSINESS:**

None Scheduled

10. **ORDINANCES:**

FIRST READING:

- A. Ordinance No. xxx Municipal Chapter 16.80.045; An Ordinance of the City Council of the City of North Plains, Oregon, Amending Chapter 16.80.045 of Municipal Code regarding Signs. (12-009-01-ZDA)

SECOND READING:

- B. Ordinance No. 415 Municipal Chapter 1.40 — Parks Board; An Ordinance of the City Council of the City of North Plains, Oregon, amending Municipal Code by adding Chapter 1.40 Parks Board. This item is for second reading and adoption. (First reading was at March 18, 2013 Council meeting.)

11. **STAFF REPORTS**

Staff reports will be provided by the City Manager, Public Works Director, Police Chief, and Library Director

12. **COUNCIL REPORTS**

- A. Council reports will be provided by the Mayor and City Councilors on meetings attended and other items.
- B. April 2013 Council Calendar

13. **ADVICE/INFORMATION ITEMS:**

- Volunteer Recognition Event-April 11 @ 6:30 p.m. at Jessie Mays Community Hall
- Author Visit: Chantal Kelly-April 11 @ 7:30 p.m. at North Plains Public Library
- Country Western Music Show-April 27@ 6:30 Jessie Mays Community Hall
- Playdate-April 28: 1:30-5:00 at Jessie Mays Community Hall

14. **ADJOURNMENT**

North Plains City Council meetings are accessible for disabled individuals. The City will also endeavor to provide services for persons with impaired hearing or vision and other services, if requested, at least 48 hours prior to the meeting. To obtain services, please call City Hall at (503)647-5555

City Council Meetings are scheduled to be held at the North Plains Senior Center, 31450 NW Commercial Street, North Plains, Oregon, on the following dates at 7:00 p.m.:

Monday, April 15, 2013

Monday, May 6, 2013

Monday, May 20, 2013

CITY OF NORTH PLAINS
City Council Meeting—Regular Session
Monday, March 18, 2013 – 7:00 P.M.
MINUTES

1. **CALL TO ORDER:** Mayor David Hatcher called the meeting to order at 7:00 p.m.
2. **PLEDGE OF ALLEGIANCE:** Mayor Hatcher conducted the flag salute.
3. **ROLL CALL:** Mayor David Hatcher; Council President Teri Lenahan; Councilors: Michael Broome, Michael Demagalski, Charlynn Newton, Glen Warren, Robert Kindel, Jr.

Staff present: City Manager Martha DeBry, Public Works Director Blake Boyles, Chief of Police Bill Snyder, Account Clerk Margaret Reh

4. **CONSENT AGENDA:**
 - A. Approval of regular session agenda
 - B. Approval of minutes of 3/04/2013 Council meeting

Motion by Warren, seconded by Demagalski to approve the Consent Agenda as presented. The motion was approved unanimously.

5. **PUBLIC COMMENT:**

Ron Larson, ODOT Project Manager, presented an update on the Glencoe/Hwy 26 overpass project. He explained the road closure schedule which began the previous night and will continue through March 31, 2013. This overpass will be unique in that lighted pylons are being added to the bridge by ODOT per North Plains' request. Council members voiced some concerns and favorable opinions on the project.

6. **PRESENTATION:**
None scheduled

7. **PUBLIC HEARING:**
None Scheduled

8. **NEW BUSINESS:**

- A. Approval of letter to Sunset Park Association

Mayor Hatcher presented a draft of a letter to Banks Sunset Park Association regarding participation in the Oregon garlic festival. Council discussed the verbiage of the letter. After much deliberation, a motion was made by Newton, seconded by Demagalski that M. DeBry would work on the draft with a small group of councilors. After completion, the final copy would be sent out to the entire Council and mailed to the addressees. Motion

was approved unanimously.

B. Financial statements presentation and discussion with Finance Director,
Rachael Lembo

DeBry introduced Finance Director, Rachael Lembo, to the Council. Lembo presented the 2011-2012 Financial Report received from the City's auditors—Pauly Rodgers and Co., PC. The City received an unqualified opinion from the audit report, which is highly desirable. Lembo walked the Council through specifics of the reports, pointing out highlights that would aid Council to offer suggestions on how to improve for next year.

C. Council to discuss possible water rate increases

DeBry presented staff report to the Council. A rate increase is needed for the Water Fund to address the cash flow needs of the fund. There are two main areas where the City spends funds: Capital Improvement Program (CIP) and operations. The City's water master plan needs to fund several capital projects in the coming five years. Discussion ensued regarding the various projects and costs outlined in the staff report. Mayor Hatcher polled the Council for opinions on what the water rate should be.

Motion by Kindel, seconded by Warren, to proceed with the process to increase water rates by 3% sometime in the next fiscal year. Motion approved unanimously.

This topic will be continued with a resolution to the Council outlining the monthly meter charge and consumption rates.

According to the information in the staff report, a 3% increase may meet most cash needs for the CIP. Low consumption would likely result in higher rate increase in subsequent years.

9. UNFINISHED BUSINESS:

None Scheduled

10. ORDINANCES:

FIRST READING:

- A. Ordinance No. 415 Municipal Chapter 1.40 — Parks Board; An Ordinance of the City Council of the City of North Plains, Oregon, amending Municipal Code by adding Chapter 1.40 Parks Board. First reading by title only.

Motion by Demagalski, seconded by Warren, to read Ordinance No. 415 Municipal Chapter 1.40 — Parks Board; An Ordinance of the City Council of the City of North Plains, Oregon, amending Municipal Code by adding Chapter 1.40 Parks Board by title only for the first time. Motion approved unanimously.

Mayor Hatcher read Ordinance No. 415 by title only for the first time.

SECOND READING:

- B. Ordinance No. 414 Municipal Chapter 3.01 Sanitary Sewer System; An Ordinance of the City Council of the City of North Plains, Oregon, amending Chapter 3.01 of Municipal Code Regarding Sanitary Sewer System. Item presented for second reading and adoption. First reading was at March 4, 2013 Council meeting.

Motion by Kindel, seconded by Demagalski, to read Ordinance No. 414, an Ordinance of the City Council of the City of North Plains, Oregon, amending Chapter 3.01 of Municipal Code regarding Sanitary Sewer System, by title only for the second time. The motion was approved unanimously.

Mayor Hatcher read Ordinance No. 414 for the second time by title only.

Motion by Lenahan, seconded by Demagalski, to adopt Ordinance No. 414. The motion was approved unanimously.

11. STAFF REPORTS

City Manager DeBry reported Planning is taking up a lot more time. DR Horton is moving forward with his projects. He has submitted his bond. He also applied for an amendment on the McKay Fields project by increasing it to 33 homes. Three acres of this area will be dedicated to the City for parks. Ken Fields has approached the City regarding selling some property on the north side of West Union located under the train trestle.

Negotiations with the Highland Court water line being upgraded beyond the new development have been completed. This larger water line will service the whole area off of 307th.

The City Attorney is designing a template to use for future development agreements. The Planning Commission will continue to be the ones deciding the specifics of each development. The Council typically would look over the template for approval.

Lenahan wanted clarification on the Eagle Scout project that was approved at the last meeting. She was wondering why Council was not pressing to have a neighborhood survey conducted before the project began. Discussion ensued. The Eagle Scout had indicated that the survey would be part of the project. Also, the park will be temporary—as there will be no fixed structures placed on the property.

Public Works Director, Blake Boyles reported that the Claxter Street project went out to bid on Thursday. It had been slated to happen the week before, but there were some amendments that needed to be addressed.

Boyles stated he filed the annual MACC grant application that helps to cover operation fees for cable and BUG.

Chief Snyder reported the police department is done with the bulk of their training. They will be finishing up with the firearm training at the end of March.

Councilor Kindel initiated a discussion on the WCCCA financial status.

12. COUNCIL REPORTS

Council reviewed the April 2013 Council Calendar.

Mayor Hatcher pointed out that the Statement of Economic Interest forms had been received by each council member. These forms must be filed with the Oregon Government Ethics Commission by April 15. Council has the option to turn the forms in to City Hall for submission to the State, through April 9th, 2013.

Hatcher reported on his meeting in Salem with Senator Starr and a senator from Clackamas County area. It was thought the purpose of the meeting was to see if we could get legislature to site composting areas away from municipalities. Mayor Hatcher was discouraged in that the direction was more toward process of material handling options than of zoning.

Councilor Broome informed the Council of the details of the upcoming Country Western dance benefiting the North Plains Senior Center. This event is to be held at Jessie Mays Community Hall on April 27th. He has collected over \$260.00 worth of door prizes. McDonalds has donated coupons for the kids to have their own raffle.

Councilor Newton expressed her disappointment in posting the agenda packet on-line prior to council meetings. She felt the handling of the letter written to the Sunset Park Association was a prime example of why she is disappointed. Newton feels the Council should not post agenda packet materials prior to the day following the council meetings. Mayor Hatcher suggested this be a topic at a future council meeting.

13. ADVICE/INFORMATION ITEMS:

- Playdate-March 24: 1:30-5:00 at Jessie Mays Community Hall
- Volunteer Recognition Event-April 11: 6:30 p.m. at Jessie Mays Community Hall
- Country Western Music Show-April 27: 6:30 p.m. at Jessie Mays Community Hall
- Playdate-April 28: 1:30-5:00 at Jessie Mays Community Hall

14. ADJOURNMENT: Mayor Hatcher adjourned the meeting at 9:20 p.m.

David Hatcher, Mayor

Martha DeBry, City Manager/Recorder

Date approved _____

City of North Plains Budget Calendar

Fiscal Year 2013-14

- April 1 Budget Calendar Recommendation to City Council
- April 5 Publish 1st notice of budget committee meeting and notice of State Revenue Sharing Possible Use Hearing in Argus
- April 2-5 Budget preparation begins, necessary papers/forms distributed to departments
- April 8-12 Meetings with departments as necessary, prepare revenue projects, projects payroll costs, balances reserve and debt funds.
- April 11 Publish 2nd notice of Budget Committee meeting on-line
- April 22 First Budget Committee meeting, State Revenue Sharing Possible Use Hearing for North Plains Budget and Urban Renewal Agency budget
- May 13 Second Budget Committee meeting, if needed
- June 3 City Council meeting to hold public hearing on the approved 2013-2014 budget and the State Revenue Sharing Proposed Use and enact resolutions to adopt budget, make appropriations, impose taxes
- July 11 Submit tax certification documents to the assessor by July 15 (Deadline to certify budget to Washington County)



CITY OF NORTH PLAINS

31360 NW Commercial Street, North Plains, Oregon 97133

Date: March 19, 2013
To: City Council
From: Martha DeBry, City Manager
Subject: Approval of Resolution No. 1781: A Resolution of the City Council of the City of North Plains, Oregon, Appointing Anapreet Kuar Gill a Member to the North Plains Budget Committee

Request: The adoption of Resolution No. 1781 appointing Anapreet Kuar Gill to the City of North Plains Budget Committee, which also serves as the North Plains Urban Renewal Agency Budget Committee.

Background: In Oregon each public agency must gather a budget committee to review the financial plan for the year. Openings on the Budget Committee were advertised on the City website.

Former Councilor Anapreet Kuar Gill, formerly Ana Singh-Gill, has expressed her interest in continuing to participate on the Budget Committee. Ms. Gill has four years experience reviewing City budgets.

Recommendation: Council consider appointing Anapreet Kuar Gill to the North Plains Budget Committee.

Sample Motion: I move to adopt of Resolution No. 1781 appointing Anapreet Kuar Gill to the North Plains Budget Committee.

RESOLUTION NO. 1781

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORTH PLAINS,
OREGON, APPOINTING ANAPREET KUAR GILL A MEMBER TO THE NORTH
PLAINS BUDGET COMMITTEE**

WHEREAS, Oregon Revised Statute (ORS) 294.336, establishes that governing bodies of each municipal corporation shall establish a Budget Committee; and

WHEREAS, pursuant to the requirements of City of North Plains Municipal Code Section 1.05.190, the City Council is to appoint persons to fill vacant positions on the Budget Committee.

NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF NORTH PLAINS, OREGON, appoints Anapreet Kuar Gill to the Budget Committee for a three year term expiring December 31, 2017.

INTRODUCED AND ADOPTED this 1st day of April, 2013.

CITY OF NORTH PLAINS, OREGON

BY: _____
David Hatcher, Mayor

ATTEST:

BY: _____
Martha DeBry, City Manager/City Recorder



CITY OF NORTH PLAINS

31360 NW Commercial Street, North Plains, Oregon 97133

Date: March 27, 2013
To: City Council
From: Blake Boyles, Public Works Director
Subject: Approval of Resolution No. 1782: A Resolution of the City Council of the City of North Plains, Oregon, Accepting Bids and Awarding the Bid for the NW Claxtar Street Waterline and Roadway Improvements, to Subcom Excavation & Utilities Contracting in an Amount not to Exceed \$535,000.00, and Authorizing the City Manager to Execute the Agreement and Related Documents for the City to Enter Into an Agreement to Complete the Improvements.

Request: City Council to consider adopting Resolution No. 1782 to accept and award the bid for the NW Claxtar Street Waterline and Roadway Improvements, and authorize the City Manager to negotiate the final contract and execute the documents necessary for the City to enter into an agreement to complete the improvements.

Background: This project is to install approximately 1500 lineal feet of 8" ductile iron water line in place of the existing 4" cast iron water main, 4 hydrants and 3600 lineal feet of curb and sidewalk. This is all part of the Claxtar Street CDBG project which has been ongoing for 2 years.

Fiscal Impact: Funding for this project is from a CDBG grant and local funds. Bid amount is within the amount budgeted for project.

Environmental Issues: There are no environmental issues associated with this request.

Sample Motion: I move to adopt Resolution No. 1782 to accept the bids, award the bid to Subcom Excavation & Utilities and authorize the City Manager to negotiate the final contract and execute the documents necessary for the City to enter into an agreement contract between the City of North Plains and Subcom Excavation & Utilities, for the construction of the NW Claxtar Street Waterline & Roadway Project, at a cost not to exceed \$535,000.00.



Murray, Smith & Associates, Inc.
Engineers/Planners

121 S.W. Salmon, Suite 900 ☎ Portland, Oregon 97204-2919 ☎ PHONE 503.225.9010 ☎ FAX 503.225.9022

11-1286.201
March 25, 2013

Mr. Blake Boyles
Public Works Director
City of North Plains, Oregon
31360 NW Commercial Street
North Plains, Oregon 97133

Re: NW Claxtar Street Waterline & Roadway Improvements Project
Recommendation of Award

Dear Blake:

On March 21, 2013, the City of North Plains received bids on the above referenced project. A summary of the four lowest bidders is attached.

We have reviewed the bids and recommend award of the contract to Subcom Excavation & Utilities, LLC in the amount of \$535,000. Our estimate for the project was \$650,000.

If you have any questions or comments, please do not hesitate to call.

Sincerely,

MURRAY, SMITH & ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read 'Daphne Marcyan', is written over the typed name.

Daphne Marcyan, P.E.
Project Engineer

DAM:zis

Enclosures

cc: Joe Mallory, Subcom Utilities

City of North Plains
 NW Claxtar Street St. - Waterline and Roadway Improvements
 Bid Tabs
 Bid Opening March 21, 2013

Item No.	Description	Estimated Quantity	Unit*	Engineers Estimate		Subcom Excavation		C & M Excavation		Pacific Excavation		Jeff Kersey Construction, INC	
				Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Water System Improvements													
1	Furnish and install buried water line piping, including, but not limited to, excavation, pipe bedding, pipe zone and granular trench backfill:	-	-	-	-	-	-	-	-	-	-	-	-
	a. 6-inch Diameter Class 52 Ductile Iron, Paved Area Trench Section, Restrained	95	LF	\$52	\$4,940	\$43	\$4,038	\$92	\$8,740	\$53	\$5,035	\$63	\$5,985
	b. 8-inch Diameter Class 52 Ductile Iron - Paved Area Trench Section, Non-Restrained	1050	LF	\$58	\$60,900	\$43	\$44,625	\$44	\$46,200	\$48	\$50,400	\$46	\$48,300
	c. 8-inch Diameter Class 52 Ductile Iron - Paved Area Trench Section, Restrained	320	LF	\$73	\$23,360	\$43	\$13,600	\$57	\$18,160	\$53	\$16,960	\$61	\$19,520
2	Ductile iron pipe fittings	1765	LBS	\$3	\$5,295	\$2	\$3,177	\$2	\$3,530	\$0.01	\$18	\$4	\$6,178
3	Hot Tap assemblies including gate valve and valve box	2	EA	\$475.00	\$950	\$3,000	\$6,000	\$3,567	\$7,134	\$4,500	\$9,000	\$3,088	\$6,176
4	Fire Hydrant assembly including gate valve and valve box	4	EA	\$3,100	\$12,400	\$3,500	\$14,000	\$2,500	\$10,000	\$3,400	\$13,600	\$2,844	\$11,376
5	Gate Valves Including Valve Boxes	-	-	-	-	-	-	-	-	-	-	-	-
	a. 6-inch gate valve	2	EA	\$650	\$1,300	\$600	\$1,200	\$625	\$1,250	\$950	\$1,900	\$822	\$1,643
	b. 8-inch gate valve	6	EA	\$1,000	\$6,000	\$850	\$5,100	\$850	\$5,100	\$1,250	\$7,500	\$1,090	\$6,540
6	Furnish and install replacement service lines	-	-	-	-	-	-	-	-	-	-	-	-
	a. 1-inch diameter corp stop and connection to existing service line	29	EA	\$200	\$5,800	\$380	\$11,020	\$231	\$6,699	\$300	\$8,700	\$334	\$9,686
	b. 1-inch diameter Type "K" copper	170	LF	\$30	\$5,100	\$10	\$1,700	\$46	\$7,820	\$35	\$5,950	\$41	\$6,970
7	Cut existing surfacing, surface restoration and paving with asphalt concrete (AC) min. 3 inches replacement depth within water line trench:	-	-	-	-	-	-	-	-	-	-	-	-
	a. First 3 inches depth	326	SY	\$27	\$8,802	\$15	\$5,037	\$26	\$8,476	\$20	\$6,520	\$29	\$9,291
	b. Additional paving per 1-inch of depth beyond 3 inches thickness	50	SY	\$15	\$750	\$5	\$255	\$5	\$255	\$7	\$350	\$29	\$1,425
8	Existing Water Main Abandonment	1	LS	\$1,000	\$1,000	\$2,700	\$2,700	\$1,120	\$1,120	\$2,000	\$2,000	\$2,152	\$2,152
9	Testing, Flushing and Disinfection of Water Mains	1	LS	\$2,000	\$2,000	\$3,400	\$3,400	\$2,300	\$2,300	\$1,500	\$1,500	\$3,500	\$3,500
10	Rock Excavation	5	CY	\$150	\$750	\$150	\$750	\$100	\$500	\$100	\$500	\$100	\$500
Water System Improvements Subtotal					\$139,000	\$116,601	\$127,284	\$129,933	\$139,242				
Storm Sewer Improvements													
11	Erosion Control & Dust Prevention	1	LS	\$2,000	\$2,000	\$1,000	\$1,000	\$2,000	\$2,000	\$2,500	\$2,500	\$3,614	\$3,614
12	10-inch Diameter Class 50 Ductile Iron Storm Sewer Pipe with Class B (crushed rock) Trench Backfill	-	-	-	-	-	-	-	-	-	-	-	-
	a. 0-4 feet depth	260	LF	\$70	\$18,200	\$67	\$17,420	\$62	\$15,990	\$49	\$12,740	\$67	\$17,420
13	12-inch Ductile Class 50 Iron Storm Pipe with Class B Backfill	279	LF	\$90	\$25,110	\$67	\$18,693	\$57	\$15,903	\$53	\$14,787	\$72	\$20,088
14	16-inch Diameter C905 PVC Storm Sewer Pipe with Class B (crushed rock) Trench Backfill	-	-	-	-	-	-	-	-	-	-	-	-
	a. 0-4 feet depth	160	LF	\$40	\$6,400	\$67	\$10,720	\$61	\$9,760	\$55	\$8,800	\$70	\$11,200
	b. 4-8 feet depth	180	LF	\$55	\$9,900	\$67	\$12,060	\$65	\$11,700	\$55	\$9,900	\$79	\$14,220
14a	18-inch Diameter C905 PVC Storm Sewer Pipe with Class B (crushed rock) Trench Backfill	59	LF	\$55	\$3,245	\$67	\$3,953	\$84	\$4,956	\$67	\$3,953	\$95	\$5,605
15	24-inch Diameter Class 51 Ductile Iron Storm Pipe with Class B (crushed rock) Backfill	102	LF	\$130	\$13,260	\$67	\$6,834	\$131	\$13,362	\$125	\$12,750	\$92	\$9,384
16	CG-2 Inlet Catch Basin	4	EA	\$1,500	\$6,000	\$1,200	\$4,800	\$1,200	\$4,800	\$1,350	\$5,400	\$786	\$3,144
17	CG-48 Inlet Manhole	2	EA	\$2,000	\$4,000	\$1,500	\$3,000	\$1,500	\$3,000	\$1,600	\$3,200	\$2,199	\$4,398
18	48" Flat Top Manhole	5	EA	\$2,500	\$12,500	\$2,300	\$11,500	\$1,900	\$9,500	\$1,350	\$6,750	\$1,428	\$7,140
18a	Ditch Inlet	2	EA	\$1,500	\$3,000	\$2,000	\$4,000	\$1,100	\$2,200	\$1,100	\$2,200	\$821	\$1,642
19	Connect to Existing Storm Sewer	1	LS	\$750	\$750	\$750	\$750	\$1,200	\$1,200	\$1,100	\$1,100	\$900	\$900
19a	Cut existing surfacing, surface restoration and paving with asphalt concrete (AC) min. 3 inches replacement depth within storm line trench:	-	-	-	-	-	-	-	-	-	-	-	-
	a. First 3 inches depth	72	SY	\$27	\$1,944	\$15	\$1,112	\$26	\$1,872	\$20	\$1,440	\$35	\$2,520
	b. Additional paving per 1-inch of depth beyond 3 inches thickness	10	SY	\$15	\$150	\$5	\$51	\$5	\$51	\$7	\$70	\$27	\$270
Storm Sewer Improvements Subtotal					\$106,000	\$95,893	\$96,294	\$85,590	\$101,545				
Water Quality Facilities													
20	LIDA Drainage Swales at Claxtar and NW 314th Ave.	-	-	-	-	-	-	-	-	-	-	-	-
	a. Excavation/Site Preparation	667	SF	\$0.50	\$334	\$9	\$6,003	\$5	\$3,335	\$6	\$4,002	\$10	\$6,570
	b. Overflow Structure (Ditch Inlet)	1	EA	\$1,500	\$1,500	\$250	\$250	\$1,100	\$1,100	\$1,100	\$1,100	\$946	\$946
	c. Overflow Pipes (10" Ductile Iron Pipe with Class B Backfill)	32	LF	\$1	\$32	\$67	\$2,144	\$1	\$32	\$43	\$1,376	\$67	\$2,144
	d. Facility Landscaping	667	SF	\$0.50	\$334	\$2	\$1,334	\$11	\$7,337	\$12	\$8,004	\$12	\$8,004
21	LIDA Drainage Swales at Claxtar and NW 313th Ave.	-	-	-	-	-	-	-	-	-	-	-	-
	a. Excavation/Site Preparation	990	SF	\$0.50	\$495	\$9	\$8,910	\$5	\$4,950	\$6	\$5,940	\$10	\$9,900
	b. Overflow Structure (Ditch Inlet)	1	EA	\$1,500	\$1,500	\$250	\$250	\$1,100	\$1,100	\$1,100	\$1,100	\$946	\$946
	c. Overflow Pipes (10" Ductile Iron Pipe with Class B Backfill)	96	LF	\$1	\$96	\$67	\$6,432	\$1	\$96	\$43	\$4,128	\$59	\$5,664
	d. Facility Landscaping	990	SF	\$0.50	\$495	\$2	\$1,980	\$9	\$8,910	\$10	\$9,900	\$10	\$9,900
Water Quality Facilities Subtotal					\$5,000	\$27,303	\$26,860	\$35,550	\$44,074				

Item No.	Description	Estimated Quantity	Unit*	Engineers Estimate		Subcom Excavation		C & M Excavation		Pacific Excavation		Jeff Kersey Construction, INC	
				Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Claxtar Street Improvements													
22	Clearing, Grubbing and Landscape Removal	1	LS	\$2,000	\$2,000	\$8,000	\$8,000	\$10,000	\$10,000	\$6,000	\$6,000	\$8,532	\$8,532
23	Tree Removal (36" diameter trunk maple near NW 314 th Ave)	1	EA	\$750	\$750	\$1,700	\$1,700	\$750	\$750	\$1,500	\$1,500	\$1,000	\$1,000
24	Remove and Reinstall Existing Signs	3	EA	\$200	\$600	\$50	\$150	\$100	\$300	\$50	\$150	\$70	\$210
25	Existing Pavement Saw Cutting (Edge Trimming for Pavement Rehabilitation)	-	-	-	-	-	-	-	-	-	-	-	-
	a. First 3 inches thickness	3316	LF	\$2	\$5,803	\$2	\$4,974	\$1	\$3,316	\$1	\$3,316	\$1	\$2,487
	b. Additional Saw Cut Per Inch Beyond First 3 inches	5	LF	\$2.50	\$13	\$5	\$25	\$0	\$2	\$1	\$5	\$0	\$1
26	Monolithic Curb and Gutter	3505	LF	\$22	\$77,110	\$10	\$35,926	\$13	\$45,565	\$13	\$45,565	\$9	\$31,545
27	Concrete Sidewalk	1626	SY	\$35	\$56,910	\$31	\$50,195	\$36	\$58,536	\$34	\$55,284	\$24	\$39,024
27a	Driveway Replacement	630	SY	\$50	\$31,500	\$36	\$22,793	\$42	\$26,460	\$42	\$26,460	\$31	\$19,530
28	Cold Plane Pavement Removal, 0 to 2-inches	276	SY	\$5.50	\$1,518	\$16	\$4,300	\$15	\$4,071	\$11	\$3,036	\$12	\$3,312
29	Adjustment of Castings including Manhole Frames and Valve Covers	1	LS	\$1,500	\$1,500	\$1,000	\$1,000	\$2,500	\$2,500	\$7,000	\$7,000	\$1,854	\$1,854
30	3" Level 3, 3/4" Dense HMA Base Course	194	Ton	\$78	\$15,132	\$90	\$17,460	\$97	\$18,818	\$90	\$17,460	\$95	\$18,430
30a	Base Rock, 3/4"-0" Beneath Widened Roadway Area, Curb and Gutter, Sidewalk and Asphalt Ramps	1025	Ton	\$21	\$21,525	\$9	\$8,713	\$17	\$17,425	\$20	\$20,500	\$24	\$24,600
30b	Excavation	375	CY	\$10	\$3,750	\$23	\$8,625	\$31	\$11,625	\$18	\$6,750	\$10	\$3,750
30c	Embankment	375	CY	\$11	\$3,938	\$3	\$1,125	\$2	\$750	\$8	\$3,000	\$10	\$3,750
31	2" Level 3, 1/2" HMA Wearing Course	808	Ton	\$131	\$105,848	\$70	\$56,746	\$73	\$58,782	\$76	\$61,408	\$75	\$60,600
32	General Surface Restoration and Cleanup	1	LS	\$1,000	\$1,000	\$5,000	\$5,000	\$1,000	\$1,000	\$8,000	\$8,000	\$1,168	\$1,168
33	Accessible Curb Ramps	16	EA	\$1,375	\$22,000	\$1,100	\$17,600	\$1,100	\$17,600	\$1,000	\$16,000	\$966	\$15,456
Claxtar Street Improvements Subtotal					\$351,000	\$244,332	\$277,500	\$281,434	\$235,249				
Mobilization, Bonds, Insurance & Demobilization													
34	Mobilization, Bonds, Insurance & Demobilization	1	LS	\$27,000	\$30,000	\$32,000	\$32,000	\$17,100	\$17,100	\$20,000	\$20,000	\$30,000	\$30,000
35	Sheeting, Shoring, Dewatering & Traffic Control	1	LS	\$2,500	\$2,500	\$9,871	\$9,871	\$4,000	\$4,000	\$4,000	\$4,000	\$4,690	\$4,690
36	Construction Survey Work	1	LS	\$3,000	\$3,000	\$9,000	\$9,000	\$8,000	\$8,000	\$10,000	\$10,000	\$9,200	\$9,200
Mobilization, Demobilization, Bonds & Insurance Subtotal					\$35,500	\$50,871	\$29,100	\$34,000	\$43,890				
Subtotal Contractor				\$637,000	\$535,000	\$557,038	\$566,507	\$564,000					
						Subcom Excavation	C & M Excavation	Pacific Excavation	Jeff Kersey Construction, INC				

RESOLUTION NUMBER 1782

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORTH PLAINS, OREGON, ACCEPTING BIDS AND AWARDING THE BID FOR THE NW CLAXTAR STREET WATERLINE AND ROADWAY IMPROVEMENTS, TO SUBCOM EXCAVATION & UTILITIES CONTRACTING IN AN AMOUNT NOT TO EXCEED \$535,000.00, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT AND RELATED DOCUMENTS FOR THE CITY TO ENTER INTO AN AGREEMENT TO COMPLETE THE IMPROVEMENTS.

WHEREAS, the City identified the need to install approximately 1500 lineal feet of 8" ductile iron water line in place of the existing 4" cast iron water main, 4 hydrants and 3600 lineal feet of curb and sidewalk; and

WHEREAS, the City established public contracting rules through Resolution Number 1250, adopted February 22, 2005; and

WHEREAS, the City advertised in the Daily Journal of Commerce and on the City web site requesting proposals for the Claxtar Street CDBG project which has been ongoing for 2 years; and

WHEREAS, twelve bidders submitted proposals for the proposed project, which were reviewed by the City Engineer and Public Works Director with bid amounts quantified; and

WHEREAS, the City Engineer reviewed said proposed improvements and quantified bids and has selected the appropriate bidder to formally award the bid.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH PLAINS, OREGON, AS FOLLOWS:

Section 1. Determines that based upon review of the bids received and staff's recommendation, to formally award the bid to Subcom Excavation & Utilities for the construction of the NW Claxtar Street Waterline & Roadway Project, at a cost not to exceed \$535,000.00.

Section 2. Authorizes the City Manager to negotiate the final contract and execute the documents necessary for the City to enter into an agreement between the City of North Plains, Oregon and Subcom Excavation & Utilities, for the construction of the NW Claxtar Street Waterline & Roadway Project, at a cost not to exceed \$535,000.00. Copies of the final contract will be provided to Council after execution.

INTRODUCED AND ADOPTED this 1st day of April, 2013.

CITY OF NORTH PLAINS, OREGON

BY: _____
David Hatcher, Mayor

ATTEST:

BY: _____
Martha DeBry, City Manager/City Recorder



CITY OF NORTH PLAINS

31360 NW Commercial Street, North Plains, Oregon 97133

Date: March 22, 2013
To: Mayor and City Council
From: Martha DeBry, City Manager
Subject: Discussion of Council Packet information

Request: Council discuss the composition of the agenda packets moving forward.

Background: Recently Councilor Charlynn Newton asked that Council discuss its policy about what information is made public with the agenda. The City's practice has been to publish a packet with all relevant support material several days in advance of the Council meeting. Staff's goal is to generate the packets about a week in advance of the meeting, and distribute more complex items several weeks in advance of consideration (for example the budget document is made available weeks before it is reviewed in a public meeting.)

Oregon public meeting law states:

192.620 Policy. *The Oregon form of government requires an informed public aware of the deliberations and decisions of governing bodies and the information upon which such decisions were made. It is the intent of ORS 192.610 to 192.690 that decisions of governing bodies be arrived at openly. [1973 c.172 §1]*

To this end the State has adopted a series of rules by which all public agencies must abide. The full text of the Public Meeting Law is in Council's packet together with some excerpts from the Attorney General's guide for public meetings (http://www.doj.state.or.us/public_records/manual/pages/contents.aspx).

The following section specifically addresses notice prior to meetings.

Public Notice: 192.640 Public notice required; special notice for executive sessions, special or emergency meetings. *(1) The governing body of a public body shall provide for and give public notice, reasonably calculated to give actual notice to interested persons including news media which have requested notice, of the time and place for holding regular meetings. The notice shall also include a list of the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of a governing body to consider additional subjects.*

Technically, it appears the Council can publish the agenda, and then release supporting information afterwards. The Attorney General's guide appears to support this notion.

The City's past practice is consistent with that of most public agencies that want to be as open as possible with information. While few people outside of Council read the whole packet, it is desirable for the public to know the factors that are being reviewed by Council in advance of a decision. It also minimizes the confusion for the press and public regarding what information has been made available to all Councilors. Publishing a complete package of information also allows Councilors and the public to thoroughly prepare for meetings.

Once an agenda packet is created it is a public document, which the public including the press may request to view. The packet is considered published when it is distributed from staff to Council. State law allows the press to maintain a status of "interested person" which means the City must provide notice of the agenda to them, which in turn may trigger a request for the packet. The City has 10 days to respond to such requests.

It is a Council decision if the packets should be placed on the website when the agenda is distributed. Many cities do not post their packet information online at any point in time. North Plains used to post the packet online only in advance of the meeting, and then removed it shortly afterward. Only agendas, minutes and recordings were retained on the website. Since last May, the full packet has been online and retained on the website, in addition to minutes and recordings.

The Council also has the ability to consider non-substantive issues not listed on an agenda in addition to principal issues on an agenda. For example a thank you letter could be approved by Council, without being posted on the agenda or a draft prepared with the packet. What distinguishes principal issues appears to be the commitment of City resources to an issue.

Fiscal Impact: There is no fiscal impact associated with this item. City agendas and packets are distributed electronically.

Recommendation: The City Council discuss its preferred policy regarding dissemination of information prior to meetings.

Oregon Public Meeting Law

192.610 Definitions for ORS 192.610 to 192.690. As used in ORS 192.610 to 192.690:

- (1) "Decision" means any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of a governing body is required, at any meeting at which a quorum is present.
- (2) "Executive session" means any meeting or part of a meeting of a governing body which is closed to certain persons for deliberation on certain matters.
- (3) "Governing body" means the members of any public body which consists of two or more members, with the authority to make decisions for or recommendations to a public body on policy or administration.
- (4) "Public body" means the state, any regional council, county, city or district, or any municipal or public corporation, or any board, department, commission, council, bureau, committee or subcommittee or advisory group or any other agency thereof.
- (5) "Meeting" means the convening of a governing body of a public body for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter. "Meeting" does not include any on-site inspection of any project or program. "Meeting" also does not include the attendance of members of a governing body at any national, regional or state association to which the public body or the members belong. [1973 c.172 §2; 1979 c.644 §1]

192.620 Policy. The Oregon form of government requires an informed public aware of the deliberations and decisions of governing bodies and the information upon which such decisions were made. It is the intent of ORS 192.610 to 192.690 that decisions of governing bodies be arrived at openly. [1973 c.172 §1]

192.630 Meetings of governing body to be open to public; location of meetings; accommodation for person with disability; interpreters. (1) All meetings of the governing body of a public body shall be open to the public and all persons shall be permitted to attend any meeting except as otherwise provided by ORS 192.610 to 192.690.

(2) A quorum of a governing body may not meet in private for the purpose of deciding on or deliberating toward a decision on any matter except as otherwise provided by ORS 192.610 to 192.690.

(3) A governing body may not hold a meeting at any place where discrimination on the basis of race, creed, color, sex, age, national origin or disability is practiced. However, the fact that organizations with restricted membership hold meetings at the place does not restrict its use by a public body if use of the place by a restricted membership organization is not the primary purpose of the place or its predominate use.

(4) Meetings of the governing body of a public body shall be held within the geographic boundaries over which the public body has jurisdiction, or at the administrative headquarters of the public body or at the other nearest practical location. Training sessions may be held outside the jurisdiction as long as no deliberations toward a decision are involved. A joint meeting of two or more governing bodies or of one or more governing bodies and the elected officials of one or more federally recognized Oregon Indian tribes shall be held within the geographic boundaries over which one of the participating public bodies or one of the Oregon Indian tribes has jurisdiction or at the nearest practical location. Meetings may be held in locations other than those described in this subsection in the event of an actual emergency necessitating immediate action.

(5)(a) It is discrimination on the basis of disability for a governing body of a public body to meet in a place inaccessible to persons with disabilities, or, upon request of a person who is deaf or hard of hearing, to fail to make a good faith effort to have an interpreter for persons who are deaf or hard of hearing provided at a regularly scheduled meeting. The sole remedy for discrimination on the basis of disability shall be as provided in ORS 192.680.

(b) The person requesting the interpreter shall give the governing body at least 48 hours' notice of the request for an interpreter, shall provide the name of the requester, sign language preference and any other relevant information the governing body may request.

(c) If a meeting is held upon less than 48 hours' notice, reasonable effort shall be made to have an interpreter present, but the requirement for an interpreter does not apply to emergency meetings.

(d) If certification of interpreters occurs under state or federal law, the Department of Human Services or other state or local agency shall try to refer only certified interpreters to governing bodies for purposes of this subsection.

(e) As used in this subsection, "good faith effort" includes, but is not limited to, contacting the department or other state or local agency that maintains a list of qualified interpreters and arranging for the referral of one or more such persons to provide interpreter services. [1973 c.172 §3; 1979 c.644 §2; 1989 c.1019 §1; 1995 c.626 §1; 2003 c.14 §95; 2005 c.663 §12; 2007 c.70 §52]

Note: The amendments to 192.630 by section 21, chapter 100, Oregon Laws 2007, are the subject of a referendum petition that may be filed with the Secretary of State not later than September 26, 2007. If the referendum petition is filed with the required number of signatures of electors, chapter 100, Oregon Laws 2007, will be submitted to the people for their approval or rejection at the regular general election held on November 4, 2008. If approved by the people at the general election, chapter 100, Oregon Laws 2007, takes effect December 4, 2008. If the referendum petition is not filed with the Secretary of State or does not contain the required number of signatures of electors, the amendments to 192.630 by section 21, chapter 100, Oregon Laws 2007, take effect January 1, 2008. 192.630, as amended by section 21, chapter 100, Oregon Laws 2007,

and including amendments by section 52, chapter 70, Oregon Laws 2007, is set forth for the user's convenience.

192.630. (1) All meetings of the governing body of a public body shall be open to the public and all persons shall be permitted to attend any meeting except as otherwise provided by ORS 192.610 to 192.690.

(2) A quorum of a governing body may not meet in private for the purpose of deciding on or deliberating toward a decision on any matter except as otherwise provided by ORS 192.610 to 192.690.

(3) A governing body may not hold a meeting at any place where discrimination on the basis of race, color, creed, sex, sexual orientation, national origin, age or disability is practiced. However, the fact that organizations with restricted membership hold meetings at the place does not restrict its use by a public body if use of the place by a restricted membership organization is not the primary purpose of the place or its predominate use.

(4) Meetings of the governing body of a public body shall be held within the geographic boundaries over which the public body has jurisdiction, or at the administrative headquarters of the public body or at the other nearest practical location. Training sessions may be held outside the jurisdiction as long as no deliberations toward a decision are involved. A joint meeting of two or more governing bodies or of one or more governing bodies and the elected officials of one or more federally recognized Oregon Indian tribes shall be held within the geographic boundaries over which one of the participating public bodies or one of the Oregon Indian tribes has jurisdiction or at the nearest practical location. Meetings may be held in locations other than those described in this subsection in the event of an actual emergency necessitating immediate action.

(5)(a) It is discrimination on the basis of disability for a governing body of a public body to meet in a place inaccessible to persons with disabilities, or, upon request of a person who is deaf or hard of hearing, to fail to make a good faith effort to have an interpreter for persons who are deaf or hard of hearing provided at a regularly scheduled meeting. The sole remedy for discrimination on the basis of disability shall be as provided in ORS 192.680.

(b) The person requesting the interpreter shall give the governing body at least 48 hours' notice of the request for an interpreter, shall provide the name of the requester, sign language preference and any other relevant information the governing body may request.

(c) If a meeting is held upon less than 48 hours' notice, reasonable effort shall be made to have an interpreter present, but the requirement for an interpreter does not apply to emergency meetings.

(d) If certification of interpreters occurs under state or federal law, the Department of Human Services or other state or local agency shall try to refer only certified interpreters to governing bodies for purposes of this subsection.

(e) As used in this subsection, “good faith effort” includes, but is not limited to, contacting the department or other state or local agency that maintains a list of qualified interpreters and arranging for the referral of one or more qualified interpreters to provide interpreter services.

192.640 Public notice required; special notice for executive sessions, special or emergency meetings. (1) The governing body of a public body shall provide for and give public notice, reasonably calculated to give actual notice to interested persons including news media which have requested notice, of the time and place for holding regular meetings. The notice shall also include a list of the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of a governing body to consider additional subjects.

(2) If an executive session only will be held, the notice shall be given to the members of the governing body, to the general public and to news media which have requested notice, stating the specific provision of law authorizing the executive session.

(3) No special meeting shall be held without at least 24 hours’ notice to the members of the governing body, the news media which have requested notice and the general public. In case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances, but the minutes for such a meeting shall describe the emergency justifying less than 24 hours’ notice. [1973 c.172 §4; 1979 c.644 §3; 1981 c.182 §1]

192.650 Recording or written minutes required; content; fees. (1) The governing body of a public body shall provide for the sound, video or digital recording or the taking of written minutes of all its meetings. Neither a full transcript nor a full recording of the meeting is required, except as otherwise provided by law, but the written minutes or recording must give a true reflection of the matters discussed at the meeting and the views of the participants. All minutes or recordings shall be available to the public within a reasonable time after the meeting, and shall include at least the following information:

- (a) All members of the governing body present;
- (b) All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;
- (c) The results of all votes and, except for public bodies consisting of more than 25 members unless requested by a member of that body, the vote of each member by name;
- (d) The substance of any discussion on any matter; and
- (e) Subject to ORS 192.410 to 192.505 relating to public records, a reference to any document discussed at the meeting.

(2) Minutes of executive sessions shall be kept in accordance with subsection (1) of this section. However, the minutes of a hearing held under ORS 332.061 shall contain only the material not excluded under ORS 332.061 (2). Instead of written minutes, a record of any executive session may be kept in the form of a sound or video tape or digital recording, which need not be transcribed unless otherwise provided by law. If the disclosure of certain material is inconsistent with the purpose for which a meeting under ORS 192.660 is authorized to be held, that material

may be excluded from disclosure. However, excluded materials are authorized to be examined privately by a court in any legal action and the court shall determine their admissibility.

(3) A reference in minutes or a recording to a document discussed at a meeting of a governing body of a public body does not affect the status of the document under ORS 192.410 to 192.505.

(4) A public body may charge a person a fee under ORS 192.440 for the preparation of a transcript from a recording. [1973 c.172 §5; 1975 c.664 §1; 1979 c.644 §4; 1999 c.59 §44; 2003 c.803 §14]

192.660 Executive sessions permitted on certain matters; procedures; news media representatives' attendance; limits. (1) ORS 192.610 to 192.690 do not prevent the governing body of a public body from holding executive session during a regular, special or emergency meeting, after the presiding officer has identified the authorization under ORS 192.610 to 192.690 for holding the executive session.

(2) The governing body of a public body may hold an executive session:

- (a) To consider the employment of a public officer, employee, staff member or individual agent.
- (b) To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent who does not request an open hearing.
- (c) To consider matters pertaining to the function of the medical staff of a public hospital licensed pursuant to ORS 441.015 to 441.063, 441.085, 441.087 and 441.990 (3) including, but not limited to, all clinical committees, executive, credentials, utilization review, peer review committees and all other matters relating to medical competency in the hospital.
- (d) To conduct deliberations with persons designated by the governing body to carry on labor negotiations.
- (e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions.
- (f) To consider information or records that are exempt by law from public inspection.
- (g) To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations.
- (h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.
- (i) To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.
- (j) To carry on negotiations under ORS chapter 293 with private persons or businesses regarding proposed acquisition, exchange or liquidation of public investments.
- (k) If the governing body is a health professional regulatory board, to consider information obtained as part of an investigation of licensee or applicant conduct.

- (L) If the governing body is the State Landscape Architect Board, or an advisory committee to the board, to consider information obtained as part of an investigation of registrant or applicant conduct.
- (m) To discuss information about review or approval of programs relating to the security of any of the following:
 - (A) A nuclear-powered thermal power plant or nuclear installation.
 - (B) Transportation of radioactive material derived from or destined for a nuclear-fueled thermal power plant or nuclear installation.
 - (C) Generation, storage or conveyance of:
 - (i) Electricity;
 - (ii) Gas in liquefied or gaseous form;
 - (iii) Hazardous substances as defined in ORS 453.005 (7)(a), (b) and (d);
 - (iv) Petroleum products;
 - (v) Sewage; or
 - (vi) Water.
 - (D) Telecommunication systems, including cellular, wireless or radio systems.
 - (E) Data transmissions by whatever means provided.

(3) Labor negotiations shall be conducted in open meetings unless negotiators for both sides request that negotiations be conducted in executive session. Labor negotiations conducted in executive session are not subject to the notification requirements of ORS 192.640.

(4) Representatives of the news media shall be allowed to attend executive sessions other than those held under subsection (2)(d) of this section relating to labor negotiations or executive session held pursuant to ORS 332.061 (2) but the governing body may require that specified information be undisclosed.

(5) When a governing body convenes an executive session under subsection (2)(h) of this section relating to conferring with counsel on current litigation or litigation likely to be filed, the governing body shall bar any member of the news media from attending the executive session if the member of the news media is a party to the litigation or is an employee, agent or contractor of a news media organization that is a party to the litigation.

(6) No executive session may be held for the purpose of taking any final action or making any final decision.

(7) The exception granted by subsection (2)(a) of this section does not apply to:

- (a) The filling of a vacancy in an elective office.
- (b) The filling of a vacancy on any public committee, commission or other advisory group.
- (c) The consideration of general employment policies.
- (d) The employment of the chief executive officer, other public officers, employees and staff members of a public body unless:
 - (A) The public body has advertised the vacancy;
 - (B) The public body has adopted regular hiring procedures;

- (C) In the case of an officer, the public has had the opportunity to comment on the employment of the officer; and
- (D) In the case of a chief executive officer, the governing body has adopted hiring standards, criteria and policy directives in meetings open to the public in which the public has had the opportunity to comment on the standards, criteria and policy directives.

(8) A governing body may not use an executive session for purposes of evaluating a chief executive officer or other officer, employee or staff member to conduct a general evaluation of an agency goal, objective or operation or any directive to personnel concerning agency goals, objectives, operations or programs.

(9) Notwithstanding subsections (2) and (6) of this section and ORS 192.650:

(a) ORS 676.175 governs the public disclosure of minutes, transcripts or recordings relating to the substance and disposition of licensee or applicant conduct investigated by a health professional regulatory board.

(b) ORS 671.338 governs the public disclosure of minutes, transcripts or recordings relating to the substance and disposition of registrant or applicant conduct investigated by the State Landscape Architect Board or an advisory committee to the board. [1973 c.172 §6; 1975 c.664 §2; 1979 c.644 §5; 1981 c.302 §1; 1983 c.453 §1; 1985 c.657 §2; 1995 c.779 §1; 1997 c.173 §1; 1997 c.594 §1; 1997 c.791 §9; 2001 c.950 §10; 2003 c.524 §4; 2005 c.22 §134]

Note: The amendments to 192.660 by section 11, chapter 602, Oregon Laws 2007, take effect January 1, 2009. See section 13, chapter 602, Oregon Laws 2007. The text that is effective on and after January 1, 2009, is set forth for the user's convenience.

192.660. (1) ORS 192.610 to 192.690 do not prevent the governing body of a public body from holding executive session during a regular, special or emergency meeting, after the presiding officer has identified the authorization under ORS 192.610 to 192.690 for holding the executive session.

(2) The governing body of a public body may hold an executive session:

- (a) To consider the employment of a public officer, employee, staff member or individual agent.
- (b) To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent who does not request an open hearing.
- (c) To consider matters pertaining to the function of the medical staff of a public hospital licensed pursuant to ORS 441.015 to 441.063, 441.085, 441.087 and 441.990 (2) including, but not limited to, all clinical committees, executive, credentials, utilization review, peer review committees and all other matters relating to medical competency in the hospital.

- (d) To conduct deliberations with persons designated by the governing body to carry on labor negotiations.
- (e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions.
- (f) To consider information or records that are exempt by law from public inspection.
- (g) To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations.
- (h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.
- (i) To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.
- (j) To carry on negotiations under ORS chapter 293 with private persons or businesses regarding proposed acquisition, exchange or liquidation of public investments.
- (k) If the governing body is a health professional regulatory board, to consider information obtained as part of an investigation of licensee or applicant conduct.
- (L) If the governing body is the State Landscape Architect Board, or an advisory committee to the board, to consider information obtained as part of an investigation of registrant or applicant conduct.
- (m) To discuss information about review or approval of programs relating to the security of any of the following:
 - (A) A nuclear-powered thermal power plant or nuclear installation.
 - (B) Transportation of radioactive material derived from or destined for a nuclear-fueled thermal power plant or nuclear installation.
 - (C) Generation, storage or conveyance of:
 - (i) Electricity;
 - (ii) Gas in liquefied or gaseous form;
 - (iii) Hazardous substances as defined in ORS 453.005 (7)(a), (b) and (d);
 - (iv) Petroleum products;
 - (v) Sewage; or
 - (vi) Water.
 - (D) Telecommunication systems, including cellular, wireless or radio systems.
 - (E) Data transmissions by whatever means provided.

(3) Labor negotiations shall be conducted in open meetings unless negotiators for both sides request that negotiations be conducted in executive session. Labor negotiations conducted in executive session are not subject to the notification requirements of ORS 192.640.

(4) Representatives of the news media shall be allowed to attend executive sessions other than those held under subsection (2)(d) of this section relating to labor negotiations or executive session held pursuant to ORS 332.061 (2) but the governing body may require that specified information be undisclosed.

(5) When a governing body convenes an executive session under subsection (2)(h) of this section relating to conferring with counsel on current litigation or litigation likely to be filed, the governing body shall bar any member of the news media from attending the executive session if the member of the news media is a party to the litigation or is an employee, agent or contractor of a news media organization that is a party to the litigation.

(6) No executive session may be held for the purpose of taking any final action or making any final decision.

(7) The exception granted by subsection (2)(a) of this section does not apply to:

- (a) The filling of a vacancy in an elective office.
- (b) The filling of a vacancy on any public committee, commission or other advisory group.
- (c) The consideration of general employment policies.
- (d) The employment of the chief executive officer, other public officers, employees and staff members of a public body unless:
 - (A) The public body has advertised the vacancy;
 - (B) The public body has adopted regular hiring procedures;
 - (C) In the case of an officer, the public has had the opportunity to comment on the employment of the officer; and
 - (D) In the case of a chief executive officer, the governing body has adopted hiring standards, criteria and policy directives in meetings open to the public in which the public has had the opportunity to comment on the standards, criteria and policy directives.

(8) A governing body may not use an executive session for purposes of evaluating a chief executive officer or other officer, employee or staff member to conduct a general evaluation of an agency goal, objective or operation or any directive to personnel concerning agency goals, objectives, operations or programs.

(9) Notwithstanding subsections (2) and (6) of this section and ORS 192.650:

- (a) ORS 676.175 governs the public disclosure of minutes, transcripts or recordings relating to the substance and disposition of licensee or applicant conduct investigated by a health professional regulatory board.
- (b) ORS 671.338 governs the public disclosure of minutes, transcripts or recordings relating to the substance and disposition of registrant or applicant conduct investigated by the State Landscape Architect Board or an advisory committee to the board.

192.670 Meetings by means of telephonic or electronic communication. (1) Any meeting, including an executive session, of a governing body of a public body which is held through the use of telephone or other electronic communication shall be conducted in accordance with ORS 192.610 to 192.690.

(2) When telephone or other electronic means of communication is used and the meeting is not an executive session, the governing body of the public body shall make available to the public at least one place where the public can listen to the communication at the time it occurs by means of speakers or other devices. The place provided may be a place where no member of the governing body of the public body is present. [1973 c.172 §7; 1979 c.361 §1]

192.680 Enforcement of ORS 192.610 to 192.690; effect of violation on validity of decision of governing body; liability of members. (1) A decision made by a governing body of a public body in violation of ORS 192.610 to 192.690 shall be voidable. The decision shall not be voided if the governing body of the public body reinstates the decision while in compliance with ORS 192.610 to 192.690. A decision that is reinstated is effective from the date of its initial adoption.

(2) Any person affected by a decision of a governing body of a public body may commence a suit in the circuit court for the county in which the governing body ordinarily meets, for the purpose of requiring compliance with, or the prevention of violations of ORS 192.610 to 192.690, by members of the governing body, or to determine the applicability of ORS 192.610 to 192.690 to matters or decisions of the governing body.

(3) Notwithstanding subsection (1) of this section, if the court finds that the public body made a decision while in violation of ORS 192.610 to 192.690, the court shall void the decision of the governing body if the court finds that the violation was the result of intentional disregard of the law or willful misconduct by a quorum of the members of the governing body, unless other equitable relief is available. The court may order such equitable relief as it deems appropriate in the circumstances. The court may order payment to a successful plaintiff in a suit brought under this section of reasonable attorney fees at trial and on appeal, by the governing body, or public body of which it is a part or to which it reports.

(4) If the court makes a finding that a violation of ORS 192.610 to 192.690 has occurred under subsection (2) of this section and that the violation is the result of willful misconduct by any member or members of the governing body, that member or members shall be jointly and severally liable to the governing body or the public body of which it is a part for the amount paid by the body under subsection (3) of this section.

(5) Any suit brought under subsection (2) of this section must be commenced within 60 days following the date that the decision becomes public record.

(6) The provisions of this section shall be the exclusive remedy for an alleged violation of ORS 192.610 to 192.690. [1973 c.172 §8; 1975 c.664 §3; 1979 c.644 §6; 1981 c.897 §42; 1983 c.453 §2; 1989 c.544 §1]

192.685 Additional enforcement of alleged violations of ORS 192.660. (1) Notwithstanding ORS 192.680, complaints of violations of ORS 192.660 alleged to have been committed by public officials may be made to the Oregon Government Ethics Commission for review and investigation

as provided by ORS 244.260 and for possible imposition of civil penalties as provided by ORS 244.350.

(2) The commission may interview witnesses, review minutes and other records and may obtain and consider any other information pertaining to executive sessions of the governing body of a public body for purposes of determining whether a violation of ORS 192.660 occurred. Information related to an executive session conducted for a purpose authorized by ORS 192.660 shall be made available to the Oregon Government Ethics Commission for its investigation but shall be excluded from public disclosure.

(3) If the commission chooses not to pursue a complaint of a violation brought under subsection (1) of this section at any time before conclusion of a contested case hearing, the public official against whom the complaint was brought may be entitled to reimbursement of reasonable costs and attorney fees by the public body to which the official's governing body has authority to make recommendations or for which the official's governing body has authority to make decisions. [1993 c.743 §28]

192.690 Exceptions to ORS 192.610 to 192.690. (1) ORS 192.610 to 192.690 do not apply to the deliberations of the State Board of Parole and Post-Prison Supervision, the Psychiatric Security Review Board, state agencies conducting hearings on contested cases in accordance with the provisions of ORS chapter 183, the review by the Workers' Compensation Board or the Employment Appeals Board of similar hearings on contested cases, meetings of the state lawyers assistance committee operating under the provisions of ORS 9.568, meetings of the personal and practice management assistance committees operating under the provisions of ORS 9.568, the county multidisciplinary child abuse teams required to review child abuse cases in accordance with the provisions of ORS 418.747, the child fatality review teams required to review child fatalities in accordance with the provisions of ORS 418.785, the peer review committees in accordance with the provisions of ORS 441.055, mediation conducted under ORS 36.250 to 36.270, any judicial proceeding, meetings of the Oregon Health and Science University Board of Directors or its designated committee regarding candidates for the position of president of the university or regarding sensitive business, financial or commercial matters of the university not customarily provided to competitors related to financings, mergers, acquisitions or joint ventures or related to the sale or other disposition of, or substantial change in use of, significant real or personal property, or related to health system strategies, or to Oregon Health and Science University faculty or staff committee meetings.

(2) Because of the grave risk to public health and safety that would be posed by misappropriation or misapplication of information considered during such review and approval, ORS 192.610 to 192.690 shall not apply to review and approval of security programs by the Energy Facility Siting Council pursuant to ORS 469.530. [1973 c.172 §9; 1975 c.606 §41b; 1977 c.380 §19; 1981 c.354 §3; 1983 c.617 §4; 1987 c.850 §3; 1989 c.6 §18; 1989 c.967 §§12,14; 1991 c.451 §3; 1993 c.18 §33; 1993 c.318 §§3,4; 1995 c.36 §§1,2; 1995 c.162 §§62b,62c; 1999 c.59 §§45a,46a; 1999 c.155 §4; 1999 c.171 §§4,5; 1999 c.291 §§25,26; 2005 c.347 §5; 2005 c.562 §23]

Note: The amendments to 192.690 by section 8, chapter 796, Oregon Laws 2007, take effect January 1, 2009. See section 9, chapter 796, Oregon Laws 2007. The text that is effective on and after January 1, 2009, is set forth for the user's convenience.

192.690. (1) ORS 192.610 to 192.690 do not apply to the deliberations of the State Board of Parole and Post-Prison Supervision, the Psychiatric Security Review Board, state agencies conducting hearings on contested cases in accordance with the provisions of ORS chapter 183, the review by the Workers' Compensation Board or the Employment Appeals Board of similar hearings on contested cases, meetings of the state lawyers assistance committee operating under the provisions of ORS 9.568, meetings of the Health Professionals Program Supervisory Council established under ORS 677.615, meetings of the personal and practice management assistance committees operating under the provisions of ORS 9.568, the county multidisciplinary child abuse teams required to review child abuse cases in accordance with the provisions of ORS 418.747, the child fatality review teams required to review child fatalities in accordance with the provisions of ORS 418.785, the peer review committees in accordance with the provisions of ORS 441.055, mediation conducted under ORS 36.250 to 36.270, any judicial proceeding, meetings of the Oregon Health and Science University Board of Directors or its designated committee regarding candidates for the position of president of the university or regarding sensitive business, financial or commercial matters of the university not customarily provided to competitors related to financings, mergers, acquisitions or joint ventures or related to the sale or other disposition of, or substantial change in use of, significant real or personal property, or related to health system strategies, or to Oregon Health and Science University faculty or staff committee meetings.

(2) Because of the grave risk to public health and safety that would be posed by misappropriation or misapplication of information considered during such review and approval, ORS 192.610 to 192.690 shall not apply to review and approval of security programs by the Energy Facility Siting Council pursuant to ORS 469.530.

192.695 Prima facie evidence of violation required of plaintiff. In any suit commenced under ORS 192.680 (2), the plaintiff shall be required to present prima facie evidence of a violation of ORS 192.610 to 192.690 before the governing body shall be required to prove that its acts in deliberating toward a decision complied with the law. When a plaintiff presents prima facie evidence of a violation of the open meetings law, the burden to prove that the provisions of ORS 192.610 to 192.690 were complied with shall be on the governing body. [1981 c.892 §97d; 1989 c.544 §3]

Note: 192.695 was added to and made a part of ORS chapter 192 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

192.710 Smoking in public meetings prohibited. (1) No person shall smoke or carry any lighted smoking instrument in a room where a public meeting is being held or is to continue after a recess. For purposes of this subsection, a public meeting is being held from the time the agenda or

meeting notice indicates the meeting is to commence regardless of the time it actually commences.

(2) As used in this section:

- (a) "Public meeting" means any regular or special public meeting or hearing of a public body to exercise or advise in the exercise of any power of government in buildings or rooms rented, leased or owned by the State of Oregon or by any county, city or other political subdivision in the state regardless of whether a quorum is present or is required.
- (b) "Public body" means the state or any department, agency, board or commission of the state or any county, city or other political subdivision in the state.
- (c) "Smoking instrument" means any cigar, cigarette, pipe or other smoking equipment. [1973 c.168 §1; 1979 c.262 §1]

Excerpt from Attorney General's Guide on Public Records and Meetings

II.D. Requirements of the Law

II.D.1. Notice

The Public Meetings Law requires that public notice be given of the time and place of meetings. This requirement applies to regular, special and emergency meetings as those terms are used in ORS 192.640. The public notice requirements apply to *any* "meeting" of a "governing body" subject to the law, including committees, subcommittees and advisory groups. See discussion above of Governing Bodies and of Meetings. A governing body's notice must be reasonably calculated to provide actual notice to the persons and the media that have stated in writing that they wish to be notified of every meeting. [\[26\]](#)

If a meeting will consist only of an executive session, notice still must be given to the members of the governing body, to the general public and to news media that have requested notice. The notice also must state the specific legal provision authorizing the executive session. ORS 192.640(2).

Notices for meetings that will include both an executive session and a nonexecutive session should give notice of both and state the statutory authority for the executive session.

To assist the public body in satisfying the accessibility requirements of ORS 192.630(5) and the Americans with Disabilities Act, the notice should provide the name of a person and telephone number (including TTY number) at the public body to contact to make a request for an interpreter for the hearing impaired or for other communication aids. See [App B](#) for a sample meeting notice that includes such information. As an alternative, public bodies that know their audience is likely to require a sign language interpreter or other communication aids and services should simply make those services available and so state in their notice.

The Public Meetings Law requires that the notice of any meeting "include a list of the principal subjects anticipated to be considered at the meeting." ORS 192.640(1). This list should be specific enough to permit members of the public to recognize the matters in which they are interested. This requirement ordinarily would be met by dissemination of an agenda. The agenda need not go into detail about subjects scheduled for discussion or action, but it should be sufficiently descriptive so

that interested persons will get an accurate picture of the agenda topics. For example, "public works contract" probably is not a sufficient description when the governing body intends to let a contract for demolition of a landmark building.

The Public Meetings Law does not require that every proposed item of business be described in the notice. The law requires a reasonable effort to inform the public and interested persons, including news media, of the nature of the more important issues ("principal subjects") coming before the body. And the governing body may take up additional "principal subjects" arising too late to be mentioned in the notice. See ORS 192.640(1) (listing of principal subjects "shall not limit the ability of a governing body to consider additional subjects"). But, if an executive session is being held, the discussion must be limited to the topic(s) listed in the statutory provision(s) identified as authority for the executive session, ORS 192.640(2). Of course, if the subject matter is governed by the rulemaking requirements of the Administrative Procedures Act (ORS chapter 183), the notice requirements of that statute must be met.

The goal of notice for any meeting is two-fold: to provide general notice to the public at large and to provide *actual* notice to specifically interested persons. The following are suggested methods of meeting the notice requirements for the three types of meetings addressed in the Public Meetings Law:

Press Releases — Press releases should be given to the appropriate publications and news services. The following list of publications and news services is commonly used.

- Wire Service — Associated Press. Notices directed to this service at its main offices at the Press Room, State Capitol Bldg., Salem, Oregon 97301 (Phone (503) 363-5358; Fax (503) 363-9502) or 121 S.W. Salmon Street, Suite 1450, Portland, Oregon 97204-2924 (Phone (503) 228-2169; Fax (503) 228-5514), will reach the service. In other areas of the state, notices directed to subscribing news media should reach the service.
- Local Media Representatives — If a meeting involves matters that affect a particular geographic area, press releases should be sent to the local media.
- Trade Papers, Special Interest Publications and Professional Journals — Agencies regulating matters affecting trades, occupations, professions and special interest groups that have regularly scheduled publications directed to affected persons should provide these publications with notices of the agencies' public meetings.

Paid display advertising is not required. A governing body is not required to ensure that the release is published. **News media requesting notice of meetings *must* be given notice.**

Mailing Lists — Agencies maintaining mailing lists of licensees or other persons or groups for notice purposes, either as a regular practice or under the requirements of ORS 183.335(8), should mail or fax notices of regular meetings to persons on those lists.

Interested Persons — If a governing body is aware of persons having a special interest in a particular action, those persons generally should be notified, unless doing so would be unduly burdensome or expensive.

Notice Boards — Some smaller communities have a designated area or bulletin board for posting notices. Governing bodies may want to post notices of meetings in such areas.

II.D.1.a. Regularly Scheduled Meetings

The notice for a regular meeting must be *reasonably calculated* to give actual notice of the time and place for the meeting "to interested persons including news media which have requested notice." ORS 192.640(1).

II.C.1.c. Electronic Communication

The Public Meetings Law expressly recognizes that meetings may be conducted by telephonic conference calls or "other electronic communication." Such meetings are subject to the Public Meetings Law. ORS 192.670(1).

Notice and opportunity for public access must be provided when meetings are conducted by electronic means. For nonexecutive session meetings held by telephone or other electronic means of communication, the public must be provided at least one place where its members may "listen" to the meeting by speakers or other devices. ORS 192.670(2). Special accommodations may be necessary to ensure accessibility for persons with disabilities. See discussion below of Accessibility to Persons with Disabilities. The media must be provided access to such facilities when executive sessions are conducted electronically, unless the executive sessions are held under ORS 192.660(2)(d) (to deliberate with persons designated by the governing body to carry on labor negotiations) or ORS 332.061 (hearing concerning expulsion of minor student from public elementary or secondary school, or pertaining to examination of student's confidential medical records).

State and local governing bodies generally recognize that the Public Meetings Law imposes public access requirements on official telephonic meetings. Governing bodies also must comply with those requirements when their members use more sophisticated means of electronic communication in lieu of face-to-face official meetings. **For example, communications between and among a quorum of members of a governing body convening on electronically-linked personal computers are subject to the Public Meetings Law if the communications constitute a decision or deliberation toward a decision for which a quorum is required, or the gathering of information on which to deliberate.**

II.D.7. Minutes and Recordkeeping

The Public Meetings Law requires that the governing body of a public body provide for sound, video or digital recording or written minutes of its meetings. [\[40\]](#) ORS 192.650(1). The record of a meeting, whether preserved in written minutes or a sound, video or digital recording, shall include at least the following information:

- members present;
- motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;
- results of all votes and, except for public bodies consisting of more than 25 members unless requested by a member of that body, the vote of each member by name;
- the substance of any discussion on any matter; and
- subject to the Public Records Law, ORS 192.410 to 192.505, a reference to any document discussed at the meeting. (Such reference does not change the status of the document under the Public Records Law. ORS 192.650(3).)

Written minutes need not be a verbatim transcript and a sound, video or digital recording is not required to contain a full recording of the meeting, except as otherwise provided by law. Whatever means of recording used must give a "a true reflection of the matters discussed at the meeting and the views of the participants." ORS 192.650(1). See [App B](#) for sample minutes.

The Public Meetings Law requires that written minutes or a sound, video or digital recording of a meeting be made available to the public "within a reasonable time after the meeting." ORS 192.650(1). If written minutes

are prepared, they cannot be withheld from the public merely because they will not be approved until the next meeting of the governing body. If minutes have not been approved, they may be so identified. In any event, any completed minutes or sound, video or digital recordings are public records subject to disclosure under the Public Records Law. Consistent with the Public Records Law fee provision, discussed in Part I of this manual, a public body may charge a person a fee for preparing a transcript from a sound, video or digital recording. ORS 192.650(4).

These recordkeeping requirements apply to executive sessions, including the option of keeping a record in the form of either written minutes or a sound, videotape or digital recording. ORS 192.650(2). A governing body is not required to transcribe a sound, videotape or digital recording of an executive session unless otherwise provided by law, and if disclosure of material in the minutes or other recording of an executive session would be inconsistent with the purpose for which the executive session was held under ORS 192.660, the material may be withheld from disclosure. ORS 192.650(2).^[41] Also, the written minutes of an executive session held under ORS 332.061 (expulsion of a minor student from public school or consideration of a student's confidential medical records) shall contain only the information not excluded under ORS 332.061(2). The news media have no statutory right of access to minutes or other recordings of executive sessions beyond that of the general public.

We assume that a governing body generally should be able to make a sound, video or digital recording of a meeting available to the public within a few days following the meeting. However, we are told that a requirement that written minutes be available within a few days following a meeting is impractical even for a governing body with substantial staff, because such a body may meet in longer sessions and more often than other bodies, and consequently the preparation of minutes takes up to three weeks in the usual course of business. This practice arguably is within the "reasonable time" allowed by the statute, but a reviewing court may reach a different conclusion.

The Oregon Court of Appeals has construed ORS 192.650 to require minutes to be preserved for a reasonable time. The court concluded that, in the absence of evidence that a longer time is required, one year is a reasonable time to preserve minutes.^[42] Accordingly, we recommend that, to safely comply with the law, public bodies preserve minutes or audio, video or digital records for at least one year, and longer if there is evidence that a longer period is necessary. Minutes and audio, video or digital recordings also are "public records" under ORS 192.005(5), the definition for purposes of the public records retention law. Therefore, public bodies also should determine whether the records retention schedule established by the State Archivist pursuant to ORS 192.105 requires them to preserve minutes or other recordings for longer than one year.^[43]

Minutes and records available to the public must be made available to persons with disabilities in a form usable by them, such as large print, Braille or audiotape. However, the public body is entitled to consider the resources available for use in the funding and operation of the program from which the records are sought in responding to a request for alternative format, and may conclude that compliance with the request would result in a fundamental alteration of the nature of the program or in undue financial or administrative burdens.^[44] Public bodies should consult with legal counsel if they are uncertain of their obligation to honor the requester's choice.

A public body may not charge a person with a disability to cover the costs of providing records in an alternative print form, although the public body may charge a fee for all other "actual costs" that may be recovered under the Public Records Law just as it would for any other requester.[]



CITY OF NORTH PLAINS

31360 NW Commercial Street, North Plains, Oregon 97133

Date: March 19, 2013
To: Mayor and City Council
From: Martha DeBry, City Manager
Subject: Introduction of Ordinance No. XXX amending Sign Ordinance Section 16.80.045 **(12-009-01-ZDA)**

Request: Council consider introduction of Ordinance No. XXX amending the municipal code section related to signs.

Background: The Planning Commission has been in the process of reviewing many sections of the zoning ordinance, and recommended approval of changes to Council. In the time between the Commission's and Council's review an issue concerning an existing business arose, and the City Attorney has recommended the City consider changing its sign ordinance. Specifically, McDonald's has requested relief from the requirement to remove their pole signs, following the approval of the design review of the building.

City ordinance as written requires all non-conforming uses to be corrected into conformance upon the approval of a design review. McDonald's signs exceed the height limitation of 15 feet and pole signs in general do not conform with the code which now promotes lower profile monument signs. (A monument sign is one that has a solid supporting base equal to or greater than the width of the sign face, generally made of stone, masonry, or concrete, with no separations between the sign and the base.)

Staff advised McDonald's of the need to bring the sign into conformance when the design review was considered. At that time McDonald's advised it may not proceed with its project to invest several hundred thousands of dollars into the expansion of the store at Glencoe Road and Highland Court, if a condition was the removal of the highway sign that is approximately 80 feet high.

McDonald's recently requested that the City consider either a variance or non-conforming use permit to allow them to continue using the sign. The business has realized a decline in business while the Glencoe Interchange Project started construction, and the business owner advises that the loss of the sign would present a long-term detriment to his business. The value of the sign itself was about \$100,000 when it was installed in 1994.

The City Attorney reviewed the request and the code and advised staff that neither a variance or non-conforming use permit are appropriate in this instance. The Attorney recommended either:

1. enforcing the code as is or
2. amending the code to allow highway signs to be retained.

The City Council approved all of the recommendations for changes to the code associated with Planning File **12-009-01-ZDA** in February except for the section related to signs, and asked that the Planning Commission reconsider the ordinance section.

Staff presented this issue to the Planning Commission, which has recommended that no further change in the code be made. The Commission expressed opinions that a time frame could be negotiated to bring McDonald's into conformance, and that the restrictive nature of the code was established to eliminate tall highway signs.

City Council has a variety of options:

- 1) Adopt only the changes recommended by the Planning Commission which is contained in Exhibit A to the Ordinance
- 2) Adopt the changes recommended by the Planning Commission, with an amendment to 16.80.045.A.1 changing the trigger for conformance:
 - **16.80.045.A.1** Any sign that was approved under previous regulations, or for which a variance was granted, shall either be removed or brought into compliance with this ordinance ~~as a condition of approval of design review on the appurtenant property.~~ when a permit is required for work on the sign or its appurtenant equipment valued at more than \$25,000.
- 3) Adopt the changes recommended by the Planning Commission, with an amendment to include a new section 16.80.045.D which grandfathers all existing highway signs, exempting them from conformance requirements but does not allow for their alteration or replacement:
 - **16.80.045.D Highway Signs.** Any non-conforming sign with a height of 40 feet or more, that was approved under previous regulations, or for which a variance was granted, and which was installed prior to April 1, 2013 will be permitted until such time that all or a portion of the sign is removed or substantially damaged for any reason including acts of god. Highway signs cannot be altered in physical dimensions.
- 4) Adopt the changes recommended by the Planning Commission, with an amendment to include a new sections 16.80.045.A.5 which required highway signs to correct into conformance by a specific date:
 - **16.80.045.A.5** Any non-conforming sign with a height of 40 feet or more must be brought into conformance by DATE TO BE SPECIFIED.
- 5) Take no action.

Staff is recommending Council consider options that allows McDonald's, 76 and Chevron to retain their highway signs, as they present no specific detriment to the City.

Fiscal Impact: Adoption of the ordinance has no fiscal impact on the City.

Environmental Issues: None identified.

Recommendation: The City Council read Ordinance No. XXX by title only for the first time with an amendment to allow highway signs which must also be read aloud.

Sample Motion: I move to adopt Ordinance XXX with the amended language from Option ____.

ORDINANCE NO. 413

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH PLAINS OREGON, APPROVING AMENDMENTS OF MUNICIPAL CODE CHAPTER 16.00 SERIES ZONING AND DEVELOPMENT CODE: 12-009-01-ZDA

THE NORTH PLAINS CITY COUNCIL FINDS:

WHEREAS, the City adopted its last revision to Code Chapter 16 by Ordinance No. 392, adopted on February 6, 2012;

WHEREAS, the City Council of the City of North Plains finds the current Municipal Code Zoning and Development Standard Chapters need to be amended as follows: R-5 Zone to increase the minimum lot size of duplex, triplex, and attached family homes to 4,000 square feet, to modify setback and height standards, modify lot coverage standards, make grammatical revisions, correct errors, clarify language, clarify the sign code chapter, edit definitions, omit staff position titles throughout the code, and to clarify application procedures and requirements; and

WHEREAS, the City Council finds that notice of the proposed amendments were mailed to the State Department of Land Conservation and Development a minimum of 45 days before the initial hearing; and

WHEREAS, the Planning Commission held a public hearing on the proposed amendments during its December 12, 2012 and January 9, 2013, regular meetings and recommended approval of the proposed revisions to the City Council; and

NOW THEREFORE, THE CITY OF NORTH PLAINS, OREGON, ORDAINS AS FOLLOWS:

- Section 1. Adopt revised Municipal Code Chapter 16.00 series Zoning and Development Standards pursuant to the findings contained in the Staff Report; a copy of which is marked Exhibit "A."
- Section 2. Severability. If any provision of this Ordinance or its application to any person or circumstances is held to be unconstitutional or invalid for any reason, the remainder of this Ordinance or the application of the provisions to other persons or circumstances shall not be affected.
- Section 3. Effective Date. This ordinance takes effect March 20th, 2013.

INTRODUCED for first reading on the 4th day of February, 2013, for second reading **AND ADOPTION** on the 19th day of February, 2013.

CITY OF NORTH PLAINS, OREGON

By: _____
David Hatcher, Mayor

ATTEST:

By: _____
Martha DeBry, City Manager/City Recorder

Chapter 16.80
SIGN STANDARDS

16.80.000 **Definitions**

The following terms are defined for the purpose of this chapter in order to provide clarification of certain words or terms used in the Ordinance.

A. — A. — Abandoned sign - A sign or sign structure where:

_____1. A sign is no longer in use. Discontinuance of sign use may be shown by cessation of use of the premises where the sign is located;

_____2. A sign has been damaged, in excess of 50% of the value of the sign, and repairs and restoration are not started within ninety days of the date the sign was damaged, or are not diligently pursued, once started.

B. — B. — Awning - A shelter projecting from and supported by the exterior wall of a building constructed of rigid or non-rigid materials on a supporting framework.

C. — C. — Awning Sign - A sign affixed or applied to the exterior facing surface or surfaces of an awning or a sign hanging from the supports of an awning, provided that the clearance below the sign shall be at least 8 feet.

D. — D. — Building Frontage, Primary - The portion of a building face most closely in alignment with an adjacent right-of-way. A gasoline service station may use the overhanging canopy as a substitute for building frontage when computing the allowable sign area. The longest side of the canopy shall be used to compute the allowable sign area.

E. — E. — Building Wall, Side - The wall of a building most nearly perpendicular with a street abutting the buildings lot regardless of whether such is functionally the front, rear, end or side of the building.

F. — F. — Canopy - A permanent roof-like structure projecting from a building and open on at least one side for the purpose of shielding a pedestrian walkway from the elements, or a freestanding roof-like structure supported by columns intended to shield a vehicular driveway or service area from the elements.

~~G.~~ ~~G.~~ **Canopy Sign** - A sign, affixed or applied to, a canopy or eve, at any angle relative to the adjacent wall, the lowest portion of which is at least eight (8) feet above the underlying grade.

~~H.~~ ~~H.~~ **Changeable Copy Sign** - A sign whose informational content can be changed or altered by manual, electric, electro-mechanical, electronic or optical means.

~~I.~~ ~~I.~~ **Copy** - The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.

~~J.~~ ~~J.~~ **Electronic Message Sign** - A permanent sign providing information in both a horizontal and vertical format (as opposed to linear) sign copy, on which copy is created through use of a pattern of lights in a dot matrix configuration, which may be changed intermittently. ~~Video signs are not included in this definition.~~ Electronic message signs permitted under this chapter shall comply with the following standards:

1. The rate of change for sign copy from one message to another message shall be no more frequent than every eight seconds and the actual copy change shall be accomplished in four seconds or less. Once changed, the copy shall remain static until the next change.
2. Displays may travel horizontally or scroll vertically onto electronic message signs, but must hold in a static position after completing the travel or scroll.
3. Electronic message signs requiring more than four seconds to change from one copy to another shall be turned off during the change interval.
4. Sign copy shall not appear to flash, ~~display videos,~~ undulate, or pulse, or portray explosions, fireworks, flashes of lights, or blinking of chasing lights. Copy shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist, or otherwise portray graphics or animation as it moves onto, is displayed on, or leaves the sign face.
5. No electronic message sign lamp may be illuminated to a degree of brightness that is greater than necessary for adequate visibility. In no case may the brightness exceed eight thousand nits or equivalent candelas during daylight hours, or one thousand nits or equivalent candelas between dusk and dawn. Signs found to be too bright shall be adjusted or removed as directed by the city manager.

~~J.K.~~ **Frontage** - The length of the property line of any one premises along a public right-of-way on which it borders. In the case of a corner lot, the frontage shall be the narrowest street frontage.

~~K.L.~~ **Front Wall** - The front wall of a structure shall be the wall of a structure most parallel to the frontage of the property.

~~L.M.~~ **Grade** - Grade is the average level of the ground measured five feet from either end of the base of the sign, parallel to the sign face. For signs mounted on buildings, the grade is the average level of the sidewalk, alley or ground below the mounted sign measured five feet from either end of the sign face.

~~M.N.~~ **Ground Sign** - A permanently affixed sign which is wholly independent of a building for support.

~~N.O.~~ **Height** - The height of a sign is the vertical distance measured from the highest point of the sign to the grade of the adjacent street or the surface grade beneath the sign, whichever is greater.

~~O.P.~~ **Home Occupation Sign**- Such sign shall not exceed four square feet, pursuant to Chapter 16.85.005

~~P.Q.~~ **Monument Sign** - A sign that has a solid supporting base equal to or greater than the width of the sign face, generally made of stone, masonry, or concrete, with no separations between the sign and the base.

~~Q.R.~~ **Mural** - Any pictorial or graphic decoration, other than a sign which is applied directly to a structure and is neither used for, or intended to achieve the purposes of, advertising by the use of lettering or script to draw attention to or to direct the observer to a particular business or business location, nor to draw attention to specific products, goods or service by the use of a brand name, trademark, copyright or any other device restricted in use without permission of the owner.

~~S. Q.~~ **Name Plate** - A non-electric on-premise identification sign giving only the name, address, and or occupation of an occupant or group of occupants.

~~T. R.~~ **Non-Conforming Sign** - A ~~sign-w~~ which ~~was~~ erected legally, but which does not comply with subsequently enacted sign restrictions and regulations.

~~U. S.~~ **Pan Chanel sign** - A sign not contained in a sign box, but rather the lettering and sign logos act as their own sign cabinet.

~~V. T.~~ **Pole sign** - A sign that is a freestanding sign connected to the ground by one or more supports with the lower edge of the sign separated vertically from the ground by a distance of nine feet or greater as measured from grade.

W. U.—**Projecting sign** - A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building. Maximum projection shall be three feet and maximum thickness shall be one foot. A projecting sign shall not project above a roof line.

X. V.—**Roof Line** - Either the eaves of the roof or the top of the parapet, at the exterior wall. (A “mansard roof” is below the top of a parapet and is considered a wall for sign purposes.)

Y. W.—**Roof Sign** - Any sign erected over or on the roof line of a building.

X.—**Sign** - Any writing, including letter, word, or numeral; pictorial presentation, emblem, including device, symbol or trademark; flag, including banner or pennant; or any other device, figure or similar thing which is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or structure or device; and is used to announce, direct attention to, or advertise; and is visible from any public right-of- way.

Z.

AA. Y.—**Sign Area** - The entire area made available by the sign structure for the purpose of displaying the advertising message. For painted signs, only that portion of the door, wall, or structure actually devoted to the message and associated symbols and background, if any, is included in the area. The sign area as defined shall be used in determining the allowable square footage of signs. For double faced signs, only one side of the sign shall be counted in the total maximum area.

~~Z.—**Snipe Sign** - A small sign of any material, including but not limited to paper, cardboard, wood or metal, attached to any object and having no application to the premises where located.~~

BB. AA.—**Temporary Sign** - A sign not permanently affixed to a structure ~~on a property.~~ These signs may be made of materials including, primarily include, but ~~are not~~ limited to, canvas, cloth, rigid plastic, or paper, vinyl, cardboard, wood, or metal, and may be a variety of types, including, but not limited to, sandwich bannersboards, banners, or posters. ~~hung on a building wall or on a permanent pole such as on a free standing sign support. Paper signs may only be used for single day events.~~

CC. ~~BB.~~—**Unlawful Sign** - A sign that was constructed without the necessary permits or approvals of the city.

~~CC. Video Sign~~

DD. Wall Sign - A sign attached essentially parallel to and extending not more than eight inches from the wall of a building with no copy on the sides or edges. This definition includes signs painted directly on the wall of a building.

EE. DD. Window Sign - A sign installed on the exterior or on or near the interior of a window for the purpose of viewing from outside the premises.

16.80.005 General Provisions

A. Except as provided in this chapter, a person shall not erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use or maintain any sign, or cause or permit the same to be done, contrary to or in violation of any of the provisions of the sign standards.

B. Except as provided in this chapter, a person shall not erect, construct or alter a sign, or permit the same to be done, unless a sign permit has been issued by the city. A sign permit for the construction and continued use of a sign is subject to the terms and conditions stated in the permit and to the sign standards.

C. An application for sign permit approval is subject to the procedures set forth in this chapter.

D. A sign shall not be constructed on a site that contains an unlawful sign.

E. The sign standards are not intended to, and do not restrict speech on the basis of its content, viewpoint or message. Any classification of signs in this chapter that permits speech by reason of the type of sign, identity of the sign user or otherwise, shall permit any type of speech on the sign. No part of this chapter shall be construed to favor commercial speech over noncommercial speech. To the extent any provision of this chapter is ambiguous, the term shall be interpreted to not regulate on the basis of speech content, and the interpretation resulting in the least restriction of the content of the sign message shall prevail.

16.80.010 Signs in Residential Zones

A. Permitted Signs

1. Signs which meet the following regulation are allowed in the R-2.5 Zone: One (1) sign, not over nine (9) square feet in area, at each entrance to an apartment, townhouse or condominium development.

2. Signs that meet the following regulations are allowed in the R-2.5, R-5 and R-7.5 Zones.

_____ One (1) name plate, indirectly illuminated or not illuminated, not exceeding one and one-half square feet in area for each building. _

a. _____

~~a. One (1) temporary sign, not illuminated and not exceeding six square feet in during the period the property is for sale, lease or rent. The sign shall be removed within 10 days after the property is sold, leased or rented.~~

~~b. One (1) temporary sign, not illuminated and not exceeding 32 square feet in area, at each entry to a subdivision during the time the tracts or lots in the subdivision are for sale. The signs shall be removed within 10 days after the tracts or lots are sold.~~

~~e.b.~~ Homeowner Association Meeting announcements not exceeding 6 ~~3~~ square feet.

~~e.c.~~ Changeable copy signs for institutional uses, not exceeding 20 square feet

~~e.d.~~ One (1) monument sign not exceeding 32 square feet for an institutional use. The sign shall be setback at least 10 feet from the front property line. If the use also has a changeable copy sign it shall be incorporated into the monument sign.

e. One (1) monument sign at each entry to a subdivision not exceeding 32 square feet for the name of a residential subdivision. The sign shall not violate the vision clearance requirements.

f. Temporary Signs:

~~i. One (1) temporary sign, not illuminated, and not exceeding six square feet, and not placed within the right-of-way, -in- during the period the property is for sale, lease or rent. The sign shall be removed within 10 days after the property is sold, leased or rented.~~

~~f.~~ _____

ii. One (1) temporary sign, not illuminated and not exceeding 32

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square feet in area, at each entry to a subdivision during the time the tracts or lots in the subdivision are for sale. The signs shall be removed within 10 days after the tracts or lots are sold.

~~g.iii.~~ Temporary political signs may be displayed on a residential property during the period from 120 days before a public election to ten days after the public election.

~~h.~~ _____

~~iv.~~ Temporary signs and banners placed within city right-of-way that are posted by the city or city-sponsored community organizations.

B. Prohibited Signs

_____ The following signs are prohibited in all Residential zones:

1. Ground or pole signs
2. Roof signs
3. Projecting signs
4. Temporary signs, except as permitted in Section for residential zones above. 16.8019.0130(A)(2)
- ~~5. Snipe Sign~~
- ~~6-5. Murals~~

16.80.015 Signs in Commercial Zones

A. Permitted Signs

1. Signs which meet the following regulations are allowed in the C-1 Zone.
 - a. One awning or canopy sign not exceeding five (5) square feet for each building occupancy.

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- b. In cases where the main entrance to a business is from the front wall of a structure, one (1) wall sign for each business affixed to the front wall of a structure with a maximum of one square foot of area for each lineal foot of building occupancy.
- c. In cases where the main entrance to a business is from the front wall of a structure, one (1) wall sign for each business affixed to a side or rear wall of a building with a maximum of one-half square foot of sign area for each lineal foot of building occupancy.
- d. In cases where the main entrance to a business is from a side wall of a structure, one (1) wall sign for each business affixed to the side wall of the building with a maximum of one square foot of sign area for each lineal foot of building occupancy.
- e. A sign is not allowed on the side or rear wall of a building if the wall is adjacent to, or across the street from a residential zone.
- f. Window sign, provided that not more than 25% of a window is included in a window sign.
- g. A mural meeting the definition under Section 16.80.00 will be allowed with no maximum size.
- h. Projecting signs meeting the definition under Section 16.80.000 Projecting signs shall be at least 8 feet over the grade adjacent to the building. Projecting signs may project one foot if at least 8 feet above grade and increase one foot of projection for each one foot of elevation over 8 feet to a maximum projection of 3 feet.
- i. One monument sign meeting the definition under Section 16.80.00, not exceeding 32 square feet for institutional uses.
- j. One changeable copy sign incorporated into the allowable square footage of signs for the property.

k. Temporary Signs:

- i. A temporary sign posted on a property that is for sale.- The signs shall not be illuminated, shall not exceed thirty-two (32) square feet and shall not be placed within the right-of-way. The sign shall be removed within 10 days after the property is sold, leased or rented.

- ii. Temporary signs and banners placed within city right-of-way that are posted by the city or city-sponsored community organizations.
- iii. Temporary political signs not placed within any city right of way.
- iv. All other temporary signs not placed within any city right of way.

2. Signs which meet the following regulations are allowed in the C-2 Zone.

- ~~_____~~ a. One awning or canopy sign not exceeding five (5) square feet for each building occupancy.
- ~~_____~~ b. In cases where the main entrance to a business is from the front wall of a structure, one (1) wall sign for each business affixed to the front wall of a structure with a maximum of one square foot of area for each lineal foot of building occupancy.
- c. In cases where the main entrance to a business is from the front wall of a structure, one (1) wall sign for each business affixed to a side or rear wall of a building with a maximum of one-half square foot of sign area for each lineal foot of building occupancy.
- d. In cases where the main entrance to a business is from a side wall of a structure, one (1) wall sign for each business affixed to the side wall of the building with a maximum of one square foot of sign area for each lineal foot of building occupancy.
- ~~_____~~ e. No sign shall be allowed on the side or rear wall of a building if the wall is adjacent to, or across the street from a residential zone.
- ~~_____~~ f. Window sign, provided that not more than 25% of a window's area is included in a window sign.
- ~~g.~~ ~~g.~~ One monument sign not exceeding 32 square feet for each driveway, except that monument signs shall not be located adjacent to, or across from residential zones.
- ~~_____~~ h. For properties with greater than 200 feet of total street frontage, one monument sign for each street frontage with a maximum area of ½ square foot per lineal foot of property frontage with a maximum area

of 50 square feet for each sign. Such sign shall not be in addition to the monument sign allowed in subsection g of this section.

- i. A mural meeting the definition under Section 16.80.000 is allowed with no maximum size.

_____j One changeable copy sign incorporated into the allowable square footage of signs for the property.

~~kj.~~ Temporary Signs:-

- i. A temporary sign posted on a property that is for sale, lease or rental does not require a permit from the city. The signs shall not be illuminated, shall not exceed thirty-two (32) square feet and shall not be placed within the right-of-way. The sign shall be removed within 10 days after the property is sold, leased or rented.
- ii. Temporary signs and banners placed within city right-of-way that are posted by the city or city-sponsored community organizations.
- iii. Temporary political signs not placed within any city right of way.
- iv. All other temporary signs not placed within any city right of way.

B. Prohibited Signs

- 1. The following signs are prohibited in the C-1 Zone:

- a. Ground and pole signs
- b. Roof signs
- c. Temporary signs placed within the city right-of-way, except as permitted above.

~~e. Snipe sign~~

- 2. The following signs are prohibited in the C-2 Zone:

- a. Ground or pole sign
- b. Roof signs

c. Projecting signs

~~d.~~

~~d. _____Temporary signs placed within the city right-of-way, except as permitted above.~~

~~=~~

~~d. _____Snipe sign~~

-16.80.020 Signs in Neighborhood Community Zone

A. Permitted Signs

Signs located in the NC Zone:

1.- Signs located in the residential portions of the NC zone shall comply with signs allowed in Section 16.80.010.

2. Signs located in the commercial portions and mixed use areas of the NC zone shall comply with signs allowed in the C-1 zone.

~~_____ 3. _____Signs in mixed use areas shall comply with signs allowed in C-1 zone.~~

3. _____Temporary Signs:

i. _____ A temporary sign posted on a property that is for sale, lease or rental. The signs shall not be illuminated, shall not exceed six (6) square feet, and shall not be placed within the right-of-way. The sign shall be removed within 10 days after the property is sold, leased or rented.

ii. _____ One (1) temporary sign, not illuminated and not exceeding 32 square feet in area, at each entry to a subdivision during the time the tracts or lots in the subdivision are for sale. The signs shall be removed within 10 days after the tracts or lots are sold.

i. _____ Temporary signs and banners placed within city right-of-way that are posted by the city or city-sponsored community organizations.

ii. _____ Temporary political signs may be displayed on a residential property during the period from 120 days before a public election to ten days after the public election.

B. Prohibited Signs

1. Ground and pole signs

2. Roof signs
3. Temporary signs ~~signs placed within the city right of way~~, except as permitted ~~above. in Section 16.80.010(A)(2)~~

~~4. Snipe Sign~~

16.80.025 Signs in Industrial Zones

A. Permitted Signs

1. Signs that meet the following regulations are allowed in the M-1 Zone.
 - a. One wall sign a maximum of 32 square feet for each business located on a property.
 - b. A sign is not allowed on the side or rear wall of a building if the wall is adjacent to, or across the street from a residential zone.
 - c. One monument sign not exceeding 32 square feet for each driveway, except that monument signs are not allowed adjacent to, or across from a residential zone.
 - d. A mural meeting the definition under Section 16.80.000 ~~19.010~~ is allowed with no maximum size.
 - e. ~~Temporary Signs:-~~
 - i. ~~A temporary sign posted on a property that is for sale, lease or rental. The signs shall not be illuminated, shall not exceed thirty-two (32) square feet and shall not be placed within the right-of-way. The sign shall be removed within 10 days after the property is sold, leased or rented.~~
 - ii. ~~Temporary signs and banners placed within city right-of-way that are posted by the city or city-sponsored community organizations.—~~
 - iii. ~~Temporary political signs—~~
 - iv. ~~All other temporary signs not placed within any city right of way.—~~

2. Signs that meet the following regulations are allowed in the M-2 Zone.
 - a. One wall sign a maximum of 32 square feet for each business located on a property.

- b. A sign is not allowed on the side or rear wall of a building if the wall is adjacent to, or across the street from a residential zone.
- c. One monument sign not exceeding 32 square feet for each driveway, except that monument signs shall not be located adjacent to, or across from residential zones.
- d. A mural meeting the definition under Section 16.80.000 is allowed with no maximum size.

f. -Temporary Signs:

- i. A temporary sign posted on a property that is for sale, lease or rental does not require a permit from the city. The signs shall not be illuminated, shall not exceed thirty-two (32) square feet and shall not be placed within the right-of-way. The sign shall be removed within 10 days after the property is sold, leased or rented.
- ii. Temporary signs and banners placed within city right-of-way that are posted by the city or city-sponsored community organizations.
- iii. Temporary political signs
- iv. All other temporary signs not placed within any city right of way.-

B. Prohibited Signs

1. Signs prohibited in the M-1 Zone:

- a. Ground or pole sign
- b. Roof signs
- c. Projecting signs
- d. ~~Snipe sign~~
- e. Changeable copy sign, except gasoline price signs

f. Temporary signs placed within the city right-of-way, except as permitted above.

2. Signs prohibited in the M-2 Zone

- a. Ground or pole sign

- b. Roof signs
- c. Projecting signs
- d. ~~Snipe sign~~
- e. ~~_____~~
- d. Changeable copy sign, except gasoline price signs
- ef. _____ Temporary signs placed within the city right-of-way, except as permitted above.

~~16.80.030~~ Temporary Signs

~~The following temporary signs are permitted in all zones~~

- A. ~~Temporary signs and banners, posted by the city or community organizations for a maximum period of six months from the date a permit is issued.~~
- B. ~~A temporary sign posted on a property that is for sale, lease or rental does not require a permit from the city. The signs shall not be illuminated, shall not exceed thirty-two (32) square feet area and shall not be placed within the right-of-way. The sign shall be removed within 10 days after the property is sold, leased or rented.~~
- D. ~~Portable signs are considered temporary signs for the purposes of this ordinance.~~
- E. ~~All temporary signs that require a permit shall also pay a deposit to the city. The deposit shall be returned in full once all signs are removed from the city and disposed of or stored within the time limits of the sign permits. If a sign is not removed within the time period of the permit, the city may use the deposit to defray the costs of removing the sign.~~

~~F. Only one temporary sign permit shall be issued per business in any six month period of the calendar year. A temporary sign permit shall be issued for a maximum of 6 signs.~~

-16.80.035 Additional Regulations Applicable to all Zones.

- A. Lighting exterior to the structures shall be shielded in such a manner as to confine emitted light within the boundary of the property from which it originated except lighting installed to illuminate the American Flag or Oregon State Flag may project into the air to properly illuminate the flag, however, such lighting shall not project onto adjacent property or into a public right of way.
- B. When a sign is removed or replaced, all brackets, poles, and other structural elements that supported the sign and are not being used for the new sign shall also be removed. Affected building surfaces shall be restored to match the adjacent portion of the structure.
- C. Signs and supporting hardware, including temporary signs and time/temperature signs shall be structurally safe, clean, free of visible defects, and functioning properly at all times. Repairs to signs shall be equal to or better in quality of materials and design than the original sign.

~~D.~~ All signs shall be maintained at all times in a state of good repair, and no person shall maintain or permit to be maintained on any premises owned or controlled by him/her, any sign which is in a sagging, leaning, fallen, decayed, deteriorated, or otherwise dilapidated or in an unsafe condition.

-16.80.040 Abandoned Signs

Any sign that is unused for more than 90 consecutive days shall be deemed abandoned and shall be removed by the property owner, except that if the sign is in a vacant commercial or industrial space, the sign may remain provided there is an active attempt to obtain tenants for the space and provided all advertising copy is removed and a blank sign face is maintained.

~~_____~~ For the purposes of this Section, “unused” shall mean the absence of copy or advertising message or the sign is on a property that is not in use.

-16.80.045 Non-Conforming Signs

A. Non-conforming signs may continue to exist, subject to the following provisions:

~~_____~~ 1. Any sign that does was approved under previous regulations, or for which a variance was granted, shall either be

removed or brought into compliance with this ordinance as a condition of approval of design review on the appurtenant property.

2. Temporary and portable signs that are not in conformance with the provisions of this Ordinance shall be regarded as non-conforming and shall be removed within 90 days of the effective date of this ordinance.

3. No additions or enlargements may be made to a non-conforming sign except those additions or enlargements that are required by law.

4. A sign that is moved, replaced, or structurally altered shall be brought into conformance with this section, except that:

a. Non-conforming signs may be repaired and maintained and may have the sign copy changed. A sign may be removed from its sign structure for repair or maintenance if a permit is obtained under this section.

b. Non-conforming signs may be structurally altered when the alteration is necessary for structural safety.

c. Non-conforming signs may be reconstructed if required to be moved for construction or repair of public works or public utilities and the sign reconstruction is completed within ninety days after the completion of the public works or public utility construction or repair.

5. A non-conforming sign that is damaged shall not be repaired if the estimated expense to repair the sign exceeds fifty percent of the replacement cost of the sign as of the day before the sign was damaged. A damaged non-conforming sign that cannot be repaired shall be removed within ninety days of the date the sign was damaged. As used herein, "non-conforming sign" includes the sign structure, foundation and supports.

6. Whenever a non-conforming sign is damaged and the estimated cost to repair the sign is fifty percent or less of its replacement value as of the day before the sign was damaged, it may be repaired and restored to the condition it was in before it was damaged and may continue to be used as a non-conforming sign, provided that such repairs and

restoration are started within ninety days of the date the sign was damaged and are diligently pursued thereafter.

7. Whenever repair and/or restoration to a damaged non-conforming sign is not started within ninety days of the date the sign is damaged or is diligently pursued once started, the sign shall be deemed abandoned.

8. Abandoned signs shall not be permitted as non-conforming signs.

9. No non-conforming sign shall be permitted to remain unless properly repaired and maintained as provided in this section. A sign maintained in violation of this provision shall be removed as provided in Section A.1. of this Section. Any non-conforming sign that is determined by the building official to be an unsafe sign shall be removed as provided by Section A.5. of this Section. Any non-conforming sign determined by the city manager to be an abandoned sign shall be removed as provided in subsection A.7. of this section.

B. ~~B.~~ Nothing in this section shall be deemed to prevent the maintenance of any sign, or regular manual changes of sign copy on a sign.

C. This section shall not require the removal or modification of a sign if the sign is in good condition, and located on a historically significant structure or object as recognized in the Comprehensive Plan.

~~C. This section shall not require the removal or modification of a sign if the sign is in good condition, and located on a historically significant structure or object as recognized in the Comprehensive Plan.~~

Chapter 16.80 SIGN STANDARDS

16.80.000 Definitions

The following terms are defined for the purpose of this chapter in order to provide clarification of certain words or terms used in the Ordinance.

- A. **Abandoned sign** - A sign or sign structure where:
 - 1. A sign is no longer in use. Discontinuance of sign use may be shown by cessation of use of the premises where the sign is located;
 - 2. A sign has been damaged, in excess of 50% of the value of the sign, and repairs and restoration are not started within ninety days of the date the sign was damaged, or are not diligently pursued, once started.
- B. **Awning** - A shelter projecting from and supported by the exterior wall of a building constructed of rigid or non-rigid materials on a supporting framework.
- C. **Awning Sign** - A sign affixed or applied to the exterior facing surface or surfaces of an awning or a sign hanging from the supports of an awning, provided that the clearance below the sign shall be at least 8 feet.
- D. **Building Frontage, Primary** -The portion of a building face most closely in alignment with an adjacent right-of-way. A gasoline service station may use the overhanging canopy as a substitute for building frontage when computing the allowable sign area. The longest side of the canopy shall be used to compute the allowable sign area.
- E. **Building Wall, Side** - The wall of a building most nearly perpendicular with a street abutting the buildings lot regardless of whether such is functionally the front, rear, end or side of the building.
- F. **Canopy** - A permanent roof-like structure projecting from a building and open on at least one side for the purpose of shielding a pedestrian walkway from the elements, or a freestanding roof-like structure supported by columns intended to shield a vehicular driveway or service area from the elements.
- G. **Canopy Sign** - A sign, affixed or applied to, a canopy or eve, at any angle relative to the adjacent wall, the lowest portion of which is at least eight (8) feet above the underlying grade.
- H. **Changeable Copy Sign** - A sign whose informational content can be changed or altered by manual, electric, electro-mechanical, electronic or optical means.

- I. **Copy** - The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.

- J. **Electronic Message Sign** - A permanent sign providing information in both a horizontal and vertical format (as opposed to linear) sign copy, on which copy is created through use of a pattern of lights in a dot matrix configuration, which may be changed intermittently. Electronic message signs permitted under this chapter shall comply with the following standards:
 - 1. The rate of change for sign copy from one message to another message shall be no more frequent than every eight seconds and the actual copy change shall be accomplished in four seconds or less. Once changed, the copy shall remain static until the next change.
 - 2. Displays may travel horizontally or scroll vertically onto electronic message signs, but must hold in a static position after completing the travel or scroll.
 - 3. Electronic message signs requiring more than four seconds to change from one copy to another shall be turned off during the change interval.
 - 4. Sign copy shall not appear to flash, display videos, undulate, or pulse, or portray explosions, fireworks, flashes of lights, or blinking of chasing lights. Copy shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist, or otherwise portray graphics or animation as it moves onto, is displayed on, or leaves the sign face.
 - 5. No electronic message sign lamp may be illuminated to a degree of brightness that is greater than necessary for adequate visibility. In no case may the brightness exceed eight thousand nits or equivalent candelas during daylight hours, or one thousand nits or equivalent candelas between dusk and dawn. Signs found to be too bright shall be adjusted or removed as directed by the city manager.

- K. **Frontage** - The length of the property line of any one premises along a public right-of-way on which it borders. In the case of a corner lot, the frontage shall be the narrowest street frontage.

- L. **Front Wall** - The front wall of a structure shall be the wall of a structure most parallel to the frontage of the property.

- M. **Grade** - Grade is the average level of the ground measured five feet from either end of the base of the sign, parallel to the sign face. For signs mounted on buildings, the grade is the average level of the sidewalk, alley or ground below the mounted sign measured five feet from either end of the sign face.

- N. **Ground Sign** - A permanently affixed sign which is wholly independent of a building for support.

- O. **Height** - The height of a sign is the vertical distance measured from the highest point of the sign to the grade of the adjacent street or the surface grade beneath the sign, whichever is greater.
- P. **Home Occupation Sign**- Such sign shall not exceed four square feet, pursuant to Chapter 16.85.005
- Q. **Monument Sign** - A sign that has a solid supporting base equal to or greater than the width of the sign face, generally made of stone, masonry, or concrete, with no separations between the sign and the base.
- R. **Mural** - Any pictorial or graphic decoration, other than a sign which is applied directly to a structure and is neither used for, or intended to achieve the purposes of, advertising by the use of lettering or script to draw attention to or to direct the observer to a particular business or business location, nor to draw attention to specific products, goods or service by the use of a brand name, trademark, copyright or any other device restricted in use without permission of the owner.
- S. **Name Plate** - A non-electric on-premise identification sign giving only the name, address, and or occupation of an occupant or group of occupants.
- T. **Non-Conforming Sign** - A sign which was erected legally, but which does not comply with subsequently enacted sign restrictions and regulations.
- U. **Pan Chanel sign** - A sign not contained in a sign box, but rather the lettering and sign logos act as their own sign cabinet.
- V. **Pole sign** - A sign that is a freestanding sign connected to the ground by one or more supports with the lower edge of the sign separated vertically from the ground by a distance of nine feet or greater as measured from grade.
- W. **Projecting sign** - A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building. Maximum projection shall be three feet and maximum thickness shall be one foot. A projecting sign shall not project above a roof line.
- X. **Roof Line** - Either the eaves of the roof or the top of the parapet, at the exterior wall. (A "mansard roof" is below the top of a parapet and is considered a wall for sign purposes.)
- Y. **Roof Sign** - Any sign erected over or on the roof line of a building.
- Z. **Sign** - Any writing, including letter, word, or numeral; pictorial presentation, emblem, including device, symbol or trademark; flag, including banner or pennant; or any other device, figure or similar thing which is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or

structure or device; and is used to announce, direct attention to, or advertise; and is visible from any public right-of-way.

- AA. **Sign Area** - The entire area made available by the sign structure for the purpose of displaying the advertising message. For painted signs, only that portion of the door, wall, or structure actually devoted to the message and associated symbols and background, if any, is included in the area. The sign area as defined shall be used in determining the allowable square footage of signs. For double faced signs, only one side of the sign shall be counted in the total maximum area.
- BB. **Temporary Sign** - A sign not permanently affixed to a structure. These signs may be made of materials including, but not limited to, canvas, cloth, plastic, paper, cardboard, wood, or metal, and may be a variety of types, including, but not limited to, sandwich boards, banners, or posters.
- CC. **Unlawful Sign** - A sign that was constructed without the necessary permits or approvals of the city.
- DD. **Wall Sign** - A sign attached essentially parallel to and extending not more than eight inches from the wall of a building with no copy on the sides or edges. This definition includes signs painted directly on the wall of a building.
- EE. **Window Sign** - A sign installed on the exterior or on or near the interior of a window for the purpose of viewing from outside the premises.

16.80.005 General Provisions

- A. Except as provided in this chapter, a person shall not erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use or maintain any sign, or cause or permit the same to be done, contrary to or in violation of any of the provisions of the sign standards.
- B. Except as provided in this chapter, a person shall not erect, construct or alter a sign, or permit the same to be done, unless a sign permit has been issued by the city. A sign permit for the construction and continued use of a sign is subject to the terms and conditions stated in the permit and to the sign standards.
- C. An application for sign permit approval is subject to the procedures set forth in this chapter.
- D. A sign shall not be constructed on a site that contains an unlawful sign.
- E. The sign standards are not intended to, and do not restrict speech on the basis of its content, viewpoint or message. Any classification of signs in this chapter that permits speech by reason of the type of sign, identity of the sign user or otherwise, shall permit any type of speech on the sign. No part of this chapter shall be construed to favor commercial speech over noncommercial speech. To the

extent any provision of this chapter is ambiguous, the term shall be interpreted to not regulate on the basis of speech content, and the interpretation resulting in the least restriction of the content of the sign message shall prevail.

16.80.010 Signs in Residential Zones

A. Permitted Signs

1. Signs which meet the following regulation are allowed in the R-2.5 Zone: One (1) sign, not over nine (9) square feet in area, at each entrance to an apartment, townhouse or condominium development.
2. Signs that meet the following regulations are allowed in the R-2.5, R-5 and R-7.5 Zones.
 - a. One (1) name plate, indirectly illuminated or not illuminated, not exceeding one and one-half square feet in area for each building.
 - b. Homeowner Association Meeting announcements not exceeding 6 square feet.
 - c. Changeable copy signs for institutional uses, not exceeding 20 square feet
 - d. One (1) monument sign not exceeding 32 square feet for an institutional use. The sign shall be setback at least 10 feet from the front property line. If the use also has a changeable copy sign it shall be incorporated into the monument sign.
 - e. One (1) monument sign at each entry to a subdivision not exceeding 32 square feet for the name of a residential subdivision. The sign shall not violate the vision clearance requirements.
 - f. Temporary Signs:
 - i. One (1) temporary sign, not illuminated, not exceeding six square feet, and not placed within the right-of-way, during the period the property is for sale, lease or rent. The sign shall be removed within 10 days after the property is sold, leased or rented.
 - ii. One (1) temporary sign, not illuminated and not exceeding 32 square feet in area, at each entry to a subdivision during the time the tracts or lots in the subdivision are for sale. The signs shall be removed within 10 days after the tracts or lots are sold.
 - iii. Temporary political signs may be displayed on a residential property during the period from 120 days before a public election to ten days after the public election.
 - iv. Temporary signs and banners placed within city right-of-way that are posted by the city or city-sponsored community organizations.

B. Prohibited Signs

The following signs are prohibited in all Residential zones:

1. Ground or pole signs
2. Roof signs
3. Projecting signs
4. Temporary signs, except as permitted for residential zones above.
5. Murals

16.80.015 Signs in Commercial Zones

A. Permitted Signs

1. Signs which meet the following regulations are allowed in the C-1 Zone.
 - a. One awning or canopy sign not exceeding five (5) square feet for each building occupancy.
 - b. In cases where the main entrance to a business is from the front wall of a structure, one (1) wall sign for each business affixed to the front wall of a structure with a maximum of one square foot of area for each lineal foot of building occupancy.
 - c. In cases where the main entrance to a business is from the front wall of a structure, one (1) wall sign for each business affixed to a side or rear wall of a building with a maximum of one-half square foot of sign area for each lineal foot of building occupancy.
 - d. In cases where the main entrance to a business is from a side wall of a structure, one (1) wall sign for each business affixed to the side wall of the building with a maximum of one square foot of sign area for each lineal foot of building occupancy.
 - e. A sign is not allowed on the side or rear wall of a building if the wall is adjacent to, or across the street from a residential zone.
 - f. Window sign, provided that not more than 25% of a window is included in a window sign.

- g. A mural meeting the definition under Section 16.80.00 will be allowed with no maximum size.
 - h. Projecting signs meeting the definition under Section 16.80.000 Projecting signs shall be at least 8 feet over the grade adjacent to the building. Projecting signs may project one foot if at least 8 feet above grade and increase one foot of projection for each one feet of elevation over 8 feet to a maximum projection of 3 feet.
 - i. One monument sign meeting the definition under Section 16.80.00, not exceeding 32 square feet for institutional uses.
 - j. One changeable copy sign incorporated into the allowable square footage of signs for the property.
 - k. Temporary Signs:
 - i. A temporary sign posted on a property that is for sale. The signs shall not be illuminated, shall not exceed thirty-two (32) square feet and shall not be placed within the right-of-way. The sign shall be removed within 10 days after the property is sold, leased or rented.
 - ii. Temporary signs and banners placed within city right-of-way that are posted by the city or city-sponsored community organizations.
 - iii. Temporary political signs not placed within any city right of way.
 - iv. All other temporary signs not placed within any city right of way.
2. Signs which meet the following regulations are allowed in the C-2 Zone.
- a. One awning or canopy sign not exceeding five (5) square feet for each building occupancy.
 - b. In cases where the main entrance to a business is from the front wall of a structure, one (1) wall sign for each business affixed to the front wall of a structure with a maximum of one square foot of area for each lineal foot of building occupancy.
 - c. In cases where the main entrance to a business is from the front wall of a structure, one (1) wall sign for each business affixed to a side or rear wall of a building with a maximum of one-half square foot of sign area for each lineal foot of building occupancy.
 - d. In cases where the main entrance to a business is from a side wall of a structure, one (1) wall sign for each business affixed to the side

wall of the building with a maximum of one square foot of sign area for each lineal foot of building occupancy.

- e. No sign shall be allowed on the side or rear wall of a building if the wall is adjacent to, or across the street from a residential zone.
- f. Window sign, provided that not more than 25% of a window's area is included in a window sign.
- g. One monument sign not exceeding 32 square feet for each driveway, except that monument signs shall not be located adjacent to, or across from residential zones.
- h. For properties with greater than 200 feet of total street frontage, one monument sign for each street frontage with a maximum area of $\frac{1}{2}$ square foot per lineal foot of property frontage with a maximum area of 50 square feet for each sign. Such sign shall not be in addition to the monument sign allowed in subsection g of this section.
- i. A mural meeting the definition under Section 16.80.000 is allowed with no maximum size.
- j. One changeable copy sign incorporated into the allowable square footage of signs for the property.
- k. Temporary Signs:
 - i. A temporary sign posted on a property that is for sale, lease or rental does not require a permit from the city. The signs shall not be illuminated, shall not exceed thirty-two (32) square feet and shall not be placed within the right-of-way. The sign shall be removed within 10 days after the property is sold, leased or rented.
 - ii. Temporary signs and banners placed within city right-of-way that are posted by the city or city-sponsored community organizations.
 - iii. Temporary political signs not placed within any city right of way.
 - iv. All other temporary signs not placed within any city right of way.

B. Prohibited Signs

- 1. The following signs are prohibited in the C-1 Zone:
 - a. Ground and pole signs

- b. Roof signs
 - c. Temporary signs placed within the city right-of-way, except as permitted above.
2. The following signs are prohibited in the C-2 Zone:
- a. Ground or pole sign
 - b. Roof signs
 - c. Projecting signs
 - d. Temporary signs placed within the city right-of-way, except as permitted above.

16.80.020 Signs in Neighborhood Community Zone

A. Permitted Signs

Signs located in the NC Zone:

- 1. Signs located in the residential portions of the NC zone shall comply with signs allowed in Section 16.80.010.
- 2. Signs located in the commercial portions and mixed use areas of the NC zone shall comply with signs allowed in the C-1 zone.
- 3. Temporary Signs:
 - i. A temporary sign posted on a property that is for sale, lease or rental. The signs shall not be illuminated, shall not exceed six (6) square feet, and shall not be placed within the right-of-way. The sign shall be removed within 10 days after the property is sold, leased or rented.
 - ii. One (1) temporary sign, not illuminated and not exceeding 32 square feet in area, at each entry to a subdivision during the time the tracts or lots in the subdivision are for sale. The signs shall be removed within 10 days after the tracts or lots are sold.
 - i. Temporary signs and banners placed within city right-of-way that are posted by the city or city-sponsored community organizations.
 - ii. Temporary political signs may be displayed on a residential property during the period from 120 days before a public election to ten days after the public election.

B. Prohibited Signs

- 1. Ground and pole signs

2. Roof signs
3. Temporary signs placed within the city right of way, except as permitted above.

16.80.025 Signs in Industrial Zones

A. Permitted Signs

1. Signs that meet the following regulations are allowed in the M-1 Zone.
 - a. One wall sign a maximum of 32 square feet for each business located on a property.
 - b. A sign is not allowed on the side or rear wall of a building if the wall is adjacent to, or across the street from a residential zone.
 - c. One monument sign not exceeding 32 square feet for each driveway, except that monument signs are not allowed adjacent to, or across from a residential zone.
 - d. A mural meeting the definition under Section 16.80.000 is allowed with no maximum size.
 - e. Temporary Signs:
 - i. A temporary sign posted on a property that is for sale, lease or rental. The signs shall not be illuminated, shall not exceed thirty-two (32) square feet and shall not be placed within the right-of-way. The sign shall be removed within 10 days after the property is sold, leased or rented.
 - ii. Temporary signs and banners placed within city right-of-way that are posted by the city or city-sponsored community organizations.
 - iii. Temporary political signs
 - iv. All other temporary signs not placed within any city right of way.
2. Signs that meet the following regulations are allowed in the M-2 Zone.
 - a. One wall sign a maximum of 32 square feet for each business located on a property.
 - b. A sign is not allowed on the side or rear wall of a building if the wall is adjacent to, or across the street from a residential zone.

- c. One monument sign not exceeding 32 square feet for each driveway, except that monument signs shall not be located adjacent to, or across from residential zones.
- d. A mural meeting the definition under Section 16.80.000 is allowed with no maximum size.
- f. Temporary Signs:
 - i. A temporary sign posted on a property that is for sale, lease or rental does not require a permit from the city. The signs shall not be illuminated, shall not exceed thirty-two (32) square feet and shall not be placed within the right-of-way. The sign shall be removed within 10 days after the property is sold, leased or rented.
 - ii. Temporary signs and banners placed within city right-of-way that are posted by the city or city-sponsored community organizations.
 - iii. Temporary political signs
 - iv. All other temporary signs not placed within any city right of way.

B. Prohibited Signs

- 1. Signs prohibited in the M-1 Zone:
 - a. Ground or pole sign
 - b. Roof signs
 - c. Projecting signs
 - e. Changeable copy sign, except gasoline price signs
 - f. Temporary signs placed within the city right-of-way, except as permitted above.
- 2. Signs prohibited in the M-2 Zone
 - a. Ground or pole sign
 - b. Roof signs
 - c. Projecting signs.
 - d. Changeable copy sign, except gasoline price signs

- e. Temporary signs placed within the city right-of-way, except as permitted above.

16.80.035 Additional Regulations Applicable to all Zones.

- A. Lighting exterior to the structures shall be shielded in such a manner as to confine emitted light within the boundary of the property from which it originated except lighting installed to illuminate the American Flag or Oregon State Flag may project into the air to properly illuminate the flag, however, such lighting shall not project onto adjacent property or into a public right of way.
- B. When a sign is removed or replaced, all brackets, poles, and other structural elements that supported the sign and are not being used for the new sign shall also be removed. Affected building surfaces shall be restored to match the adjacent portion of the structure.
- C. Signs and supporting hardware, including temporary signs and time/temperature signs shall be structurally safe, clean, free of visible defects, and functioning properly at all times. Repairs to signs shall be equal to or better in quality of materials and design than the original sign.
- D. All signs shall be maintained at all times in a state of good repair, and no person shall maintain or permit to be maintained on any premises owned or controlled by him/her, any sign which is in a sagging, leaning, fallen, decayed, deteriorated, or otherwise dilapidated or in an unsafe condition.

16.80.040 Abandoned Signs

Any sign that is unused for more than 90 consecutive days shall be deemed abandoned and shall be removed by the property owner, except that if the sign is in a vacant commercial or industrial space, the sign may remain provided there is an active attempt to obtain tenants for the space and provided all advertising copy is removed and a blank sign face is maintained.

For the purposes of this Section, “unused” shall mean the absence of copy or advertising message or the sign is on a property that is not in use.

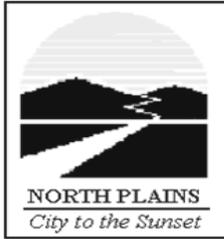
16.80.045 Non-Conforming Signs

- A. Non-conforming signs may continue to exist, subject to the following provisions:
 - 1. Any sign that does was approved under previous regulations, or for which a variance was granted, shall either be removed or brought into compliance with this ordinance as a condition of approval of design review on the appurtenant property.

2. Temporary and portable signs that are not in conformance with the provisions of this Ordinance shall be regarded as non-conforming and shall be removed within 90 days of the effective date of this ordinance.
3. No additions or enlargements may be made to a non-conforming sign except those additions or enlargements that are required by law.
4. A sign that is moved, replaced, or structurally altered shall be brought into conformance with this section, except that:
 - a. Non-conforming signs may be repaired and maintained and may have the sign copy changed. A sign may be removed from its sign structure for repair or maintenance if a permit is obtained under this section.
 - b. Non-conforming signs may be structurally altered when the alteration is necessary for structural safety.
 - c. Non-conforming signs may be reconstructed if required to be moved for construction or repair of public works or public utilities and the sign reconstruction is completed within ninety days after the completion of the public works or public utility construction or repair.
5. A non-conforming sign that is damaged shall not be repaired if the estimated expense to repair the sign exceeds fifty percent of the replacement cost of the sign as of the day before the sign was damaged. A damaged non-conforming sign that cannot be repaired shall be removed within ninety days of the date the sign was damaged. As used herein, "non-conforming sign" includes the sign structure, foundation and supports.
6. Whenever a non-conforming sign is damaged and the estimated cost to repair the sign is fifty percent or less of its replacement value as of the day before the sign was damaged, it may be repaired and restored to the condition it was in before it was damaged and may continue to be used as a non-conforming sign, provided that such repairs and restoration are started within ninety days of the date the sign was damaged and are diligently pursued thereafter.
7. Whenever repair and/or restoration to a damaged non-conforming sign is not started within ninety days of the date the sign is damaged or is diligently pursued once started, the sign shall be deemed abandoned.
8. Abandoned signs shall not be permitted as non-conforming signs.
9. No non-conforming sign shall be permitted to remain unless properly repaired and maintained as provided in this section. A sign maintained in violation of this provision shall be removed as provided in Section A.1. of

this Section. Any non-conforming sign that is determined by the building official to be an unsafe sign shall be removed as provided by Section A.5. of this Section. Any non-conforming sign determined by the city manager to be an abandoned sign shall be removed as provided in subsection A.7. of this section.

- B. Nothing in this section shall be deemed to prevent the maintenance of any sign, or regular manual changes of sign copy on a sign.
- C. This section shall not require the removal or modification of a sign if the sign is in good condition, and located on a historically significant structure or object as recognized in the Comprehensive Plan.



CITY OF NORTH PLAINS

31360 NW Commercial Street, North Plains, Oregon 97133

Date: March 19, 2013
To: City Council
From: City Manager Martha DeBry
Subject: Ordinance No. 415 of the City Council of the City of North Plains, Oregon, amending Municipal Code by adding Chapter 1.40 Parks Board

Request: Read and adopt Ordinance No. 415 amending Municipal Code by adding Chapter 1.40 Parks Board.

Background:

The Parks Advisory Committee (PAC) is an ad hoc committee of the City. This means that its appointment is temporary in nature, and the PAC can only make recommendations to Council.

The PAC met on Wednesday, February 27, 2013 and discussed the role of the committee and if it should become a regular institution of the City. Its role may include setting fees for parks usage, establishing rules for permits, evaluating parks and recreation programs of the City and oversight of the Parks capital program. At present the PAC can only make recommendations to the Council, and they have no authority to act on behalf of the Council.

City Council reviewed the draft ordinance on March 4, 2013, and read the ordinance for the first time on March 18, 2013.

Fiscal Impact: There is no fiscal impact with this item.

Recommendation: Council consider adopting Ordinance No. 415.

Sample Motions:

1. I move to read Ordinance No. 415 by title only for the second time.
2. I move to adopt Ordinance No. 415.

Chapter 1.40
Parks Board

1.40.010 Parks ~~Advisory~~ Board established.

The Parks ~~Advisory~~ Board, composed of ~~seven~~ five to nine members, to be appointed by the mayor with the consent of the city council, is hereby established. The Parks ~~Advisory~~ Board members shall appoint, at their first regular meeting, a chairperson, ~~and~~ and vice chairperson ~~and secretary~~ from their membership. The position of chairperson shall be selected each January for a one-year term.

1.40.020 Membership qualifications.

Qualifications for appointment to membership on the Parks ~~Advisory~~ Board include demonstration of positive interest in the development, operation and maintenance of public parks, open spaces and trails in North Plains and status as a resident or representative of a property or business owner within the city limits. The Board shall be comprised of at least one, but not more than two, city councilors and one, but not more than two, Planning Commissioners.

1.40.030 Terms of office.

The term of each of the initial members shall be determined by the mayor with the consent of the council.

Upon the expiration of the terms of each of the initial members, the mayor shall, with the consent of the council, appoint a successor to each member whose term shall have expired.

Each succeeding term following the initial appointment shall be for a period of ~~two~~ four years, and the mayor shall, with the consent of the council, appoint successors to such offices for each term of ~~two~~ four years thereafter. Appointments shall be structured so as to ensure that terms overlap.

The mayor, with the consent of the council, may also appoint city council advisory members to the committee who will serve on an ex officio basis and without vote.

Vacancies of the Parks ~~Advisory~~ Board shall be filled for the remaining term of vacant positions ~~the members ceasing to be members of the board~~ in the same manner as the original appointment. It shall be the duty of the chairperson or the vice chairperson of the board to notify the mayor and city council when a vacancy exists.

1.40.040 Meetings.

The Parks ~~Advisory~~ Board shall meet at least quarterly on a specific schedule adopted for the year by the board members. The board chairperson may call, by and upon the concurrence of three members, special meetings of the board.

1.40.050 Purpose.

The general functions of the Parks ~~and Recreation Advisory~~ Board shall be to advise the Public Works Director and City Council on issues such as:

- (1) ~~Concerning the management, care and control of public parks and recreation facilities and programs of the City, together with all park property and recreation facilities which may be acquired and developed;~~
- (2) ~~Concerning the making and altering from time to time of needful rules and regulations for the maintenance of order, safety and decency in said parks and recreation facilities;~~
- (3) ~~Concerning the establishment and modification of fees for park and recreation services, programs, or facility rentals;~~
- (4) ~~Concerning the expenditure of such funds as shall be appropriated by the City Council for public park and recreation facilities and programs.~~

1.40.060 Compensation of members.

The Parks ~~Advisory~~ Board members shall receive no compensation for their services. ~~The Parks Advisory Board members shall have no authority to make any expenditure on behalf of the city, or obligate the city for payment of any sums of money. However, they will make recommendations to the city council from time to time regarding expenditures and/or obligations.~~

1.40.070 Quorum – Rules and regulations.

A majority of the appointed Parks ~~Advisory~~ Board shall constitute a quorum. The Board shall adopt rules and regulations to conduct its affairs, which rules and regulations shall be consistent with the laws of the state of Oregon, North Plains City Charter and Ccity of North Plains ordinances.

ORDINANCE NO. 415

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH PLAINS, OREGON,
AMENDING MUNICIPAL CODE BY ADDING CHAPTER 1.40 PARKS BOARD**

WHEREAS, the City of North Plains has maintained an ad hoc committee to review and evaluate park related issues for several years, and

WHEREAS, Parks Board may provide additional assistance to the City Council if it were authorized as a standing committee of the Council.

**THE CITY COUNCIL OF THE CITY OF NORTH PLAINS, OREGON,
ORDAINS AS FOLLOWS:**

Section 1. The Municipal Code shall be amended to include Chapter 1.40 Parks Board as stated on Exhibit A.

Section 2. Severability. If any provision of this Ordinance or its application to any person or circumstances is held to be unconstitutional or invalid for any reason, the remainder of this Ordinance or the application of the provisions to other persons or circumstances shall not be affected.

INTRODUCED on the 18th day of March, 2013, **AND ADOPTED** this 1st day of April, 2013.

CITY OF NORTH PLAINS, OREGON

By: _____
David Hatcher, Mayor

ATTEST:

By: _____
Martha DeBry, City Manager/City Recorder

**Chapter 1.40
Parks Board**

1.40.010 Parks Board established.

The Parks Board, composed of five to nine members, to be appointed by the mayor with the consent of the city council, is hereby established. The Parks Board members shall appoint, at their first regular meeting, a chairperson and vice chairperson from their membership. The position of chairperson shall be selected each January for a one-year term.

1.40.020 Membership qualifications.

Qualifications for appointment to membership on the Parks Board include demonstration of positive interest in the development, operation and maintenance of public parks, open spaces and trails in North Plains and status as a resident or representative of a property or business owner within the city limits. The Board shall be comprised of at least one, but not more than two, city councilors and one, but not more than two Planning Commissioners.

1.40.030 Terms of office.

The term of each of the initial members shall be determined by the mayor with the consent of the council.

Upon the expiration of the terms of each of the initial members, the mayor shall, with the consent of the council, appoint a successor to each member whose term shall have expired.

Each succeeding term following the initial appointment shall be for a period of two years, and the mayor shall, with the consent of the council, appoint successors to such offices for each term of two years thereafter. Appointments shall be structured so as to ensure that terms overlap.

The mayor, with the consent of the council, may also appoint city council advisory members to the committee who will serve on an ex officio basis and without vote.

Vacancies of the Parks Board shall be filled for the remaining term of vacant positions in the same manner as the original appointment. It shall be the duty of the chairperson or the vice chairperson of the board to notify the mayor and city council when a vacancy exists.

1.40.040 Meetings.

The Parks Board shall meet at least quarterly on a specific schedule adopted for the year by the board members. The board chairperson may call, by and upon the concurrence of three members, special meetings of the board.

1.40.050 Purpose.

The general functions of the Parks and Recreation Advisory Board shall be to advise the Public Works Director and City Council on issues such as:

- (1) Concerning the management, care and control of public parks and recreation facilities and programs of the City, together with all park property and recreation facilities which may be acquired and developed;
- (2) Concerning the making and altering from time to time of needful rules and regulations for the maintenance of order, safety and decency in said parks and recreation facilities;
- (3) Concerning the establishment and modification of fees for park and recreation services, programs, or facility rentals;
- (4) Concerning the expenditure of such funds as shall be appropriated by the City Council for public park and recreation facilities and programs.

1.40.060 Compensation of members.

The Parks Board members shall receive no compensation for their services.

1.40.070 Quorum – Rules and regulations.

A majority of the appointed Parks Board shall constitute a quorum. The Board shall adopt rules and regulations to conduct its affairs, which rules and regulations shall be consistent with the laws of the state of Oregon, North Plains City Charter and City of North Plains ordinances.

**City of North Plains
Police Department
3/28/13**

**TO: Martha DeBry, City Manager
City Council
Department Heads**

FROM: Bill Snyder, Police Chief

SUBJ.: DEPARTMENT REPORT

March marked the end of our escalated levels of required training. We completed one of our more time consuming investigations. We continue to spend time working on the ODOT traffic grant at the overpass construction zone. This grant will be continued and it appears as if ODOT will be requesting additional help from NPPD.

The following are the numbers regarding criminal reports/activity for February:

Activity	2013
	Mar
Switched plates	0
Warrant arrest	1
Burglary	0
Drug/possession arrest	1
Agency assist	1
Stolen vehicle	0
Harassment	0
Criminal Mischief	2
Vehicle elude arrest	1
Police Mental Hold	1
Assault	1
Welfare check	5
Information report	1
Found property	1

**City of North Plains
Public Works Department
3/28/2013**

TO: Martha DeBry, City Manager
City Council
Department Heads

FROM: Blake Boyles, Public Works Director

SUBJECT: DEPARTMENT REPORT-March

I am currently working on the following projects/ tasks:

- CDBG Project Management –NW Claxtar St -8” Waterline and Street project bid opening apparent low bidder Subcom Construction, Hillsboro Or
- Construction coordination with ODOT on interchange/ pedestrian trail
- Updating The Emergency Manual, Emergency Management planning/updating
- NIMS (National Incident Management System) Training –compliance requirements ...Ongoing
- Glencoe Pedestrian Tunnel coordination
- July 4th planning
- Designing and planning new community garden, located in ROW on Lenox St near East parking lot of St Edwards
- Highland Ct Subdivision coordination
- McKay Fields Subdivision coordination

Public Works Crews are working on the following projects/tasks:

- Water sampling
- Equipment Maintenance
- Building Maintenance
- Meter installation and repair
- Monthly meter reading
- Locates, Locating entire areas for Highland Ct and Claxtar projects
- Preparation of installing swing set at JM-scheduled (waiting for weather change) Tree removed
- Garden construction
- Hydrant installation on NW 307th
- Street surface evaluation
- ODOT construction coordination
- Fertilizing

Future reports will include tasks accomplished and those pending. If there is any other information you may want to see in the report, please let me know.-

City of North Plains - Library Department - April 1, 2013

TO: Martha DeBry, City Manager, and to City Council Members
FROM: Debbie Brodie, Library Director
SUBJECT: DEPARTMENT REPORT – APRIL 2013

Storytimes. Children ages 0-6 are invited to participate every Wednesday at 11:30 a.m. in the children's section of the Library. Story reader Miss Marion will be our guest on **April 3**, and the story theme will be Tricky Tales. The Special Guest Storytime on **April 17** will feature Farmer Clark's Goats. Learn how goats live on the farm and listen to stories about other barnyard animals. Youth Librarian Jackie will host Storytime on **April 10** and **April 24**.

Writers' Group. Share your writing projects and receive feedback from peers on Thursday, **April 4** at 6:30 p.m. at the Library. New members are welcome to join.

First Friday Flick. Free family movie nights occur on the first Friday of each month at 6 p.m. at the Library. The PG-rated, 2012 computer-animated comedy film to be shown on **April 5** is *Wreck-It Ralph*, featuring a "bad guy" arcade-game character who is tired of being overshadowed by the "good guy," so he sets out to prove he's got what it takes to be a hero. Seating is limited. Refreshments will be served.

Friends of the Library Meeting. There will be a regular meeting of the Friends on Monday, **April 8** at the Library from 7:30-9 p.m. New members are welcome to attend.

Author Visit – Chantal Kelly. Discover Italy's charming Amalfi coast through the eyes of tour guide and travel writer Chantal Kelly on Thursday, **April 11** beginning at 7:30 p.m. at the Library. Part travelogue and part history, her book, *Gelato Sisterhood on the Amalfi Shore*, will fascinate anyone who's ever wanted to indulge in travel to Italy. The author will have her book for sale and for signing after her presentation. This event is sponsored by The Friends of the North Plains Public Library.

Super Saturday – The Portland Ballet. K-6th graders will enjoy this mini-performance and sample ballet lessons from dancers in the ballet troupe beginning at 1:00 p.m. on Saturday, **April 13** at the Jessie Mays Community Hall.

Art of the Story – National Library Week. **April 13-20** marks the 9th annual Storytelling Festival, hosted by the Washington County Cooperative Library Services. This year's festival features five professional storytellers: Kim Weitkamp, Patrick Ball, Bill Ratner, Rick Huddle, and Anne Rutherford. Performances will be held throughout the week at libraries within the county: <http://www.wccls.org/festival>. The Library will host Kim Weitkamp, performing "A Girl Named Kimmy," at the North Plains Elementary School at 6:30 p.m. on Thursday, **April 18**. This free program is designed for adults and children ages 6 and up.

Library Book Club. On Thursday, April 18 at 7:00 p.m., the book for discussion will be *The Oath* by Jeffrey Toobin. Supreme Court Chief Justice John Roberts and President Barack Obama are both brilliant and charismatic men, determined to change the course of the nation. However, Roberts is liberal, and Obama is conservative, which puts them at odds at every turn. With four new justices on the Court in five years, this is a dramatically different Supreme Court, playing for high stakes. New members are welcome. Refreshments will be served.

Craft Night. Bring your knitting, crocheting, or other personal craft projects to the Library on Thursday, **April 25** from 6-8 p.m. for an evening of camaraderie and dedicated handiwork time.

Library Fundraising Sales Coming in May. Library Bake Sale, Saturday, May 4 from 8 a.m. to 1 p.m. in front of the Library on Commercial Street, in conjunction with the citywide Garage Sale Day. Annual Library Plant Sale, on three successive Saturdays, May 11, 18, and 25 from 11 a.m. to 3 p.m. in front of the Library on Commercial Street.

April 2013 Council Calendar

Meeting	Primary	Alternate	Note	Date
City Council			7:00 p.m.	4/1
Washington County Coordinating Committee (WCCC)	Hatcher	DeBry	2 nd Monday @ 12 noon	4/8
Planning Commission	Kindel		2 nd Wednesday @ 7 p.m.	4/10
Volunteer Recognition Event			6:30 p.m. at Jessie Mays	4/11
Washington County Office of Community Development: Policy Advisory Board	Kindel	Demagalski	2 nd Thursday @ 7 p.m.	4/11
Author Visit: Chantal Kelly			7:30 p.m. at NP Library	4/11
City Council			7:00 p.m.	4/15
Library Board	Lenahan		3 rd Wednesday @ 7 p.m.	4/17
Metro Policy Advisory Committee (MPAC)	Hatcher	Newton	4 th Wednesday @ 5 p.m.	4/24
Parks Advisory Committee	Newton		4 th Wednesday @ 6 p.m.	4/24
Country Western Music Show: Combined with NPSC (Senior Benefit Dance)			6:30 p.m. at Jessie Mays	4/27
Playdate			1:30-5:00 pm Jessie Mays	4/28
Metropolitan Area Communications Commission (MACC)	Warren	Lenahan		
Northwest Oregon Area Commission on Transportation (NWACT)	Lenahan	DeBry		