

**PRELIMINARY AGENDA
REGULAR SESSION
CITY OF NORTH PLAINS, CITY COUNCIL MEETING**
North Plains Senior Center
31450 NW Commercial Street
Monday, December 1, 2014 – 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 11/17/2014 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**
 - A. Proclamation declaring December 10, 2013 as Human Rights Day and December 8-14, 2013 Human Rights Week: Salma Ahmed
7. **STAFF REPORTS**

Staff reports will be provided by the Public Works Director, the Chief of Police and the Library Director.
8. **PUBLIC HEARING:**

None Scheduled
9. **NEW BUSINESS:**
 - A. Interview Parks Board Applicant Joanna Orgill and adoption of Resolution No. 1859 appointing Orgill to the North Plains Parks Board
 - B. Adoption of Resolution No.1860 Re-appointment of Heather LaBonte to Planning Commission position for another four year term.
 - C. Adoption of Resolution No.1861 approving agreement with NPEA for Elephant Garlic Festival Event Planning Services.
 - D. Review of the 2014 Pumpkin Run costs and expenses and adoption of Resolution No.1862 allocating funds to the North Plains PTO.
 - E. Discussion on review and providing comment on Washington County Land Use applications

- F. Review and adoption of Resolution No.1863 approving a donation match to the funds raised at the dance on November 8, 2014 for the Food Pantry Canopy.
- G. Discussion and decision authorizing designated signers for plat maps.
- H. Approve Resolution No.1864 encouraging the curtailment of open burning and wood burning in appliances lacking air pollution control equipment
- I. Approval of Resolution No.1865 Accepting Dedication of Public Rights of Way and Easements in the McKay Fields Subdivision

10. UNFINISHED BUSINESS:
None Scheduled

11. ORDINANCES:

FIRST READING:
None Scheduled

SECOND READING:
None Scheduled

12. CITY MANAGER REPORT

13. COUNCIL REPORTS

- A. Council reports will be provided by the Mayor and City Councilors on meetings attended and other items.
- B. December 2014 Council Calendar

14. ADVICE/INFORMATION ITEMS:

- Jingle Through North Plains on Thursday, December 4, @ 6:30 at Jessie Mays
- Christmas Holiday, Thursday, December 25-City offices and Library closed
- New Years' Day Holiday, Thursday, January 1, 2014-City offices and Library closed
- North Plains Annual Crab Feed on Saturday, January 17, 2015 at Jessie Mays

15. 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

The following City Council Meetings are scheduled to be held at the North Plains Senior Center, 31450 NW Commercial Street, North Plains, Oregon.

The meetings will be held on the following dates at 7:00 p.m.:

Monday, December 15, 2014 Monday, January 5, 2015 Tuesday, January 20, 2015

CITY OF NORTH PLAINS, CITY COUNCIL MEETING
MINUTES REGULAR SESSION
North Plains Senior Center
31450 NW Commercial Street
Monday, December 17, 2014

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

Staff present: City Manager Martha DeBry; Chief of Police Bill Snyder; Public Works Director Blake Boyles; City Recorder Margaret Reh

4. **CONSENT AGENDA:**
 - A. Approval of regular session agenda
 - B. Approval of minutes of 11/03/2014 Council meetingMotion by Broom and seconded by Warren to approve the Consent Agenda. The motion was approved unanimously.

5. **PUBLIC COMMENT:**

Russ Sheldon, President of the North Plains Chamber of Commerce presented a check in the amount of \$1,000 to the Council. This is a donation from the officers and members of the Chamber for the 2015 North Plains Fourth of July Celebration. This donation was received along with a round of applause.

6. **PRESENTATIONS:**
None scheduled

7. **STAFF REPORTS:**

Public Works Director. Blake Boyles reported the loss of a tree at the Louie Wentz Park during this recent wind storm. It needs to be determined if staff will replace it or do something else with that spot.

Boyles also reported the City of North Plains was acknowledged as an Outstanding Performer in the November edition of the [Pipeline](http://public.health.oregon.gov/HealthyEnvironments/DrinkingWater/Operations/Documents/pipeline/pipeline-2014-11.pdf) publication (<http://public.health.oregon.gov/HealthyEnvironments/DrinkingWater/Operations/Documents/pipeline/pipeline-2014-11.pdf>.) The North Plains water system was the only water system in Washington County that met the established criteria for outstanding performance. Outstanding performers are systems with no significant deficiencies identified, as well as no unresolved violations. All Systems are evaluated during their routine Water System Survey, and those that meet the outstanding performer criteria have their survey frequency (and fee) reduced from every three years to every five years.

Chief of Police. Chief Snyder reported the department has installed one more camera on the east side of City Hall. Two cameras have already been installed at the library.

WCCCA has released an updated report explaining the formula and the breakdown of costs for radio services. Snyder inquired of Council if this is something they would be interested in reviewing. Snyder was directed to submit the report.

8. PUBLIC HEARINGS:
None Scheduled

9. NEW BUSINESS:

- A. Consider Resolution No.1857 MACC's proposal to extend term of current franchise agreement with Comcast

Fred Christ, the Policy and Regulatory Affairs Manager from Metropolitan Area Communications Commission (MACC), briefly explained to Council the reason for requesting the extension on the Comcast franchise.

Motion by Warren. Second by Broom to adopt Resolution No. 1857 extending the term of the Cable Television Services agreement with Comcast of Oregon, Inc. to enable MACC to complete the formal renewal process. The motion was approved unanimously.

- B. Interview the North Plains Events Association for the role of Event Planner for the Elephant Garlic Festival.

DeBry presented the staff report. Notices were distributed for a Request for Proposal (RFP) for Event Planning Services to coordinate the North Plains Elephant Garlic Festival. The North Plains Events Association (NPEA) was the sole applicant. Members of the NPEA were present at this meeting for the Council to interview. Mayor Hatcher and Council President Lenahan disclosed they are members of the NPEA but will receive no financial gain and therefore have no conflict of interest. This was not contested. Russ Sheldon and Sherrie Simmons of the NPEA approached the Council and discussed some details of their proposal.

DeBry is seeking a decision from Council regarding entering into a contract with the NPEA and requesting guidance from the Council on the compensation model to be used in the agreement.

Motion by Warren. Second by Broome authorizing the City Manager to work with the NPEA on a contract and include the financial formula for compensation of \$1,000 and 10% of profit, and return with a contract at the December 1, 2014 and an offer to the NPEA. The motion was approved unanimously.

- C. Consider Resolution No.1858 approving the purchase of gift certificates for employee holiday gifts.

DeBry presented the staff report. Annually the Council approves the purchase of \$25.00 gift certificates from Fred Meyers for employees for the Thanksgiving and Christmas holidays. These gift certificates are budgeted from City Council 110-419-500000 "Employee recognition". Discussion ensued.

Motion by Demagalski. Second by Lenahan to adopt Resolution No.1858 approving the purchase of gift certificates for employee holiday gifts. Motion was approved with Warren voting against.

D. Review of October 2014 Check Register

Council reviewed the items on the October 2014 Check Register. A few questions were asked by the Council and were satisfactorily answered by staff.

10. **UNFINISHED BUSINESS:**
None Scheduled

11. **ORDINANCES:**

FIRST READING:
None Scheduled

SECOND READING:
None Scheduled

12. **CITY MANAGER REPORT**

- An application was received for the proposed subdivision east of 307th. It was not complete and the property owner asked to take it back as he had not reviewed it himself yet.
- Staff has received applications for the Fourth of July Coordinator. The application process is closed at this time.
- An interview panel has been assembled and interviews for the Planning Consultant will be conducted on Wednesday, November 19, 2014.

13. **COUNCIL REPORTS**

Hatcher reviewed the Council calendar and discussed which Councilor will be attending the upcoming meetings.

14. **ADVICE/INFORMATION ITEMS:**

- Thanksgiving Holiday, Thursday, November 27 and Friday, November 28: City Offices closed.

16. **ADJOURNMENT:** Council adjourned the meeting at 7:57 p.m.

David Hatcher, Mayor

Margaret L. Reh, City Recorder

Date approved _____

**City of North Plains
Police Department
11/25/14**

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

FROM: Bill Snyder, Police Chief

SUBJ.: NOV 2014 DEPARTMENT REPORT

Body camera update: Chief Dobrowolski of HPD is going to seek a grant for 100 cameras. Chief Dobrowolski is also going to request TASER to do a product present at the next LEC meeting regarding the Axion body worn camera system.

Officer Shafer has been accepted to attend the reserve police academy hosted by Beaverton Police Department. Academy starts on January 6, 2015.

Activity	2014 Nov	2014 Oct	2014 Sept	2014 Aug	2014 July	2014 June	2014 May	2014 Apr	2014 Mar	2014 Feb	2014 Jan	2013 Dec	2013 Nov	2013 Oct	2013 Sep	2013 Aug	2013 July	2013 June	2013 May	2013 April	2013 Mar	2013 Feb
Agency Assist	3		1	1	2	1			1	3	3	NA	-	5	-	1	1	-	4	-	1	1
Animal Bite/Complaint	1					-	-	-	-	-	-	-	1	-	1	-	-	1	-	-	-	-
Arson - Possible						-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-
Assault	1	1		1		-	2	1	-	-	-	NA	-	-	1	-	-	1	1	-	-	1
Burglary	2	1			1	-	1	-	1	-	-	NA	-	1	1	-	1	-	-	1	1	1
Child Abuse						-	-	-	-	-	1	NA	-	-	-	-	-	-	-	-	-	-
Child Neglect	2		1			-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-
Criminal Mischief		1	1		1	2		3	-	-	-	-	-	-	-	1	-	-	1	1	2	1
Death Investigation	1					-	-	-	-	-	1	NA	-	-	-	-	-	-	-	-	-	-
Detox Arrest						-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-
Drug Arrest			1	1	2	-	1	2	1	1	2	NA	4	-	-	1	1	3	2	2	2	1
Drug Investigation						-	2	1	-	-	-	NA	-	-	-	-	-	-	-	-	-	-
DUII			1	1	1	-	1	-	-	1	-	NA	-	2	-	1	1	1	-	1	-	-
False Information Arrest						-	-	-	-	-	-	NA	1	-	-	-	-	-	-	-	-	-
Forgery		1				-	-	-	-	-	-	-	1	-	1	-	-	-	-	-	-	-
Found Property						-	-	-	-	1	1	NA	2	2	1	1	1	1	1	-	-	1
Fraud	1					-	1	4	-	-	1	NA	-	-	-	-	-	-	-	-	-	-
Furnishing Alcohol to Minor						-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-
Harrassment			1		1	1	1	-	1	-	1	NA	-	1	1	-	-	1	-	1	-	1
Hit and Run				1	-	-	-	-	1	-	-	NA	1	-	1	-	-	1	1	1	1	-
Identity Theft						-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-
Information Report	2	1		4	1	-		3	1	-	4	NA	2	-	3	1	2	7	-	3	3	1
Interfering Arrest		1			1	-	-	-	-	-	-	-	-	1	1	-	-	-	-	-	-	-
Littering Arrest						-		1	-	-	-	-	-	-	-	-	-	-	1	-	-	-
Menacing Arrest						-		1	-	-	-	NA	-	-	1	-	-	-	-	-	-	-
Police Mental Hold	1			1	1			1	-	-	-	NA	-	-	-	-	-	-	-	-	-	1
Police Protective Custody						-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	1	-
Rape II						-	1	-	-	1	-	NA	-	-	-	-	-	-	-	-	-	-
Reckless Driving						-	-	-	-	2	-	NA	-	-	-	-	1	-	-	-	-	-
Recovery of Stolen Property						-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-
Runaway		1		1		-		1	-	-	-	NA	2	-	-	-	-	2	-	-	-	-
Sex Abuse III	1	1				1																
Stalking Arrest						-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-
Switched Plates						-														-	-	-
Theft	3	2	1	2		2	2	1	1	1	2	NA	1	6	2	1	3	-	-	1	1	-
Traffic Related Reports		1				-	1	2	-	-	-	NA	-	-	-	-	-	-	-	-	-	-

Activity	2014 Nov	2014 Oct	2014 Sept	2014 Aug	2014 July	2014 June	2014 May	2014 Apr	2014 Mar	2014 Feb	2014 Jan	2013 Dec	2013 Nov	2013 Oct	2013 Sep	2013 Aug	2013 July	2013 June	2013 May	2013 April	2013 Mar	2013 Feb
Trespass II				1		-	-	-	-	1	-	NA	-	-	-	-	-	-	-	-	-	-
Vehicle - Accident			1	2	1	-	-	-	-	2	-	NA	1	3	3	-	1	-	1	-	-	-
Vehicle - Accident (Fatal)						-	-	-	1	-	-	NA	-	-	-	-	-	-	-	-	-	-
Vehicle - Eluding Arrest						-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1
Vehicle - Stolen				1		-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	1
Vehicle - Unlawful Entry		2			1	-	-	-	-	-	-	-	-	-	-	1	3	-	1	2	2	-
Vehicle - Tow			1			-	1	-	3	1	1	NA	-	-	-	-	-	-	-	-	-	-
Violation Release Arrest						-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-
Warrant arrest			1			-	-	-	-	1	1	NA	1	-	-	1	4	-	-	1	1	1
Welfare Check						-	2	-	1	-	1	NA	1	-	2	-	1	1	1	2	-	5
Possession of Weapon		1																				
Total Arrests/Reports/ Investigations	18	14	10	16	13	8	16	21	12	15	19	NA	18	21	20	11	21	20	18	17	15	17

Total Patrol Hours	136.5	262	340	318	320	244.25	210.5															
Total Reserve Hours	134.5	147.5	131.5	121.5	152.5	136.5	79.5															

City of North Plains

Public Works Department

11/24/2014

TO: Martha DeBry, City Manager

City Council

Department Heads

FROM: Blake Boyles, Public Works Director

SUBJECT: DEPARTMENT REPORT

- P&W Glencoe crossing coordination (Wash Co. looking at funding methods)
- Sunset Ridge Subdivision coordination
- McKay Fields Subdivision coordination
- PGE lighting work in new subdivisions
- Washington Co. design work West Union Rd sidewalk connectivity
- Meetings with ODOT regarding funding for trail project
- Vacation Nov6-Nov15.
- Shoulder surgery rescheduled to Dec 15th

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

- Equipment Maintenance – winterizing mower- crack sealing pot-
- Crack sealing
- Cross Connection
- Locates
- Service installation
- Water samples
- Mowing
- Park Maintenance
- Construction inspection (North Ave and Pacific St, McKay Fields, Sunset Ridge)
- Tank cleaned November 14th
- Leaf pick up

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 – December 1, 2014

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

Holiday Craft Fair. Do your holiday shopping at the Library! Local crafters donate their creations to the Library for this annual fundraiser. Every day the Library is open between **December 1-24**, there will be a table by the checkout desk of quality, hand-made items available for purchase at bargain prices. Support the Library by purchasing your holiday gifts from us.

Storytimes. Children ages 0-6 are invited to participate every Wednesday at 11:30 a.m. in the children's section of the Library.

- **December 3** Storytime with Miss Marion: Little People
- **December 10** Storytime with Teacher Barbara: Chickens and Foxes
- **December 17** Special Guest Storytime with City Councilor Teri Lenahan: Curiosities and Surprises
- **December 24** Special Guest Storytime with Santa Claus!
- **December 31** Storytime with Youth Librarian Jackie: Mice

First Friday Flick – Join us on the first Friday of each month at the Jessie Mays Community Hall at 6 p.m. for a FREE movie showing. On **Friday, December 5**, come see *The Muppet Christmas Carol*, a G-rated version of the classic Charles Dickens' tale of an old and bitter miser's redemption on Christmas Eve.

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

Art Exhibits. The art exhibit on display in **December** in the Library features a variety of images by photographer **Charlie Hyman** that focus on the west coast and on the fall and winter seasons. Hyman lives in a small town south of Portland, and he spends many vacations traveling with his wife around the country in his camper, taking pictures. He has been photographing since he was about seven years old. "Grand landscapes and up-close details capture my attention most often, but I enjoy photographing all subjects. I'm also drawn to lines, textures, and geometric shapes, especially around cities. I love natural subjects and try my best to show them in an interesting and captivating way." Quote from the artist's website:

<http://www.charliehymanphoto.org/about.html>.

Quilt Display. The holiday quilt on display over the checkout desk throughout the month of **December** is titled, Deck-Ade the Halls (using 10 fabrics, in 10 blocks, and celebrating 10 years of existence for the Fat Quarter Shop in Manchaca, TX). It was made by Westside Quilters Guild member, Marcia Elliott.

Library Book Club. Join us on **Wednesday, December 17** at 7:30 p.m. at the Library to discuss the fantasy-adventure-suspense novel, Mr. Penumbra's 24-Hour Bookstore, by Robin Sloan. "After a layoff during the Great Recession sidelines his tech career, Clay Jannon takes a job at a bookstore in San Francisco and soon realizes that the establishment is a facade for a strange secret..." - *Text provided by the publisher.*

Holiday Closures. The Library will close at 3:00 p.m. on **Wednesday, December 24** for Christmas Eve and will be closed all day on **Thursday, December 25** for Christmas Day.

The Library will close at 5:30 p.m. on **Wednesday, December 31** for New Year's Eve and will be closed all day on **Thursday, January 1** for New Year's Day.

Writers' Group. The December 4 meeting has been cancelled, and the January meeting has been rescheduled. Share your writing projects and receive feedback from peers on **Thursday, January 8** at 6:30 p.m. New members are welcome to join. (This is not a teacher/trainer-led class.)

Save the Date – Saturday, January 24, 7-8:30 p.m. The Friends of the North Plains Public Library will host the first event of its "An Evening with an Author" series at the Library. A well-known Oregon author has been invited to launch this new, free program.



CITY OF NORTH PLAINS

31360 NW Commercial Street, North Plains, Oregon 97133

Date: December 1, 2014
To: City Council
From: City Manager Martha DeBry
Subject: Human Rights Day Proclamation

Request: Consider Presentation by Human Rights Council of Washington County member Salma Ahmad and approve the Human Rights Day Proclamation

Background: The Human Rights Council of Washington County has requested that the City issue a proclamation in support of the Human Rights Day, Wednesday, December 10, 2014, being designated as Human Rights Day which marks the 66th anniversary of the United Nations Declaration of Human Rights. This would be the seventh year the Council has proclaimed a Human Rights Day in the City.

Fiscal Impact: No fiscal impact is associated with this action.

Sample Motion: I move to approve the proclamation designating December 10, 2014 as "Human Rights Day" and December 7-13, 2014 as "Human Rights Week."



October 15, 2014

2014-2015 Council Roster

Joelle Davis (Chair)
Councilor, City of Tualatin

Lauri Stewart (Vice Chair)
State of Oregon DHS

Peg Pfab (Secretary)
Community Member

Cmdr. Willie Bose
Washington County Sheriff's Office

Nancy Pantitch
Community Member

Salma Ahmad
Islamic Society of Greater Portland

Lee Blevins
Washington County Sheriff's Office

Rob Solomon
Community Member

Alfonso Lopez-Vasquez (Past Chair)
Pacific University

Ex-Officio Members

Esther Griffin
(Beaverton HRAC Liason)

**Human Rights Council of
Washington County
c/o MPA
PO Box 3343
Tualatin, OR 97062
p: 503-689-1970**

humanrightswashco@gmail.com
www.humanrightswashco.org

Dear Mayor Hatcher:

December 10, 2014 marks the 66th anniversary of the United Nations Declaration of Human Rights. The Human Rights Council of Washington County is asking each city in the County to issue a special proclamation and to take a few minutes during a Council meeting in early December to publicly acknowledge the importance of human rights in our communities.

To that end, **we respectfully request that you issue a proclamation** such as the one attached to this letter. **Representatives of the Human Rights Council will attend your Council meeting on December 1st to help commemorate this important occasion.**

At that meeting, we would also like to share copies of the grand prize winning entry in the Human Rights Council's fourth annual Human Rights Poster Contest with members of the City Council.

Launched in October 2006, the Human Rights Council works to promote respect and dignity of all by supporting a community where every person is valued, and equity and diversity are embraced through action, advocacy, education, and collaboration.

The goals of the Council are to promote equal rights as a central part of the public and private sectors; to provide valuable feedback to local leaders on issues of equity and diversity; to respect and reflect the cultural diversity of our community; to foster mutual understanding amongst all of our community's residents; and to promote inclusiveness, justice and equity.

Please contact us regarding the necessary process to have a proclamation created and included in your Council agenda. We look forward to seeing you and your Council members at the North Plains council meeting on December 1st.

Sincerely,

A handwritten signature in black ink that reads "Joelle Davis". The signature is fluid and cursive, with the first name being more prominent.

Joelle Davis, Chair
Human Rights Council of Washington County

Proclamation

Human Rights Day and Week

WHEREAS, on December 10, 1948, the member States of the United Nations signed the Universal Declaration of Human Rights and countries of different political, economic and social systems unanimously agreed on the fundamental rights that all people share solely on the basis of their common humanity; and

WHEREAS, the Universal Declaration asserts recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace; and

WHEREAS, disregard and contempt for human rights have resulted in acts which have outraged the conscience of mankind, and the advent of the world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people; and

WHEREAS, the Universal Declaration is referred to as the authoritative definition of human rights standards and increasingly referred to as customary international law, which all countries must abide; and

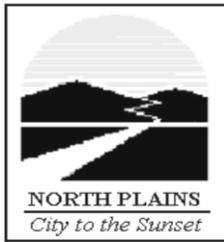
WHEREAS, the primary responsibility to promote respect for these rights and freedoms lies with each individual in the city of North Plains, and each of us can play a major role in enhancing human rights; and

WHEREAS, the people of the City of North Plains reaffirm their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life; and

NOW, THEREFORE, we, the City Council of the City of North Plains, Oregon do hereby proclaim December 7–13, 2014 to be HUMAN RIGHTS WEEK and December 10, 2014 as HUMAN RIGHTS DAY and challenge our residents to study and promote the ideas contained in Universal Declaration of Human Rights to the end that freedom, justice, and equality shall not perish but will flourish and be made available to all.

Signed this 1st day of December, 2014

David Hatcher, Mayor



CITY OF NORTH PLAINS

31360 NW Commercial Street, North Plains, Oregon 97133

Date: November 20, 2014
To: City Council
From: City Manager Martha DeBry
Subject: Resolution No.1859 appointing Joanna Orgill to the North Plains Parks Board

Request: Council appoint a new member to the Parks Board

Background: The North Plains Parks Board was created last year, and has 5 of 7 positions filled.

Ms. Joanna Orgill was interviewed by the Parks Board at the November 19, 2014 meeting. The Board is recommending the appointment of Joanna Orgill to the City Council for appointment. A copy of Ms. Orgill's application is included in the Council packet.

Fiscal Impact: This item has no direct fiscal impact.

Recommendation:

Council adopt Resolution No.1859 appointing Joanna Orgill to the North Plains Parks Board.

Sample Motion:

I move to adopt Resolution No.1859.



APPLICATION FOR APPOINTMENT TO THE CITY OF NORTH PLAINS PARKS BOARD

The information provided in this application is considered public information and may be used in announcing your appointment.

The North Plains Parks Board was formed through a recent ordinance. Between 5 and 9 members will be appointed to the Board. This Board will replace the Parks Advisory Committee and will have additional responsibilities such as reviewing recreation programs. 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. Initial term lengths will be 2 years. There is no compensation for participation on this Board.

Appointments are made by the City Council following review of applications and applicant interviews. Please plan to attend the Council meeting at which your application is to be considered.

Name Joanna Orgill Date: 11/1/14

Mailing Address 31118 NW Cottage Street, North Plains OR 97133

Street Address 31118 NW Cottage Street, North Plains, OR 97133

Occupation Physician Assistant; Homemaker E-Mail joanna.lee7@gmail.com

Please provide brief answers to the following questions. If additional space is needed, use the back of this page or attach a separate page.

1. **Why would you like to serve on the Parks Board?** As the mother of two young children, I regularly use the current facilities for recreation, and I would like to give input and help with their improvement and expansion. I am excited about the upcoming plans for future park projects. I think I could bring a new insight and perspective to the Parks Board.
2. **What do you think are the most important park issues now facing North Plains?** The most pressing issues include how to expand and link existing parks, trails, and sidewalks to encourage healthy, safe, and active lifestyles for residents of all ages. It is important to establish modern, accessible recreational areas that create focal points for the community, as well as the means to walk between them.
3. **Do you have any special interests or qualifications that you would bring to the Board?** We recently moved to North Plains and have regularly used recreational facilities in several other cities. I feel this perspective would be useful in bringing innovative ideas to North Plains. In addition, I enjoy the outdoors and my husband and I are avid runners. I have a special interest in the linking of sidewalks and trails for safe walking and exercise. I am also interested in creating safe environments for the recreation of children.

Thank you for applying. Your interest is appreciated.

RESOLUTION NUMBER 1859

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORTH PLAINS,
OREGON, APPOINTING JOANNA ORGILL TO THE NORTH PLAINS PARKS BOARD**

WHEREAS, Municipal Code Section 1.40 provides that the City Council appoints the members of the North Plains Parks Board; and

WHEREAS, the City has had the open position posted for members of public to submit applications to become members of the Parks Board; and

WHEREAS, Joanna Orgill has submitted application for the position and been interviewed by the Parks Board; and

WHEREAS, the North Plains Parks Board recommendation is for the North Plains City Council to appoint Joanna Orgill to the Parks Board.

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

Section 1. Joanne Orgill is appointed to the North Plains Parks Board for the term expiring June 30, 2017.

Section 2. This Resolution shall become effective immediately upon adoption by the City Council.

CITY OF NORTH PLAINS, OREGON

BY: _____
David Hatcher, Mayor

ATTEST:

BY: _____
Margaret Reh, City Recorder



CITY OF NORTH PLAINS

31360 NW Commercial Street, North Plains, Oregon 97133

Date: November 20, 2014

To: City Council

From: City Manager Martha DeBry

Subject: Resolution No.1860 reappointing Heather LaBonte to Planning Commission

Request: Council to reappoint Heather LaBonte to Planning Commission

Background: Heather LaBonte has sent a letter to the City requesting that she be reappointed to the Planning Commission. Administrative rules allow the Council to reappoint members who request it without an open application process. (There is one additional vacancy on the Planning Commission.)

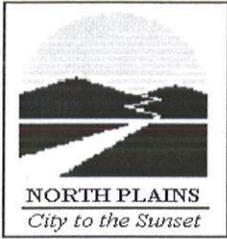
Fiscal Impact: This item has no direct fiscal impact.

Recommendation:

Council adopt Resolution No.1860 reappointing Heather LaBonte to the Planning Commission.

Sample Motion:

I move to adopt Resolution No.1860.



CITY OF NORTH PLAINS

Submit Application to:
31360 NW Commercial Street, North Plains, Oregon 97133 or
info@northplains.org

APPLICATION FOR APPOINTMENT TO THE PLANNING COMMISSION

Information provided in this application is considered public and may be used upon announcing your appointment. The Planning Commission usually meets once a month for approximately 2-3 hours. From time to time, special meetings are held to meet deadlines or conduct public hearings. Preparation for each meeting usually involves an equal amount of time. The Planning Commission's regular meetings are the second Wednesday of each month at 7:00 p.m.

Each position is a four-year term. If the application is submitted to fill a vacancy, the appointee will serve for the time remaining in that term. Each applicant is interviewed by the Planning Commission and the City Council. The Commission will relay its recommendation to the City Council for review at the Council's next scheduled meeting. The Council interview will occur prior to making it's appointment to the Commission. Plan to attend both meetings for your application consideration

Name: Heather LaBonte Date: 11/1/14

Mailing Address: already on record

Street Address if different: _____

City: _____

State: _____ Zip: _____

Home Phone: _____ Work Phone: _____ Cell Phone: _____

E-mail Address: _____

Occupation: _____

Please answer the following questions. There is no "right" answer to any question. If additional space is needed, use the back of this page or attach a separate page.

- Why would you like to serve on the Planning Commission?
As A career public servant I feel we should give back to our community in any way we can
- What do you think are the most important issues now facing North Plains?
Planning for growth while maintaining small town feel. Updating our comprehensive plan to meet our needs & goals for the coming future
- Do you have any special interests or qualifications that you would bring to the Planning Commission?
As a county employee for the past 16 years, I have worked closely with County Planning & Survey dept and feel bringing experience to commission most valuable.

Thank you for applying. Your interest is appreciated!

RESOLUTION NO. 1860

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORTH PLAINS,
OREGON, RE-APPOINTING HEATHER LaBONTE TO THE NORTH PLAINS
PLANNING COMMISSION**

WHEREAS, the City Council of the City of North Plains adopted a Zoning and Development Code Ordinance which sets forth in Section 3 the City Council is to appoint persons to the Planning Commission by Resolution; and

WHEREAS, the City of North Plains has a Planning Commission consisting of residents, property owners and business owners in the community; and

WHEREAS, Heather LaBonte has submitted an application for re-appointment; and

WHEREAS, Procedural rules 1.05.190(A)5 states a sitting member of the Commission may be reappointed by the Council without an open application process if the member of the commission requests reappointment in writing, and the City Council waives the requirement for an open application process.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH PLAINS, OREGON, that Heather LaBonte is appointed to the Planning Commission for a four year term expiring December 31, 2018.

CITY OF NORTH PLAINS, OREGON

BY: _____
David Hatcher, Mayor

ATTEST:

BY: _____
Margaret L. Reh, City Recorder



CITY OF NORTH PLAINS

31360 NW Commercial Street, North Plains, Oregon 97133

Date: November 20, 2014
To: Mayor and City Council
From: City Manager Martha DeBry
Subject: Resolution No.1861 approving an agreement with North Plains Events Association for Elephant Garlic Festival Event Planning Services.

Request: Council consider the agreement with the North Plains Events Association (NPEA) and approve Resolution No.1861

Background: The city issued an RFP for event planning services and selected the NPEA to operate the Elephant Garlic Festival from 2014 through 2019. As compensation the City shall receive a \$1,000 payment each year and 10% of the net proceeds from the event.

The NPEA had the opportunity to review the agreement and has agreed to the terms.

Fiscal Impact: The agreement will result in a steady revenue of \$1,000 from the NPEA for the next 5 years, plus additional proceeds based on the economic performance of the festival.

The resolution states that proceeds from this agreement shall be set aside in a designated reserve of the General Fund for the Elephant Garlic Festival. Use of the reserve shall be subject to Council's approval during the budget process.

Recommendation: Council adopt Resolution No.1861 approving the agreement with the NPEA.

Sample Motion:

I move to adopt Resolution No. 1861.

AGREEMENT BETWEEN THE CITY OF NORTH PLAINS AND NORTH PLAINS
EVENTS ASSOCIATION FOR ELEPHANT GARLIC FESTIVAL PLANNING SERVICES

An agreement between the City of North Plains, Oregon ("CITY"), an Oregon municipal corporation, and the North Plains Events Association ("NPEA"), an Oregon 501.c.6 corporation dated this 17th day of November 2014.

WHEREAS, the City of North Plains owns the North Plains Elephant Garlic Festival (FESTIVAL) name and related property; and

WHEREAS, the City of North Plains issued a request for proposal for event planning services in October 2014; and

WHEREAS, the NPEA prepared a successful response to the request for proposal for event planning services; and

WHEREAS, NPEA has operated similar events in the recent past and demonstrated to CITY's satisfaction the ability to conduct a three-day civic festival with minimal CITY-provided logistical support and no financial support.

NOW THEREFORE, the CITY shall permit the NPEA to use the CITY's FESTIVAL property and operate the annual North Plains Elephant Garlic Festival consistent with the following covenants:

1. Term

This Agreement is effective from January 1, 2015 for a five-year period through December 31, 2019.

2. FESTIVAL Planning

- A. The NPEA shall operate the North Plains Elephant Garlic Festival the second weekend in August including activities on Friday, Saturday and Sunday during the Term of this Agreement.
- B. The daily hours of operation will be determined by the NPEA between 7 a.m. and midnight.
- C. The NPEA contracts for the services of FESTIVAL planning as (an) independent contractor, and not as an employee of the CITY. NPEA shall provide a sufficient quantity of capable: performer(s), operators, employees, volunteers, independent contractors and subcontractors (collectively hereinafter referred to as "Subcontractors") as needed for the performance of this FESTIVAL.
- D. The NPEA shall be solely responsible for compensating any performer(s), artists,

operators, employees, independent contractors and subcontractors required for the performance and services of this FESTIVAL, and as agreed between NPEA and its Subcontractor(s). The Subcontractor(s) are self-employed or employees of NPEA, who will have the duty of and will be responsible for complying with Federal, State and Internal Revenue Service laws and regulations pertaining to the withholding of taxes and social security, and for complying with any union or federation rules pertaining to deduction for dues and any health or welfare fund, and any other union or federation deduction or payment, and NPEA will hold the CITY harmless and indemnify it for any claims therefrom.

3. NPEA as Employer

The NPEA acknowledges the following:

- a. Overtime - Any person employed on work under this contract, other than a person subject to being excluded from the payment of overtime pursuant to either ORS 653.010 to 653.261 or 29 USC §§ 201 to 209, shall be paid at least time and a half for all overtime worked in excess of 40 hours in any one week. (ORS 279.316)
- b. Contributions to the Industrial Accident Fund - NPEA shall pay all contributions or amounts due the Industrial Accident Fund from NPEA incurred in the performance of this contract, and shall ensure that all subcontractors pay those amounts due from the subcontractors. (ORS 279.312)
- c. Income Tax Withholding - NPEA shall pay to the Oregon Department of Revenue all sums withheld from employees pursuant to ORS 316.167.
- d. Workers Compensation - NPEA is a subject employer that will comply with ORS 656.017. NPEA warrants that all persons engaged in contract work and subject to the Oregon workers compensation law are covered by a workers compensation plan or insurance policy that fully complies with Oregon law. NPEA shall indemnify the City for any liability incurred by the City as a result of NPEA's breach of the warranty under this Paragraph. (ORS 279.320)
- e. Medical Care for Employees - NPEA shall make payment of all sums to any person, co-partnership, association or corporation, furnishing medical, surgical and/or hospital care incident to the sickness or injury of NPEA's employee(s), all sums which NPEA agrees to pay for such services and all moneys and sums which NPEA collected or deducted from the wages of employees pursuant to any law, contract or agreement for the purpose of providing or paying for such service. (ORS 279.320)
- f. Payment for Labor or Materials - NPEA shall make payment promptly, as due, to all persons supplying to NPEA labor or material for the prosecution of the work provided for in this contract. (ORS 279.312)

4. Access to Venue

The NPEA and its Subcontractors will be allowed reasonable access to the facility used for the FESTIVAL before and after the FESTIVAL for the purpose of assembling and removing equipment. The NPEA will be allowed access for consultation with Subcontractors at any time.

5. Security

- A. The CITY shall provide such security as it deems reasonably necessary and incidental to the FESTIVAL venue. The CITY shall not provide overnight security for vendor areas.
- B. In the event NPEA shall provide their own security, the NPEA shall inform and identify to CITY, the designated security personnel at least 24 hours prior to the commencement of the FESTIVAL venue, and said security shall comply with all federal, state and local laws, ordinances and regulations, and they shall be subject to the stipulations, rules and control of CITY's security at all times while on the premises of the CITY venue.

6. Intellectual Property

The interest in any intellectual property, including but not limited to copyrights and patents of any type, arising from the performance of this agreement shall vest in the CITY. NPEA shall execute any assignment or other documents necessary to effect this paragraph. NPEA may retain a nonexclusive right to use any intellectual property that is subject to this paragraph. NPEA shall transfer to the CITY any data or other tangible property generated by NPEA under this agreement and necessary for the beneficial use of intellectual property covered by this paragraph.

7. Parking

NPEA shall ensure adequate parking facilities are available for visitors and participants in the FESTIVAL.

8. Notice to Community

The NPEA shall provide written notice to all businesses and residents abutting the locale or route of the special event of a FESTIVAL activity and/or the FESTIVAL grounds of the time and date of the event and of any traffic impact. This notice will be presented to businesses and residents at a minimum of 72 hours in advance of the activity.

9. Sponsorships and Donations

- A. The NPEA is solely responsible for soliciting sponsorships and donations from private individuals and organizations for financial and logistical support of the FESTIVAL.
- B. Sponsorships or donations shall be provided directly to the NPEA.
- C. The NPEA shall not characterize or represent the donations as gifts to the CITY.
- D. Each year, the City of North Plains shall be acknowledged as a major sponsor of the FESTIVAL.

10. NPEA Identification

NPEA shall furnish to CITY, the NPEA's employer identification number, as designated by the Internal Revenue Service.

11. Project Managers

CITY's Project Manager is the City Manager.

The NPEA's Project Manager is the President of the NPEA.

Each party shall give the other written notification of any change in Project Manager.

12. Duty to Inform

NPEA shall give prompt written notice to CITY's Project Manager if, at any time during the performance of this agreement, NPEA becomes aware of actual or potential problems, faults, or defects in its obligations relative to the FESTIVAL, any nonconformity with the Agreement, or with any federal, state, or local law, rule, or regulation. Any delay or failure on the part of CITY to provide a written response to NPEA shall constitute neither agreement with nor acquiescence in NPEA's statement or claim, and shall not constitute a waiver of any of CITY's rights.

CITY shall give prompt written notice to NPEA's Project Manager if, at any time during the performance of this agreement, CITY becomes aware of actual or potential problems, faults, or defects in its obligations relative to the FESTIVAL, any nonconformity with the Agreement or its' responsibilities listed in Section 19. of the agreement.

13. Media Relations

- A. NPEA is solely responsible for information, news or press releases related to the FESTIVAL.
- B. During the Agreement's term, NPEA shall have control over the domain www.funstinks.com, <https://www.facebook.com/funstinks>,

twitter.com/NPFunstinks, and shall be solely responsible for the content of the sites. NPEA may not post, comment or otherwise disseminate any message on the CITY's media accounts that disparages the CITY or the FESTIVAL. The CITY reserves the right to remove any comment, post, message or similar dissemination of content from its electronic media accounts. CITY reserves the right to terminate NPEA's control over the CITY's electronic media accounts at any time and for any reason in its sole discretion.

- C. The CITY shall retain ownership of the electronic media accounts. If additional accounts are created on other social media facilities, it shall be the obligation of the NPEA to share the account administration information with the CITY, and at the end of the term of this agreement to surrender ownership and control of those accounts to the CITY.

14. Compensation

NPEA shall pay the CITY \$1,000 and 10% of net proceeds from the event by November 1st of each year.

In calculating the net profit, any amounts paid by NPEA to its employees that collectively exceed \$10,000 for services related to the Elephant Garlic Festival may not be used to determine "net profit."

The CITY shall pay no compensation to the NPEA for the operation of the FESTIVAL.

15. Reporting and Fiscal Management

- A. NPEA shall submit an annual financial report by November 1st of each year to the CITY which will include a pro forma with all actual revenues received, expenses, and net profit for the most recent FESTIVAL.
- B. By November 1 of each year the NPEA shall prepare a projection for the subsequent year's FESTIVAL and submit it to the CITY.
- C. NPEA is solely responsible for the revenues, expenses, and profit or loss associated with the event.

16. Records

- A. NPEA shall retain all books, documents, papers, and records that are directly pertinent to this contract for at least three years.
- B. NPEA shall allow the CITY, or any of its authorized representatives, to audit, examine, copy, take excerpts from, or transcribe any books, documents, papers, or records that are subject to the foregoing retention requirement as it relates to the operations of the FESTIVAL.

17. Indemnity and Insurance

- A. Indemnity: NPEA acknowledges responsibility for any and all liability arising out of its performance under the Agreement and agrees to defend, indemnify and hold CITY, its elected officials, employees, agents and insurers (collectively CITY) harmless as against any and all liability, settlements, loss, costs and expenses in connection with any action, suit or claim resulting or allegedly resulting from NPEA's acts, omissions, activities or services in the course of performing its obligations under this Agreement or for the acts or omissions of their assignees, transferees, agents, employees and/or subcontractors.
- B. Liability Insurance: NPEA shall maintain occurrence form commercial general liability and automobile liability insurance for the protection of NPEA, the CITY, its elected officials, directors, officers, agents, and employees. Coverage shall include personal injury, bodily injury, including death, and broad form property damage, including loss of use of property, occurring in the course of or in any way related to NPEA's operations, in an amount not less than \$2,000,000 combined single limit per occurrence. Such insurance shall name the CITY as an additional insured.
- C. Host Liability Insurance: If alcohol is served at the FESTIVAL, the NPEA shall ensure host liquor liability insurance for the protection of NPEA, the CITY, its elected officials, directors, officers, agents, and employees. Coverage shall include personal injury, bodily injury, including death, and broad form property damage, including loss of use of property, occurring in the course of or in any way related to FESTIVAL operations, in an amount not less than \$2,000,000 combined single limit per occurrence. Such insurance shall name the CITY as an additional insured.
- D. Workers' Compensation Coverage: As an employer NPEA certifies that it will qualify for State of Oregon Workers' Compensation coverage for all NPEA's employees who are subject to Oregon's Workers' Compensation statute, either as a carrier insured employer as provided by ORS 656.407 or as a self-insured employer. NPEA shall provide to CITY within 10 days of receiving coverage a certificate of insurance evidencing coverage of all subject workers under Oregon's Workers' Compensation statutes insured by an insurance company satisfactory to CITY, if any. The certificate and policy shall indicate that the policy shall not be terminated by the insurance carrier without thirty (30) days' advance written notice to CITY.
- E. Certificates: NPEA shall furnish the CITY certificates evidencing the date, amount, and type of insurance required by this agreement. All policies will provide for not less than thirty (30) days' written notice to the CITY before they may be canceled.
- F. Primary Coverage: The coverage provided by insurance required under this

agreement shall be primary, and any other insurance carried by CITY shall be excess.

18. Work is Property of City

All work, including but not limited to documents, drawings, papers, computer programs, and photographs, performed or produced by NPEA under this contract shall be the property of City.

19. CITY Responsibilities

CITY agrees to:

- A. Provide a venue for the FESTIVAL at no cost to the NPEA.
- B. CITY will provide access and use of all FESTIVAL related equipment.
- C. Assist with the development of traffic control plan, provide and position equipment to implement the same.
- D. CITY to provide inspection, repair of hazards of and access to, its existing electrical power sources at the FESTIVAL venue, at no cost to the NPEA.
- E. Prior to FESTIVAL, CITY will prepare venue for the FESTIVAL use; including, but not limited to trimming trees, mowing, removing vegetation, removing hazards, and installation of a temporary sink, at no cost to the NPEA.

20. Law of Oregon

The agreement shall be governed by the laws of the State of Oregon. Venue shall be in the Circuit Court for Washington County, Oregon, and the United States District Court for the District of Oregon (Portland) if in federal court.

21. Assignment

- A. Each party binds itself, and any partner, successor, executor, administrator, or assign to this agreement.
- B. Neither the CITY nor the NPEA shall assign or transfer their interest or obligation hereunder in this Agreement without the written consent of the other.

22. Breach of Agreement

NPEA shall remedy any breach of this agreement within the shortest reasonable time after NPEA first has actual notice of the breach or the CITY notifies NPEA of the breach, whichever is earlier. If NPEA fails to remedy a breach in accordance with this

paragraph, the CITY may terminate that part of the agreement affected by the breach upon written notice to NPEA, may obtain substitute services in reasonable manner, and may recover from NPEA the amount by which the price for those substitute services exceeds the price for the same services under this agreement.

If the breach is material and NPEA fails to remedy the breach in accordance with this paragraph, the CITY may declare NPEA in default and pursue any remedy available for a default.

Pending a decision to terminate all or part of this agreement, the CITY unilaterally may order NPEA to suspend all or part of the services under this agreement.

23. Termination for Convenience

The CITY or NPEA may terminate this agreement without cause prior to the end of the term by providing at least 10 days' written notice between November 1 and November 30 of any year.

24. Modification

Any modification of the provisions of this agreement shall be reduced to writing and signed by the parties.

25. No Waiver of Legal Rights

A waiver by a party of any breach by the other shall not be deemed to be a waiver of any subsequent breach.

26. Integration

This agreement contains the entire agreement between the parties and supersedes all prior written or oral discussions or agreements regarding the same subject.

27. Time is Of the Essence.

NPEA agrees that time is of the essence under this Agreement.

28. Force Majeure.

Neither the CITY nor NPEA shall be held responsible for delay or default caused by fire, riot, acts of God, war or similar events or occurrences where such event or occurrence was beyond the reasonable control of the CITY or NPEA respectively. NPEA will however make all reasonable efforts to remove or eliminate such a cause of delay or default and shall, upon cessation of the cause, diligently pursue performance of its obligations under this Agreement.

29. Authority

Any person/entity executing this contract, expressly warrants that he/it is authorized to execute this contract. The CITY representatives signing this agreement certify that they sign as properly authorized representatives of the CITY and do not assume any personal liability for meeting the terms of this contract.

This contract shall not be binding upon the CITY until fully executed, including signing and initialing of any changes by the parties hereto, or their authorized representatives, and delivered to the CITY.

NORTH PLAINS EVENTS ASSOCIATION
Sherrie Simmons, President

CITY OF NORTH PLAINS, OR
Martha DeBry, City Manager



Date: 11-25-2014

Date: _____

Telephone 503-649-5447

503-647-5555

Email: westiesrus@msn.com

martha@northplains.org

RESOLUTION NUMBER 1861

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORTH PLAINS, OREGON, APPROVING AN AGREEMENT WITH THE NORTH PLAINS EVENTS ASSOCIATION TO OPERATE THE ELEPHANT GARLIC FESTIVAL 2015-2019

WHEREAS, the City of North Plains owns intellectual property associated with the annual Elephant Garlic Festival; and

WHEREAS, the City conducted a request for proposal process and the North Plains Events Association (NPEA) was the sole applicant; and

WHEREAS, an agreement between the City and NPEA was negotiated to operate the festival for 5 years; and

WHEREAS, the City has traditionally waived all fees associated with the use of its venues and approvals required to produce the annual Elephant Garlic Festival; and

WHEREAS, the City Council seeks to establish a designated reserve within the General Fund to ensure the financial viability of the Elephant Garlic Festival.

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

- Section 1.** Council approves the agreement with the NPEA for operations of the annual Elephant Garlic Festival 2015-2019.
- Section 2.** The City agrees to waive all fees associated with the use of its venues or permits for the Elephant Garlic Festival events.
- Section 3.** Revenues received as a result of the NPEA agreement shall be set aside in a designated reserve of the General Fund, and shall be allocated through a related expense line item.

CITY OF NORTH PLAINS, OREGON

BY: _____
David Hatcher, Mayor

ATTEST:

BY: _____
Margaret Reh, City Recorder



CITY OF NORTH PLAINS

31360 NW Commercial Street, North Plains, Oregon 97133

Date: November 20, 2014
To: Mayor and City Council
From: City Manager Martha DeBry
Subject: Review of 2014 Pumpkin Run and approve Resolution No. 1862

Background: Council had requested staff to present costs associated with various events that take place in the city throughout the year. The attached report reflects the costs the City incurred with work and expenses associated with the Pumpkin Run and Costume Parade.

The net profit after all expenses, including all city staff expenses is \$186.00 which will be presented to the North Plains Parent Teacher Organization.

Recommendation: Council adopt Resolution No.1862 allocating a donation to the North Plains Parent Teacher Organization.

Motion: I move to adopt Resolution No.1862.

City of North Plains
Pumpkin Run Event Review
as of November 10, 2014

	<u>Budget</u>	<u>Actuals</u>	<u>Variance</u>
Revenue			
9/30/2014 PayPal receipts - Sept		535	
10/31/2014 Square receipts		160	
10/31/2014 PayPal receipts - Oct		315	
10/28/2014 cash receipts		246	
		<u>1,256</u>	
Participants			
North Plains Veterinary Clinic		250	
Gonzales Boring and Tunneling		150	
Tuality		200	
MSA		150	
NP Chiropractic		100	
NP Christian Church		100	
		<u>950</u>	
Sponsorship			
		<u>950</u>	
<hr/>			
Total Revenue	2,800	2,206	(594)
<hr/>			
Expenses			
9/23/2014 ORCC deposit - returned		-	
9/23/2014 Coordinator		200	
9/23/2014 ORCC rental		50	
9/23/2014 WC permits		118	
10/27/2014 event sign		265	
		<u>633</u>	
Coordinator, permit, equipment			
10/14/2014 dollar tree - supplies		30	
9/30/2014 PayPal and Hemco fee		18	
10/31/2014 Square fee		4	
10/31/2014 PayPal and Hemco fee		46	
home depot		7	
dollar store		18	
albertsons		13	
Launching pumpkins		23	
walmart		7	
Costco		146	
		<u>312</u>	
Supplies and merchant fees			
T-shirts		550	
		<u>550</u>	
Tshirts			
Mike		402	
Ben		123	
		<u>525</u>	
Staff time			
		<u>525</u>	
<hr/>			
Total Expenses	2,800	2,020	780
<hr/>			
Net	-	186	186
<hr/>			

RESOLUTION NO. 1862

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORTH PLAINS,
OREGON, ALLOCATING A DONATION TO THE NORTH PLAINS PARENT
TEACHER ORGANIZATION OF FUNDS RAISED AT THE 2014 PUMPKIN RUN**

WHEREAS, the 2014 Pumpkin Run event helped to raise money for charitable organizations; and

WHEREAS, the City Council designated the North Plains Parent Teacher Organization as the recipient of any proceeds raised from the 2014 Pumpkin Fun Run event; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of North Plains, Oregon that the City will release funds in the amount of \$186.00 to the North Plains Parent Teacher Organization

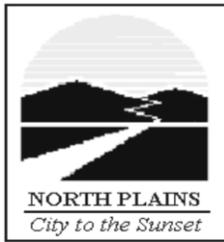
INTRODUCED AND ADOPTED this 1st day of December, 2014.

CITY OF NORTH PLAINS, OREGON

BY: _____
David Hatcher, Mayor

ATTEST:

BY: _____
Margaret L. Reh, City Recorder



CITY OF NORTH PLAINS

31360 NW Commercial Street, North Plains, Oregon 97133

Date: November 14, 2014
To: City Council
From: City Manager Martha DeBry
Subject: County notices regarding land use applications

Request: Council provide direction on how the City should receive, review and comment on notices regarding County land use applications.

Background: A few times each month the City will receive notices from Washington County regarding land use applications. These can be for ordinances, specific projects or zoning actions.

With rare exceptions, all of the notices are applicable to properties outside of the City of North Plains. Typically staff offers no comments unless the County has specifically requested that the City provide comments.

Councilor Lenahan has asked that these notices be forwarded to the Council.

Staff is requesting direction if it is the Council's preference to receive copies of the notices or if these should be placed on the agenda for comment.

Fiscal Impact: This item has no direct fiscal impact. It may require additional staff time to research County land use applications.

Recommendation: Council provide direction regarding how notices regarding land use applications should be managed.

Margaret Reh

Subject: FW: an article from Portland Business Journal

From: Teri Lenahan [mailto:teri.lenahan@gmail.com]

Sent: Friday, November 14, 2014 10:35 AM

To: Martha DeBry

Cc: David Hatcher; Michael Broome; Michael Demagalski; Charlynn Newton; Robert B. Kindel; Glenn Warren; Margaret Reh

Subject: Re: an article from Portland Business Journal

Thank you Martha.

I look forward to hearing what the others have to say.

On Fri, Nov 14, 2014 at 10:07 AM, Martha DeBry <Martha@northplains.org> wrote:

Teri,

I did bring it up to Council on June 17, 2013, and no one expressed any interest or concern.

I think you would be surprised by the number of notices received by the City from the County.

I have no guidance from Council on how to share such notices. It would be extraordinary for Council to receive and comment on every notice. I will agendize an item to ask if Council would prefer to receive such notices directly.

Kindest regards,

Martha DeBry

City Manager

North Plains, OR

From: Teri Lenahan [mailto:teri.lenahan@gmail.com]

Sent: Thursday, November 13, 2014 8:13 PM

To: Martha DeBry

Subject: Re: an article from Portland Business Journal

Martha,

Can you do me a favor? The next time the City receives a notice of this sort, can you please bring it before the Council?

It appears that you made a decision to not respond on behalf of the City. If you gave me notice and I overlooked it, then it's on me. If not, then it's on you.

I oppose not having a choice.

Regards,

Teri

On Thu, Nov 13, 2014 at 12:28 PM, Martha DeBry <Martha@northplains.org> wrote:

The City was sent the notice which advised us of the comment period. We provided no comments.

I did not attend the hearing.

Kindest regards,

Martha DeBry

City Manager

North Plains, OR

From: Teri Lenahan [mailto:teri.lenahan@gmail.com]

Sent: Wednesday, November 12, 2014 1:16 PM

To: Martha DeBry

Subject: Re: an article from Portland Business Journal

I'm curious. Did you attend the hearing? Was the City ever asked to comment on it?

On Wednesday, November 12, 2014, Martha DeBry <Martha@northplains.org> wrote:

Teri,

The application for the Hindu education center was vetted by Washington County. I know it was a while back, but the June 17, 2013 City Council minutes under staff reports reflect that I advised "There will be a community outreach meeting conducted by the Hindu Education Center that is proposed off of Beach Road immediately south of North Plains." That meeting was prompted by the application to the County. http://cityofnp.org/files/8813/8196/0263/061713_Council_Minutes_RS_-_Approved.pdf

People interested in County applications and adjoining property owners were provided with notice. The meeting was in a CPO newsletter http://extension.oregonstate.edu/washington/sites/default/files/cpo8july2013_0.pdf (last page announces meeting.) County LUT advertised in their weekly update <http://myemail.constantcontact.com/LUT-Weekly-Update.html?soid=1113224726165&aid=GJjx6DQis>

The City did not provide any comments on the proposal.

Kindest regards,

Martha DeBry

City Manager

North Plains, OR

From: Teri Lenahan [mailto:teri.lenahan@gmail.com]

Sent: Tuesday, November 11, 2014 9:45 PM

To: David Hatcher

Cc: Michael Broome; heather.m.labonte@gmail.com; Robert B. Kindel; King, Stewart; Glenn Warren; Blake Boyles; Charlynn Newton; Michael Demagalski; Teri Lenahan; Martha DeBry

Subject: Re: an article from Portland Business Journal

David

My line of questions has nothing to do with sector, it's about communication.

If a butterfly church was being built there, I would hope that the owners would reach out to their neighbors to communicate about their intent.

It's 11 acres. It's at the entrance of North Plains. I say, talk to us.

Teri

On Nov 11, 2014 9:25 PM, "David Hatcher" <dhatcher1@comcast.net> wrote:

Teri

I'm confused by your question. This purchase is not Hillsboro generated. It was generated by the church. So why would they reach out to us? For what? They are building church that is not even in North Plains. If they have the money, and if the zoning code meets the criteria, you can put a church where ever the code allows. If this were a Christian church would you have the same concerns?

It's been in the Oregonian.

David

From: "Lenahan, Teri" <teri.lenahan@gmail.com>

To: "Hatcher, David" <dhatcher1@comcast.net>, "DeBry, Martha" <martha@northplains.org>, "Michael Demagalski" <michael_demagalski@northplains.org>, "Michael Broome" <Michael_Broome@northplains.org>, "Charlynn Newton" <Charlynn_Newton@northplains.org>, "Butch Kindel" <robert_kindel@northplains.org>, "Blake Boyles" <blake@northplains.org>, "Glenn Warren" <Glen_Warren@northplains.org>

Cc: "King, Stewart" <stewart@tristarproperty.com>, "Heather LaBonte" <heather.m.labonte@gmail.com>, "Teri Lenahan" <teri_lenahan@northplains.org>

Sent: Tuesday, November 11, 2014 9:04:03 PM

Subject: an article from Portland Business Journal

FYI - saw this article and thought we should be informed. I knew the property sold but I didn't know of the plans for the property. If this is Hillsboro generated then why aren't they reaching out to us with this heads up?

Why are we learning about this through the PDX Biz Journal? Was the City/County informed of the intentions of the purchasers, and if so, what is their responsibility to inform the citizens of North Plains?

This property isn't within our city's limits but it is at the entrance of our city.

What say do we have about their plans?

Teri

PORTLAND
BUSINESS JOURNAL

Sender's comment:

This article just arrived today in my inbox. Follow the link to the Oregonian article which provides more details. Do the City have an agreement with Washington County regarding planning around the perimeter of the City? It used called the Area of Interest. Has the City made some type of agreement with the County to allow such a large proje the edge of the city limits? Why would an organization make such a purchase without some type of assurances at building on the property? How is the property zoned? Why are we just now hearing about this?

Organization buys 11 acres for new Hindu temple

Published: November 11, 2014

The Hindu Educational & Cultural Society of America, a nonprofit in Hillsboro, is planning to build a new complex on land it acquired in North Plains.

[View full article](#)

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Regards, Teri

--

Regards,

Teri

Regards,

Teri

--

Regards,

Teri



CITY OF NORTH PLAINS

31360 NW Commercial Street, North Plains, Oregon 97133

Date: November 20, 2014
To: Mayor and City Council
From: City Manager Martha DeBry
Subject: Review of November 2014 Dance and adoption of Resolution No.1863 approving donation match for protective canopy at the food pantry.

Background: Council had requested staff to present costs associated with various events that take place in the city throughout the year. The attached report reflects the costs the City incurred from expenses associated with the November 8, 2014 dance.

The net profit after all city expenses which include the price of the band and food costs was \$144.00 which will be matched by City council for a total of \$288.00 to be used for the construction of a canopy at the North Plains Food Bank.

Recommendation: Adopt Resolution No.1863 approving a matching donation.

Sample Motion: I move to adopt Resolution No.1863.

City of North Plains
City Dance - November 8, 2014
as of November 25, 2014

	<u>Actuals</u>
Ticket and food sales	488
Total Revenue	488
Band fee	300
Food costs	44
Total Expense	344
Net Revenue	144

RESOLUTION NUMBER 1863

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORTH PLAINS,
OREGON, ALLOCATING A DONATION FOR THE NORTH PLAINS FOOD PANTRY
CANOPY**

WHEREAS, City Council committed to matching funds raised at a dance on November 8th, 2014, to help procure materials for a permanent canopy at the North Plains Food Pantry; and

WHEREAS, a total of \$488.00 in revenues were received at the dance; and

WHEREAS, a total of \$344.00 in expenses were dispersed for the event.

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

Section 1. A total of \$288.00, which is \$144.00 net proceeds from the dance plus the matching donation amount of \$144.00, shall be allocated to purchase materials for the North Plains Food Pantry Canopy

Section 2. This Resolution shall become effective immediately upon adoption by the City Council.

CITY OF NORTH PLAINS, OREGON

BY: _____
David Hatcher, Mayor

ATTEST:

BY: _____
Margaret Reh, City Recorder



CITY OF NORTH PLAINS

31360 NW Commercial Street, North Plains, Oregon 97133

Date: November 14, 2014
To: City Council
From: City Manager Martha DeBry
Subject: Designating signers for plat maps.

Request: Council designate signers of plat maps.

Background: Plats are used to define boundaries for the parcels of land within Washington County. Typically the City is asked to sign plats after a land use decision such as a partition, subdivision, or lot line adjustment.

City staff has signed plats subsequent to Planning Commission and administrative approvals. All plats are reviewed by either staff or the Commission and the actual signature is a formality subsequent to an approval.

Recently, the final plats for several subdivisions were prepared. The plats were signed by the City Manager on behalf of the City. Planning Commission members have expressed concern that they believe the code is being incorrectly interpreted and only the Chair of the Planning Commission or a designee of the Planning Commission should be signing on behalf of the City. Section 16.135.035 Final Subdivision Plat Review reads as follows:

A. The final subdivision plat shall be submitted to the Planning Commission for review pursuant to the Application Review section of this chapter. The Planning Commission shall review the plat to assure compliance with the approved preliminary plat and with the conditions of approval. The Planning Commission Chairman or Commission designee shall signify Planning Commission approval of the final plat by signing the recorder's plat sheet and exact duplicate. However, if the plat includes dedication of any newly created public roads the City Council shall either accept a deed of dedication on a form acceptable to the City, or authorize the mayor or other City Council designee to sign an acceptance of dedication on the final plat.

The City Attorney Shane Abma has advised that the city manager or other members of staff are commonly used in cities to sign plats, because logistically it is more practical to use staff. He expressed no concern about the legitimacy of staff signatures on previously signed plats.

Who signs plats is a matter of preference for the City and not a requirement of law. A brief review of codes of neighboring agencies demonstrates that both staff and commissioners are relied upon to sign final plats.

Commissioner LaBonte has suggested the signature block of plats should include a space for the Commission and a space for Council. It is possible to make this a requirement for plats, and requires no change in code.

Staff is requested that Council provide direction on the following:

1. In addition to the Mayor, who should be authorized to sign a final subdivision plat involving street dedications? For street dedications, the resolutions have explicitly stated the City Manager shall sign the plat.
2. Should the Council or Planning Commission make an appointment of a designee to sign final plats for subdivisions?
3. Who on staff is authorized to sign final plats as result of an administrative decision? Currently the City Manager signs plats.

Once decisions are made regarding who is preferred to be signers of plats, staff can review the code to determine if changes in the code should be proposed.

Fiscal Impact: This item has no fiscal impact.

Recommendation:

Council provide direction regarding who shall sign plats on behalf of Council, the Planning Commission and administrative decisions.

Margaret Reh

From: Martha DeBry
Sent: Friday, November 14, 2014 11:37 AM
To: Stewart King; Teri Lenahan; Heather LaBonte
Cc: David Hatcher; Shane Abma; Margaret Reh
Subject: RE: final approvals for plats

Follow Up Flag: Follow up
Flag Status: Flagged

Stewart,

I would prefer to receive direction from Council as a whole. The code is not entirely clear; as it does not state what body designates alternates (I appreciate your interpretation is that this is reserved to the Commission.)

I think we can take the time to have Council specify who should sign on behalf of the City. It is just a procedure at the end of the day and not a discretionary act.

I have no reservations about the Mayor and Chair signing. When McKay Fields comes forward we will follow that.

My concern is that the mylars are presented long after the approval and if we require two signatures and limit authority to only two persons, we may inadvertently cause significant delays in the recording process.

Kindest regards,

Martha DeBry
City Manager
North Plains, OR

From: Stewart King [mailto:stewart@tristarproperty.com]
Sent: Friday, November 14, 2014 10:48 AM
To: Martha DeBry; Teri Lenahan; Heather LaBonte
Cc: David Hatcher; Shane Abma; Margaret Reh
Subject: Re: final approvals for plats

I don't believe that this is a City Council issue. It is already in the zoning and comprehensive plan. If City Council wants to initiate changes to the zoning and comprehensive plan, I believe that they should make suggestions to the Planning Commission. The current code seem specific as to who signs the signature blocks on plats. The City Council and/or the Planning Commission Chairman can decide to designate the City Manager, City Recorder or anyone else in the City Staff as the signer of the signature blocks. At this time, the Planning Commission has not appointed a designee.

Stewart King Tri-Star Properties, Inc. stewart@tristarproperty.com www.tristarproperty.com Phone: 503-647-9340
Cell: 503-939-9174

On 11/14/2014 10:17 AM, Martha DeBry wrote:

I will agendize an item for Council to consider how it would like to manage the signature blocks on plats. I would invite planning commissioners to participate in that discussion.

If Council chooses to proceed:

- Council can just designate who they want to sign and/or
- include clarifying language in the amendment in the changes to 16.170 and/or
- Propose changes for 16.135 which will require submission to DLCD

Kindest regards,

Martha DeBry
City Manager
North Plains, OR

From: Teri Lenahan
Sent: Thursday, November 13, 2014 7:41 PM
To: Heather LaBonte; Stewart King; Martha DeBry
Cc: David Hatcher
Subject: RE: final approvals for plats

Heather,

You bring up a good question about process. Maybe Martha can give us insight on what the process is to update the process language.

Respectfully,

Teri Lenahan
Council President-North Plains
503-310-7512

From: Heather LaBonte [heather.m.labonte@gmail.com]
Sent: Thursday, November 13, 2014 7:01 PM
To: Stewart King; Martha DeBry
Cc: David Hatcher; Teri Lenahan
Subject: Re: final approvals for plats

Stewart,

I'm not sure of your thoughts, but I feel if the pc chairman is available they should be signing the plats- not city staff. I am really not comfortable with a blanket statement that anyone at the city could be a designee. Does that include utility worker, police officer???

In the event the chairman defers to city staff and the plat has new road dedication, I feel there needs to be two signature blocks. One signifying planning commission approval and one signifying city acceptance of road dedication.

If we are in agreement, how can we get this process updated?

Heather

----- Original message -----

From: Stewart King <stewart@tristarproperty.com>
Date: 11/13/2014 3:50 PM (GMT-08:00)
To: Martha DeBry <Martha@northplains.org>, Heather LaBonte <heather.m.labonte@gmail.com>

16.135.035 Final Subdivision Plat Review

A. The final subdivision plat shall be submitted to the Planning Commission for review pursuant to the Application Review section of this chapter. The Planning Commission shall review the plat to assure compliance with the approved preliminary plat and with the conditions of approval. The Planning Commission Chairman or Commission designee shall signify Planning Commission approval of the final plat by signing the recorder's plat sheet and exact duplicate. However, if the plat includes dedication of any newly created public roads the City Council shall either accept a deed of dedication on a form acceptable to the City, or authorize the mayor or other City Council designee to sign an acceptance of dedication on the final plat.

A designee is a person that has been designated. I don't believe that the Planning Commission has ever designated anyone.

Stewart King Tri-Star Properties, Inc. stewart@tristarproperty.com www.tristarproperty.com Phone: 503-647-9340 Cell: 503-939-9174

On 11/13/2014 3:39 PM, Martha DeBry wrote:

Per the Attorney's advice the designee could be anyone from the City.

Kindest regards,

Martha DeBry
City Manager
North Plains, OR

From: Heather LaBonte [<mailto:heather.m.labonte@gmail.com>]

Sent: Wednesday, November 12, 2014 12:07 PM

To: Stewart King

Cc: Martha DeBry; David Hatcher; Teri Lenahan

Subject: Re: final approvals for plats

Martha,

The plat of North View Estates is now down in our office to sign and take down for official recording. I see you have also signed this plat on behalf of the planning commission. Can you bring copy of policy or code that authorizes you as designee to our meeting tonight. As I am reading our code, I actually think it refers to designee when the chairman steps down or is absent from a hearing.

Heather

16.135.035.A goes on to states "...the Planning Commission Chairman or Commission designee shall signify Planning Commission approval of the final plat by signing the recorder's plat sheet and exact duplicate." I would be acting as the "Commission Designee" when signing.

On Mon, Nov 3, 2014 at 5:43 PM, Stewart King <stewart@tristarproperty.com> wrote:
I agree, I know that I have signed plats before and we should be consistent and follow the code.

Martha,

Thank you for checking on the final findings. I believe historically, the PC chair has signed subdivisions and the city manager has signed the partitions (partitions are administrative review unless Rd dedication). It looks like there have been a total of 19 plats since 2004 in North Plains. Of those 8 were subdivisions, which most contained both city manager & pc chair signature. It looks like city manager signed when there was road dedications. I think the code is giving direction but this might be more of a procedure that could be corrected with adding the signature block requirements to the application packet itself. If you like I can send the county surveyor's office current one. We could have one for partitions & one for subdivisions. This would help insure the correct parties are signing.

Stewart- what are your thoughts?

Heather

On Mon, Nov 3, 2014 at 3:37 PM, Martha DeBry
<Martha@northplains.org> wrote:

Heather,

I just got off the phone with the City Attorney, he advises we should not have any legal concerns. The code only requires written notice which can be a final order. We already have approved minutes indicating Planning Commission action. This application is long beyond its 120 day period.

Final plats were not previously shared with the Planning Commission. Our code is poorly written for this process. 16.135.015.E states the "approval of the tentative plan shall indicate approval of the final plat if there is no change in the plan of the subdivision and if the subdivider complies with the requirements of this ordinance..." which is probably why they were not presented to the PC in the past. I have opted to send all final plats to the Planning Commission because 16.135.035.A states without qualification the "The final subdivision plat shall be submitted to the Planning Commission..."

16.135.035.A goes on to states "...the Planning Commission Chairman or Commission designee shall signify Planning Commission approval of the final plat by signing the recorder's plat sheet and exact duplicate." I would be acting as the "Commission Designee" when signing. There has not been a discussion of who should sign plats that I am aware of. When I first arrived Lisa asked me to sign a plat so I have assumed it was within my scope of work. We can schedule that if you and Stewart would like.

Kindest regards,

Martha DeBry
City Manager
North Plains, OR

From: Heather LaBonte [mailto:heather.m.labonte@gmail.com]
Sent: Monday, November 03, 2014 11:25 AM
To: Martha DeBry; Stewart King
Cc: David Hatcher; Teri Lenahan
Subject: Re: final approvals for plats

Martha,

I just noticed the plat of Pacific Estates recorded on October 23rd. How can that be when I as chairman of that hearing never had the opportunity to sign the final findings? Also, in our subdivision code 16.135.035(A) it states the PC shall sign the plat unless road dedication occurs, then they must be signed by council. This plat has no road dedication and was signed by you. We need to follow our current code and we must be consistent.

Heather

On Thu, Oct 16, 2014 at 2:20 PM, Heather LaBonte
<heather.m.labonte@gmail.com> wrote:

Martha,

The title company was telling me these plats are ready to go to mylar. We approved the final plat back in August. Do I need to sign the final findings? I still have not seen them.

Heather

On Mon, Sep 8, 2014 at 2:59 PM, Martha DeBry
<Martha@northplains.org> wrote:

The final findings are not ready yet.

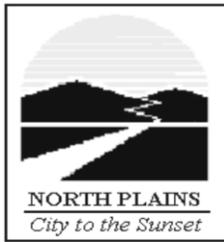
Kindest regards,

Martha DeBry
City Manager
North Plains, OR

From: Heather LaBonte [mailto:heather.m.labonte@gmail.com]
Sent: Monday, September 08, 2014 1:08 PM
To: Martha DeBry
Cc: Stewart King
Subject: final approvals for plats

Martha,

On these final plat approvals we have now started doing, does chairman need to sign the final findings as with regular approvals? If so, is Pacific Estates & North View ready to sign?



CITY OF NORTH PLAINS

31360 NW Commercial Street, North Plains, Oregon 97133

Date: November 20, 2014
To: City Council
From: City Manager Martha DeBry
Subject: Resolution No.1864 encouraging the curtailment of open burning and wood burning in appliances lacking air pollution control equipment

Request: Council hear a presentation from Peter Brandom of the City of Hillsboro regarding air pollution standards and consider Resolution No. 1864.

Background: There is growing concern in Washington County that air pollution is increasing. Two monitoring stations suggest that air quality is diminishing as a result of open burning woody materials. If Washington County records high levels of particulate matter (PM2.5) it will be ordered to conform with strict Environmental Protection Agency rules to reduce emissions. This could affect economic development in North Plains and other Washington County communities.

Attached is a staff report and resolution presented to the City of Hillsboro's Council. Staff from Hillsboro was invited to make the presentation in North Plains because of their expertise in the subject area.

Fiscal Impact: This item has no direct fiscal impact. If Washington County earns a nonattainment status, businesses in the future may be subject to greater emission restrictions.

Recommendation:

Council consider adopting Resolution No.1864 encouraging the curtailment of open burning and wood burning in appliances lacking air pollution control equipment.

Sample Motion:

I move to adopt Resolution No.1864.

MEMORANDUM

To: City Council
From: Peter Brandom, Senior Project Manager
Date: November 12, 2014
Subject: City Policy Options for Air Quality (PM2.5)

Requested Action:

Consider resolution to enhance communications of voluntary burn curtailment and direct City staff and partners to assess further burn restriction policies and wood burning appliance retrofit programming.

Background:

In fall 2014 the City was notified through multiple channels that Washington County has exceeded the federal Clean Air Act standard for one of the six Environmental Protection Agency (EPA) criteria air pollutants, particulate matter (PM)2.5. Specifically, one of two Oregon Department of Environmental Quality (DEQ) air quality monitoring sites in Washington County, the one that is located within City of Hillsboro limits at Hare Field, has exceeded the federal standard twice in the past three years (2011 and 2013). The locations of the two sites are shown in Figure 1 below. If a County exceeds one of two standards – a three-year average of 24-hour periods or an annual mean averaged over three years – the EPA may designate that County or area as nonattainment.

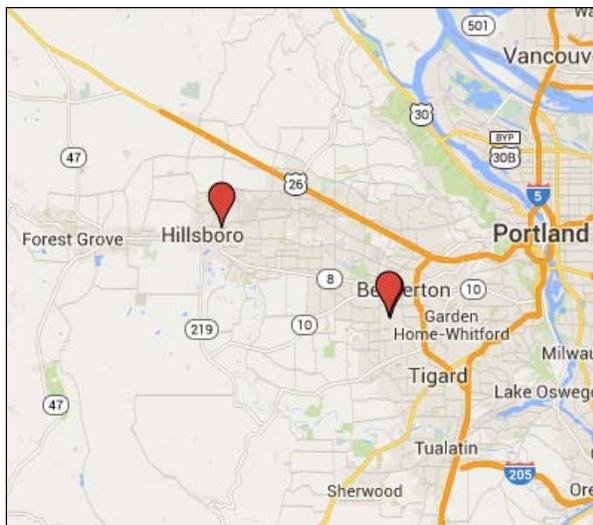


Figure 1: DEQ Air Monitoring Sites in Washington County (2)

Figure 2 below shows the air quality trends for the DEQ monitoring site in Hillsboro from 1999 – 2013. It shows both the daily (red) trends as well as the annual (blue). Though the air quality in Hillsboro has not degraded dramatically in recent years, the EPA reduced the thresholds for both the 24-hour¹ and annual² PM2.5 standards. In 2007 the EPA amended the daily PM2.5 standard, as the result of research showing health impacts from PM2.5. The standard was reduced from 65 micrograms per cubic meter (ug/m³) to 35 ug/m³, a decrease of 46%. The daily trends therefore became much closer to exceeding the standard, and the data shows that the site exceeded the standard both in 2011 and 2013. 2011, according to the DEQ, was a year of relatively poor air quality statewide, and therefore initially seen as an exception. Improvement in 2012 with a reading within acceptable range reduced concern, but in 2013 the daily standard was exceeded once again.

It is also important to note that the annual standard for PM2.5 was reduced in 2012 by the EPA from 15 ug/m³ to 12 ug/m³, a decrease of 20%, bringing the DEQ monitoring site in Hillsboro closer to the annual standard. However, even with the stricter standard the annual standard has not been exceeded.

Geography is a major factor in air quality generally, and in Washington County in particular. The air monitoring station in Hillsboro is closer to the urban growth boundary than other monitors and is therefore closer to wood burning sources outside of the urbanized area, including agriculture and forestry burning. During the winter season, air inversions, with warmer air trapping cold, stagnant air against the ground, occur more due to surrounding hills that limit the air moving out of the Tualatin River Valley.

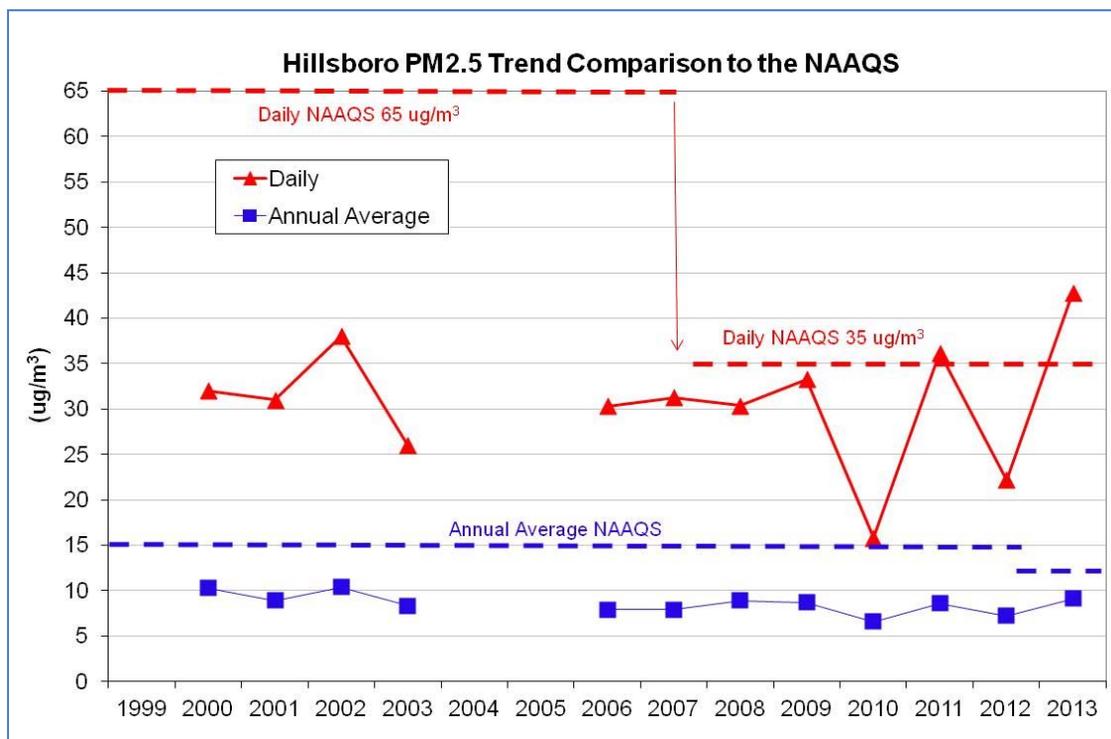


Figure 2: Annual PM2.5 Trends from DEQ Monitoring Site in Hillsboro

¹ The 24-hour (Daily) EPA standard is the 98th percentile, averaged over three years.

² The Annual (Annual Average) standard is the annual mean, averaged over three years.

Figure 3 below shows the daily trend for a particularly poor air day at the DEQ monitoring site in Hillsboro, December 12, 2013. The ug/m³ reading is shown for the 24-hour timespan on this day. The air quality exceeded the PM2.5 standard all day, but was particularly poor at night after 4:00pm. This points to the burning of wood for heat as the primary driver of PM2.5 emissions during poor air quality periods. Families come home in the afternoon/evening (also exacerbated by vehicular traffic, mainly diesel), light their fireplace or woodstove, increasing concentrations of PM2.5, then extinguish the fire later after 10:00pm before retiring to bed.

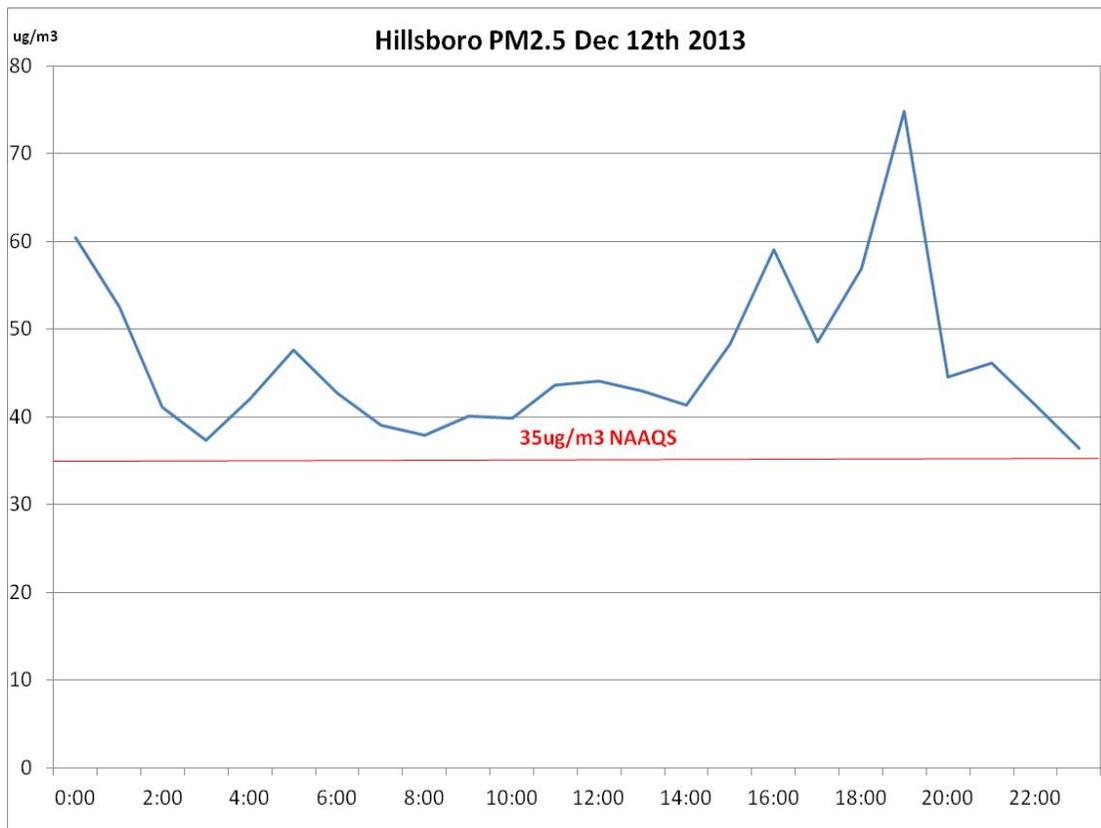


Figure 3: PM2.5 Levels from DEQ Monitoring Site in Hillsboro, December 12, 2013

What is 'Nonattainment' and 'Maintenance'?

Nonattainment means that a geographic area has not consistently met the clean air levels set by the EPA in the National Ambient Air Quality Standards (NAAQS). Nonattainment requires the designated area to take actions to reduce air pollution, including rules that limit any new air emissions from economic development as well as existing businesses. This can have a major impact on economic development in the nonattainment area since it would put new limits on additional emissions from any source.

As an example of nonattainment, in 2009 the EPA designated parts of Pierce County, Washington, including the City of Tacoma, as nonattainment for PM2.5. This required the development of a comprehensive 'State Implementation Plan' to improve air quality in that area. As part of the Plan, a Task Force was convened to identify actions to reduce air pollution. Actions include:

- Burn bans for woodstoves and outdoor burning
- Increased enforcement of burn bans
- Incentive program to remove and replace uncertified wood stoves

- Required removal of all uncertified wood stoves by September 2015
- Increased awareness campaign to educate residents about clean burning practices

These actions have resulted in air levels that meet the PM2.5 standard. In fall, 2014 a request was submitted to EPA to redesignate the area as Maintenance, which would require a 20-year plan to ensure that levels remain below the federal standard.

Other communities are in risk of nonattainment and are taking actions to avoid nonattainment. For example, Lakeview, Oregon has recently passed an ordinance that bans all wood burning during air pollution advisories.

Maintenance areas are those geographic areas that had a history of nonattainment but are now consistently meeting the NAAQS. These areas are re-designated from 'nonattainment' to 'attainment with a maintenance plan.'

What is PM2.5?

PM (particulate matter) 2.5³ is a mixture of extremely small particles and liquid droplets found in the air. Sources of particulate pollution include woodstoves, fires, wind-blown dust, automobiles, and industry. PM2.5 refers to particulate matter 2.5 microns in diameter or smaller (the average strand of human hair is 70 microns in diameter). Health studies show that because PM2.5 can be inhaled deep into the lungs and can lodge there for long periods of time breathing PM particles causes health impacts including asthma, heart disease and other respiratory and heart conditions.

What causes PM2.5 Emissions?

According to the DEQ, the primary sources of PM2.5 in Washington County are:

- Wood burning (wood stoves and fireplaces) (~25%)
- Prescribed forest burning (~19%)
- Commercial burning activity, including 'hog fuel' (~15%)
- Cars and trucks, notably diesel (<10%)
- Residential open burning (~8%)

How can PM2.5 Emissions be Addressed?

Washington County staff have convened a group of partners, including the DEQ and City of Hillsboro, to determine near term and long term actions to address PM2.5 emissions and to avoid a third year of exceeding the federal PM2.5 standard. Given that we are in the fall/winter season when air quality is significantly adversely affected by meteorological conditions, there is a very tight window of time to get word out and to positively affect air quality this (2014) season. Washington County and the City of Hillsboro are in agreement and coordinated on the need to communicate to residents in Hillsboro about air quality, the risk of falling out of attainment with the Clean Air Act standard, and to ask residents to voluntarily limit wood burning and other activities that impact air quality.

Near term actions include:

- Aggressive outreach to citizens and businesses, first in the immediate area surrounding the air monitor in Hillsboro, to:

³ Source: ODEQ: deq.state.or.us/air/planning/pm25.htm

- Increase awareness of air quality issues during the fall/winter season, and
- Ask residents to voluntarily avoid burning wood and other material and to limit driving during this season.

Longer term actions include:

- Development of a fireplace/wood stove retrofit incentive program, and
- Other policy actions including a ban on residential open burning.

Outreach

Washington County Public Health has developed outreach materials and plans to aggressively begin educating citizens in Washington County and Hillsboro about PM2.5 and its health impacts. The outreach will also provide resources for citizens to find current information about air quality, including poor air quality day warnings. For example, citizens will be encouraged to check www.airnow.gov, where Hillsboro's current and forecasted air quality data can be found. County staff plan to begin the deployment of information first near the DEQ monitoring station in Hillsboro and expand from there. Hillsboro staff are coordinating the City's communications with Washington County to ensure that messages are consistent and effective.

Backyard (Residential) Burning in Hillsboro

According to the DEQ, residential (backyard) burning accounts for approximately 8% of the PM2.5 emissions in Washington County. State law prohibits backyard burning in parts of Washington County, mostly the eastern urbanized part of the County, and most of Hillsboro is excluded. At this time the Hillsboro Fire Department in conjunction with the Oregon Department of Agriculture and Oregon Department of Forestry publishes a Daily Burning Advisory that is dependent on meteorological conditions. A daily message is issued when conditions warrant limited burning for health and/or safety reasons. State law also allows for local governments to issue more restrictive rules related to residential backyard burning.

In 2006 and again in 2008, Hillsboro Fire Department proposed to implement a ban on residential backyard burning, for both health and safety reasons. The proposal was to add language to City code prohibiting outdoor/open burning, with some exceptions (such as grills and other approved burning devices). Those proposals were not put forward. However, the Fire Department remains supportive of both increased communications to citizens about air quality and fire safety, as well as exploration of policy options that would limit wood burning.

In consideration of a potential ban on residential backyard burning, the City should consider the detailed questions of a ban, including the types of fires to be prohibited, remaining open burn periods, exemptions, permitting, specifics to regulate burning if it is still permitted, and how the regulations are enforced. Additionally, the City should consider enhancement of other alternatives to burning yard debris, such as fall season leaf collection and frequency of curbside yard debris collection. This overall assessment, including public outreach, will take substantial time to conduct.

For context, other cities in Washington County have been polled regarding existence of bans on residential backyard burning. The results are included in Table 1 below.

City	Residential Backyard Burn Ban	Type of Ban in Place
King City	Yes	Outright ban, exception for gas/propane Also nuisance ordinance for fireplaces during stagnation advisory
Lake Oswego	Yes	Permit needed for fire over 2 feet high
Durham	Yes, but no specific Ordinance	Within DEQ burn ban boundary, thus burning not permitted
North Plains	No	No restrictions – same as Hillsboro
Cornelius	No	No restrictions – same as Hillsboro
Forest Grove	No, but new Ordinance	Effective 2015 eliminate fall open burning season (Oct 1 – Dec 31) and maintain spring burning season (March 1 – June 15)
Tualatin	Yes, but no specific Ordinance	Within DEQ burn ban boundary, thus burning not Permitted
Banks	No	No restrictions – same as Hillsboro

Table 1: Selected Washington County Jurisdiction Residential Backyard Burn Policies, as of Fall, 2014

Given the short timeline to affect the fall 2014 burn season, and the time needed to assess the above considerations for residential burning limitations, staff recommend that in the near term the City enhance the current air quality/burn restriction system by increasing communications to residents during poor air quality periods, and urge citizens to voluntarily limit burning of all types and to limit driving. At the same time, staff will begin to assess longer term policy options, such as an outright open burn ban or limits during specific seasons, and will bring a policy recommendation to Council before the fall 2015 burn season.

Development of Woodstove/Fireplace Retrofit Program

According to the DEQ, burning of wood for heat and/or ambience in residences is the greatest contributor to PM2.5 emissions, and therefore the greatest area of opportunity to reduce emissions. For some residents, wood burning is the primary heat source. For many, burning wood is one of the heat sources and is often done for ambience. Given that this type of burning is a major contributor to PM2.5 emissions, the City is working with Washington County and other partners to develop a woodstove/fireplace retrofit program. This involves identifying the current scope of woodstove burning in Washington County and including Hillsboro, summarizing existing energy programs that will help citizens retrofit their woodstoves and fireplaces, and creating program(s) to help citizens access existing and/or new incentives.

Cost:

There is no cost related to this staff recommendation at this time. Cost in the future will depend on actions that the Council authorizes. In early 2015 staff will summarize in work session the immediate steps taken and propose a comprehensive education and outreach program. A plan for long term implementation will also be presented, including a program of public outreach and engagement to inform policies.

Enclosure: Voluntary burn curtailment resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF HILLSBORO ENCOURAGING A CURTAILMENT OF OPEN BURNING AND WOOD BURNING IN APPLIANCES LACKING AIR POLLUTION CONTROL EQUIPMENT.

WHEREAS, the Oregon Department of Environmental Quality (DEQ) provides for a spring and fall burn season: from March 1 to June 15, and from October 1 to December 15. The DEQ and the State Fire Marshall may adjust burn seasons daily during periods of high fire danger or for health and safety reasons; and

WHEREAS, the City Council finds Open Burning, which includes agricultural burning, backyard burning, and land clearing, contributes significantly to local air pollution and threatens the health and well-being of Hillsboro residents and other persons; and

WHEREAS, burning wood in fireplaces and fire burning appliances that lack air pollution control equipment contributes significantly to local air pollution and threatens the health and well-being of Hillsboro residents and other persons, particularly during the fall burn season; and

WHEREAS, this issue is particularly important for the City because of the City's urban density and smoke from wood and Open Burning (particularly burning leaves) exacerbates breathing difficulties for many residents; and

WHEREAS, through the City Burn Line (503-681-6204) and the Hillsboro Fire Department website the DEQ issues a daily air quality notice that includes burn restrictions during periods of poor air quality; and

WHEREAS, air quality information is available to all residents through www.airnow.gov; and

WHEREAS, the City Council is concerned that the City may exceed the federal Clean Air Act standard for certain air pollutants;

NOW, THEREFORE, THE CITY OF HILLSBORO RESOLVES AS FOLLOWS:

Section 1. The City of Hillsboro strongly encourages all citizens to refrain from burning wood in appliances that lack pollution control equipment on days when an air advisory is issued.

Section 2. The City of Hillsboro strongly encourages all citizens to refrain from Open Burning on days when an air advisory is issued.

Section 3. The City of Hillsboro urges residents to delay Open Burning until the spring burn season.

Section 4. The City of Hillsboro is collaborating with Washington County and other key partners to provide enhanced and accessible resources and education about local air quality and alternatives to wood burning, and to develop incentive programs to retrofit fireplaces and wood burning devices that lack pollution control equipment.

Section 5. In 2015 the City of Hillsboro will conduct a comprehensive review of policies related to wood burning, including engagement with citizens and businesses, and revise or implement policies to maximize air quality and fire safety.

Section 6. This resolution is effective immediately upon adoption.

Approved and adopted by the Hillsboro City Council at a regular meeting held on the 18th day of November 2014.

Jerry Willey, Mayor

ATTEST:

Amber Ames, City Recorder

RESOLUTION NO. 1864

A RESOLUTION OF THE CITY OF NORTH PLAINS ENCOURAGING A CURTAILMENT OF OPEN BURNING AND WOOD BURNING IN APPLIANCES LACKING AIR POLLUTION CONTROL EQUIPMENT.

WHEREAS, the Oregon Department of Environmental Quality (DEQ) provides for a spring and fall burn season: from March 1 to June 15, and from October 1 to December 15. The DEQ and the State Fire Marshall may adjust burn seasons daily during periods of high fire danger or for health and safety reasons; and

WHEREAS, the City Council finds Open Burning, which includes agricultural burning, backyard burning, and land clearing, contributes significantly to local air pollution and threatens the health and well-being of North Plains residents and other persons; and

WHEREAS, burning wood in fireplaces and fire burning appliances that lack air pollution control equipment contributes significantly to local air pollution and threatens the health and well-being of North Plains residents and other persons, particularly during the fall burn season; and

WHEREAS, this issue is particularly important for the City because smoke from wood and Open Burning (particularly burning leaves) exacerbates breathing difficulties for many residents; and

WHEREAS, the DEQ issues a daily air quality notice that includes burn restrictions during periods of poor air quality; and

WHEREAS, air quality information is available to all residents through www.airnow.gov; and

WHEREAS, the City Council is concerned that Washington County may exceed the federal Clean Air Act standard for certain air pollutants.

NOW, THEREFORE, THE CITY OF NORTH PLAINS RESOLVES AS FOLLOWS:

Section 1. The City of North Plains strongly encourages all citizens to refrain from burning wood in appliances that lack pollution control equipment on days when an air advisory is issued.

Section 2. The City of North Plains strongly encourages all citizens to refrain from Open Burning on days when an air advisory is issued.

Section 3. The City of North Plains urges residents to delay Open Burning until the spring burn season.

Section 4.

The City of North Plains will work collaboratively with Washington County agencies to improve air quality.

Approved and adopted by the North Plains City Council at a regular meeting held on the 1st day of December 2014.

CITY OF NORTH PLAINS, OREGON

BY: _____
David Hatcher, Mayor

ATTEST:

BY: _____
Margaret Reh, City Recorder



CITY OF NORTH PLAINS

31360 NW Commercial Street, North Plains, Oregon 97133

Date: November 20, 2014
To: Mayor and City Council
From: Martha DeBry, City Manager
Subject: Resolution No.1865 accepting dedication of rights of way and easements in McKay Fields Subdivision

Request: Council adopt Resolution No. 1865 accepting dedication of rights of way and easements in the McKay Fields Subdivision.

Background: The final plat for the McKay Fields subdivision has been submitted to the City. Municipal code section 16.135.035 *Final Subdivision Plat Review* states:

- A. ... if the plat includes dedication of any newly created public roads the City Council shall either accept a deed of dedication on a form acceptable to the City, or authorize the mayor or other City Council designee to sign an acceptance of dedication on the final plat.

The Planning Commission has approved the plat on November 12, 2014.

The proposed resolution will authorize the City Manager to sign the plat on behalf of City and confirm the street name selection. A copy of the plat is attached. The street names to be approved are:

- NW Stewart Lane
- NW 303rd Place

Fiscal Impact: Adoption of the resolution has no fiscal impact.

Environmental Issues: Approval of the plat is one of the final steps in advance of the development of the property, which will transition from farm use to residential use.

Recommendation: Adopt Resolution No. 1865.

Sample Motion: I move to approve Resolution No. 1865.

Attachments: Plat, Resolution No. 1865

RESOLUTION NO. 1865

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORTH PLAINS, OREGON,
ACCEPTING DEDICATION OF PUBLIC RIGHTS OF WAY AND EASEMENTS IN THE
MCKAY FIELD'S SUBDIVISION**

WHEREAS, an application for a final plat has been made by JT Roth Construction; and

WHEREAS, the Planning Commission has approved the proposed plat subject to Council approval of street dedication; and

WHEREAS, Municipal Code Section 16.135.040 requires that a representative of the City sign plat maps; and

WHEREAS, the City Council has reviewed the proposed plat map.

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

Section 1. The City Manager is authorized to accept the rights of ways and easements as proposed on the final plat for the McKay Fields subdivision.

Section 2. Applicant, at its sole expense, is required to install public improvements as required by the Municipal Code and conditions of approval for the McKay Fields Subdivision.

Section 3. The City Council approves the street names as proposed on the plat.

INTRODUCED AND ADOPTED this 1st day of December, 2014.

CITY OF NORTH PLAINS, OREGON

BY: _____
David Hatcher, Mayor

ATTEST:

BY: _____
Margaret L. Reh, City Recorder

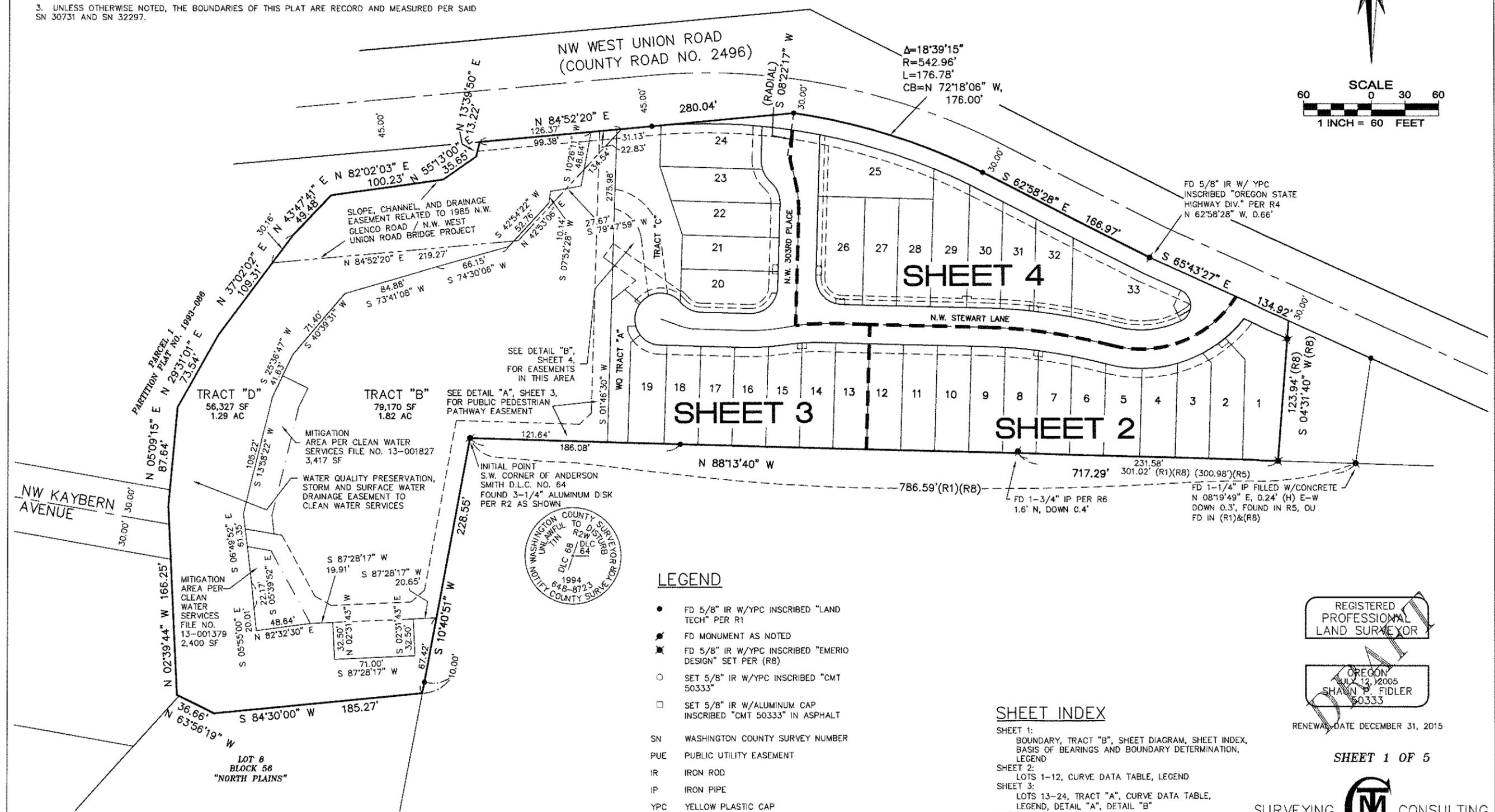
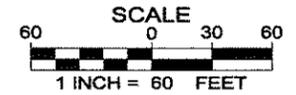
MCKAY FIELDS

LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 6,
TOWNSHIP 1 NORTH, RANGE 2 WEST, OF THE WILLAMETTE MERIDIAN,
CITY OF NORTH PLAINS, WASHINGTON COUNTY, OREGON

BASIS OF BEARINGS AND BOUNDARY DETERMINATION

1. THE BASIS OF BEARINGS AND BOUNDARY DETERMINATION ARE PER SN 30731, WASHINGTON COUNTY DEED RECORDS, ON THE NORTH, SOUTH, AND WEST LINES.
2. THE EAST LINE IS PER SN 32297.
3. UNLESS OTHERWISE NOTED, THE BOUNDARIES OF THIS PLAT ARE RECORD AND MEASURED PER SAID SN 30731 AND SN 32297.

DATE: JULY 17, 2014
SURVEYED FOR: JT ROTH CONSTRUCTION
12600 SW 72ND AVE, SUITE 200
PORTLAND, OR 97223



LEGEND

- FD 5/8" IR W/YPC INSCRIBED "LAND TECH" PER R1
- FD MONUMENT AS NOTED
- ✱ FD 5/8" IR W/YPC INSCRIBED "EMERIO DESIGN" SET PER (R8)
- SET 5/8" IR W/YPC INSCRIBED "CMT 50333"
- SET 5/8" IR W/ALUMINUM CAP INSCRIBED "CMT 50333" IN ASPHALT
- SN WASHINGTON COUNTY SURVEY NUMBER
- PUE PUBLIC UTILITY EASEMENT
- IR IRON ROD
- IP IRON PIPE
- YPC YELLOW PLASTIC CAP
- R1 SN 30731
- R2 USBT BOOK 8, PAGES 296-298, ENTRY 94
- R3 PARTITION PLAT NO. 1993-086
- R4 PLAT OF COUNTY ROAD NO. 2496
- R5 SN 6325
- R6 SN 2950
- R7 PLAT OF "NORTH PLAINS"
- R8 SN 32297

SHEET INDEX

- SHEET 1: BOUNDARY, TRACT "B", SHEET DIAGRAM, SHEET INDEX, BASIS OF BEARINGS AND BOUNDARY DETERMINATION, LEGEND
- SHEET 2: LOTS 1-12, CURVE DATA TABLE, LEGEND
- SHEET 3: LOTS 13-24, TRACT "A", CURVE DATA TABLE, LEGEND, DETAIL "A", DETAIL "B"
- SHEET 4: LOTS 25-33, CURVE DATA TABLE, LEGEND
- SHEET 5: DECLARATION, ACKNOWLEDGMENT, CONSENT AFFIDAVIT, NOTES, SURVEYOR'S CERTIFICATE, REMAINING CORNER MONUMENTATION, CITY OF NORTH PLAINS APPROVALS, WASHINGTON COUNTY APPROVALS

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JULY 13, 2005
SHAWN P. FIDLER
50333

RENEWAL DATE DECEMBER 31, 2015

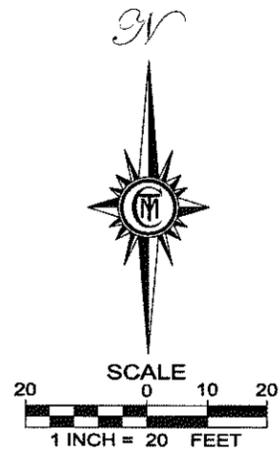
SHEET 1 OF 5

SURVEYING  CONSULTING

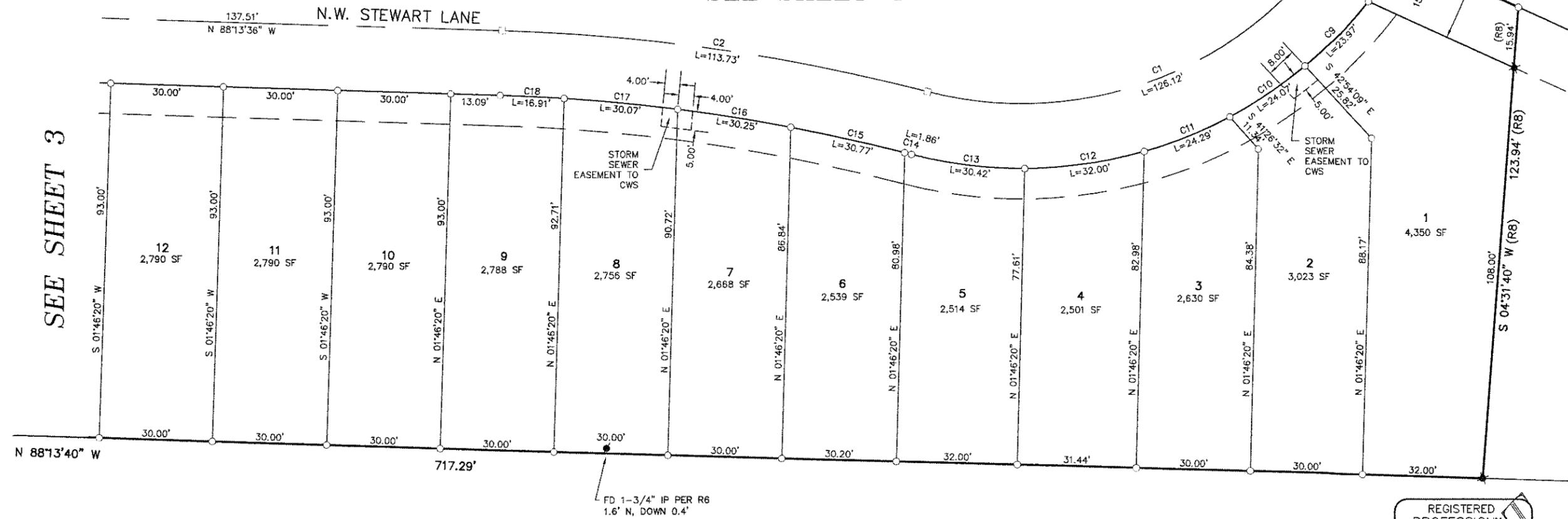
MCKAY FIELDS

LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 6,
TOWNSHIP 1 NORTH, RANGE 2 WEST, OF THE WILLAMETTE MERIDIAN,
CITY OF NORTH PLAINS, WASHINGTON COUNTY, OREGON

DATE: JULY 17, 2014
SURVEYED FOR: JT ROTH CONSTRUCTION
12600 SW 72ND AVE, SUITE 200
PORTLAND, OR 97223



SEE SHEET 4



SEE SHEET 3

CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD DISTANCE
C1	100.00'	72°15'35"	126.12'	N68°40'33"E	117.92'
C2	500.00'	13°01'57"	113.73'	N81°42'38"W	113.49'
C9	117.00'	11°44'14"	23.97'	N44°41'23"E	23.93'
C10	117.00'	11°47'21"	24.07'	N56°27'11"E	24.03'
C11	117.00'	11°53'38"	24.29'	N68°17'41"E	24.24'
C12	117.00'	15°40'06"	32.00'	N82°04'33"E	31.90'
C13	117.00'	14°53'45"	30.42'	S82°38'32"E	30.33'
C14	483.00'	0°13'14"	1.86'	N75°18'16"W	1.86'
C15	483.00'	3°39'00"	30.77'	N77°14'23"W	30.76'
C16	483.00'	3°35'20"	30.25'	N80°51'33"W	30.25'
C17	483.00'	3°34'02"	30.07'	N84°26'14"W	30.07'
C18	483.00'	2°00'21"	16.91'	N87°13'26"W	16.91'

LEGEND

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REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON JULY 12, 2005
SHAWN P. FIDLER
50333

RENEWAL DATE DECEMBER 31, 2015

SHEET 2 OF 5

SURVEYING  CONSULTING

9138 SE ST HELENS ST
PO BOX 3251
NORTH PLAINS, OREGON 97133
PHONE (503) 850-4672 FAX (503) 850-4580
Y:\195-002.DWG\19002.dwg December 1, 2014
Packet Page 64 of 68

MCKAY FIELDS

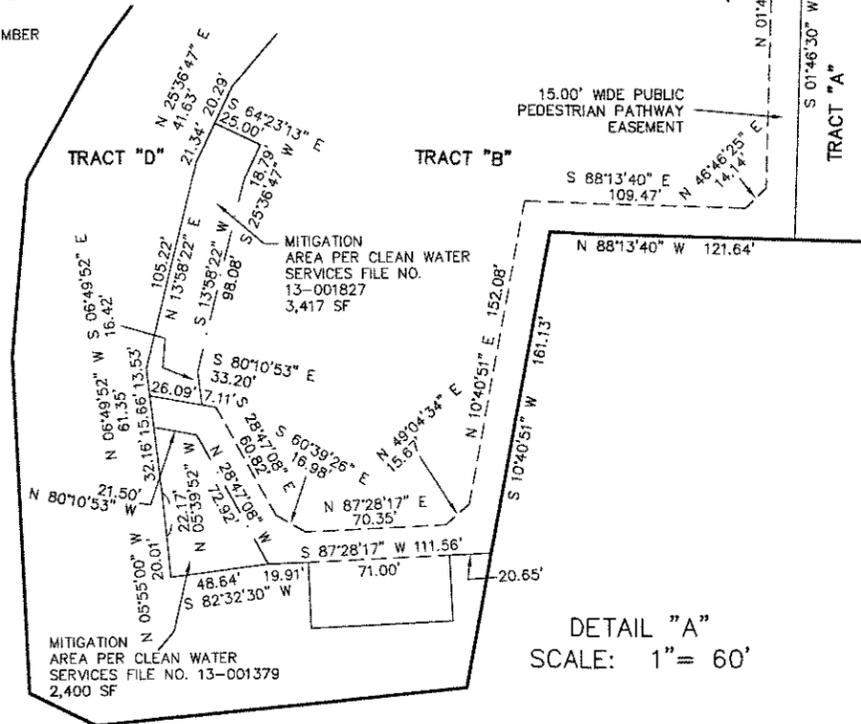
RECORDED AS DOCUMENT NO. _____

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TOWNSHIP 1 NORTH, RANGE 2 WEST, OF THE WILLAMETTE MERIDIAN,
CITY OF NORTH PLAINS, WASHINGTON COUNTY, OREGON

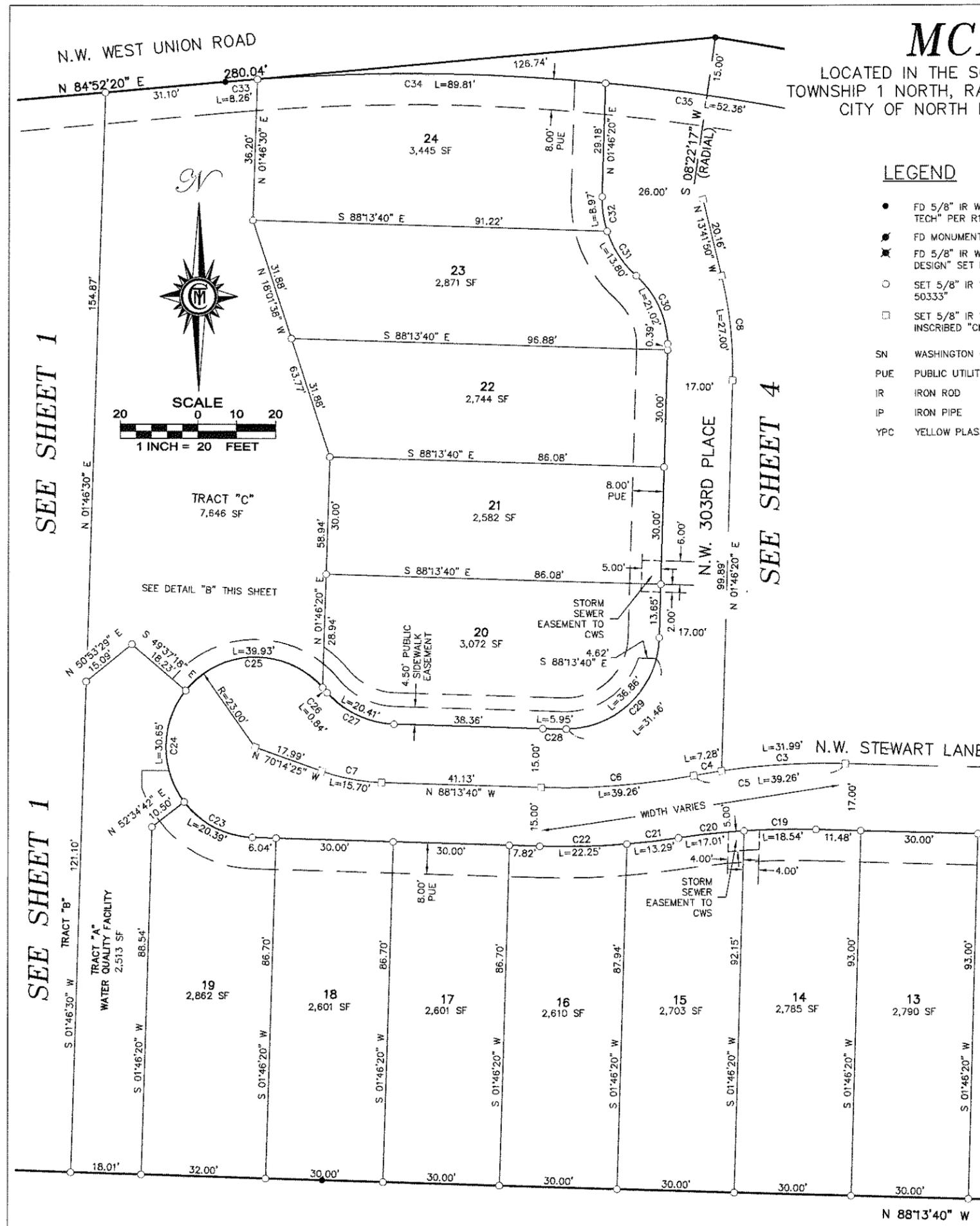
DATE: JULY 17, 2014
SURVEYED FOR: JT ROTH CONSTRUCTION
12600 SW 72ND AVE, SUITE 200
PORTLAND, OR 97223

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CURVE DATA TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD DISTANCE
C3	185.00'	9°54'24"	31.99'	S86°49'12"W	31.95'
C4	185.00'	2°15'14"	7.28'	S80°44'23"W	7.28'
C5	185.00'	12°09'38"	39.28'	S85°41'35"W	39.19'
C6	185.00'	12°09'35"	39.26'	N85°41'33"E	39.19'
C7	50.00'	17°59'15"	15.70'	S79°14'02"E	15.63'
C8	100.00'	15°28'10"	27.00'	N05°57'45"W	26.92'
C19	200.00'	5°18'45"	18.54'	S89°07'01"W	18.54'
C20	200.00'	4°52'19"	17.01'	S84°01'30"W	17.00'
C21	200.00'	3°48'31"	13.29'	N83°29'36"E	13.29'
C22	200.00'	6°22'29"	22.25'	N88°35'06"E	22.24'
C23	23.00'	50°48'12"	20.39'	S62°49'24"E	19.73'
C24	23.00'	76°20'53"	30.65'	S00°45'08"W	28.43'
C25	23.00'	99°28'38"	39.93'	S88°39'53"W	35.10'
C26	23.00'	2°06'05"	0.84'	N40°32'45"W	0.84'
C27	24.00'	48°43'57"	20.41'	S63°51'41"E	19.80'
C28	170.00'	2°00'21"	5.95'	S89°13'50"E	5.95'
C29	24.00'	87°59'39"	36.86'	N45°46'10"E	33.34'
C30	24.00'	50°11'30"	21.02'	N23°19'27"W	20.36'
C31	26.00'	30°24'56"	13.80'	S33°12'43"E	13.64'
C32	26.00'	19°46'35"	8.97'	S08°06'57"E	8.93'
C33	527.96'	0°53'45"	8.26'	S85°19'01"W	8.26'
C34	527.96'	9°44'49"	89.81'	N89°21'43"W	89.71'
C35	527.96'	5°40'54"	52.36'	N81°38'51"W	52.33'
C49	23.00'	33°38'08"	13.50'	N58°24'51"W	13.31'
C50	23.00'	43°22'39"	17.41'	S83°04'45"W	17.00'
C51	23.00'	22°27'51"	9.02'	S50°09'30"W	8.96'
C52	31.83'	68°56'19"	36.29'	N41°23'25"W	36.02'
C53	48.83'	73°16'49"	62.45'	N43°33'40"W	58.28'
C54	23.00'	22°17'36"	8.95'	S26°16'30"E	8.89'
C55	31.00'	17°42'57"	9.59'	S28°33'50"E	9.55'



SEE SHEET 1

SEE SHEET 1

SEE SHEET 4

SEE SHEET 2

NW WEST UNION ROAD
(COUNTY ROAD NO. 2496)

TRACT "C"
TRACT "B"
TRACT "A"

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON JULY 12, 2005
SHAWN B. FIDLER
50333
RENEWAL DATE DECEMBER 31, 2015

SHEET 3 OF 5

SURVEYING CONSULTING

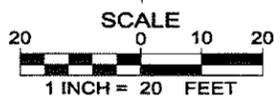
9138 SE ST HELENS ST
PO BOX 3251

NORTH PLAINS CITY COUNCIL PACKET
PHONE (503) 850-4672 FAX (503) 850-4580
Y:\195-002.DWG 10/01/14 December 1, 2014

MCKAY FIELDS

LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 6,
TOWNSHIP 1 NORTH, RANGE 2 WEST, OF THE WILLAMETTE MERIDIAN,
CITY OF NORTH PLAINS, WASHINGTON COUNTY, OREGON

DATE: JULY 17, 2014
SURVEYED FOR: JT ROTH CONSTRUCTION
12600 SW 72ND AVE, SUITE 200
PORTLAND, OR 97223



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C1	100.00'	72°15'35"	128.12'	N68°40'33"E	117.92'
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C3	185.00'	9°54'24"	31.99'	S86°49'12"W	31.95'
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C8	100.00'	15°28'10"	27.00'	N05°57'45"W	26.92'
C35	527.96'	5°40'54"	52.36'	N81°38'51"W	52.33'
C36	527.96'	11°29'17"	105.86'	N73°03'46"W	105.68'
C37	527.96'	3°46'03"	34.72'	N65°26'06"W	34.71'
C38	527.96'	0°34'38"	5.31'	N63°15'46"W	5.31'
C39	24.00'	89°59'56"	37.70'	S43°13'38"E	33.94'
C40	517.00'	1°17'34"	11.67'	N87°34'49"W	11.67'
C41	517.00'	3°19'47"	30.04'	N85°16'09"W	30.04'
C42	517.00'	3°45'23"	33.89'	N81°43'34"W	33.89'
C43	517.00'	4°39'14"	41.99'	N77°31'16"W	41.98'
C44	83.00'	39°47'02"	57.63'	N84°54'50"E	56.48'
C45	15.00'	130°44'45"	34.23'	N00°21'04"W	27.27'

$\Delta=18^{\circ}39'15"$
 $R=542.96'$
 $L=176.78'$
 $CB=N 72^{\circ}18'06" W,$
 $176.00'$

SEE SHEET 3

SEE SHEET 3

SEE SHEET 2

LEGEND

- FD 5/8" IR W/YPC INSCRIBED "LAND TECH" PER R1
- FD MONUMENT AS NOTED
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REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JULY 13, 2005
SHAWN P. FIDLER
50333

RENEWAL DATE DECEMBER 31, 2015

ACCESS EASEMENT TO BENEFIT TRACT "B", CLEAN WATER SERVICES, AND THE CITY OF NORTH PLAINS

TRACT "B"

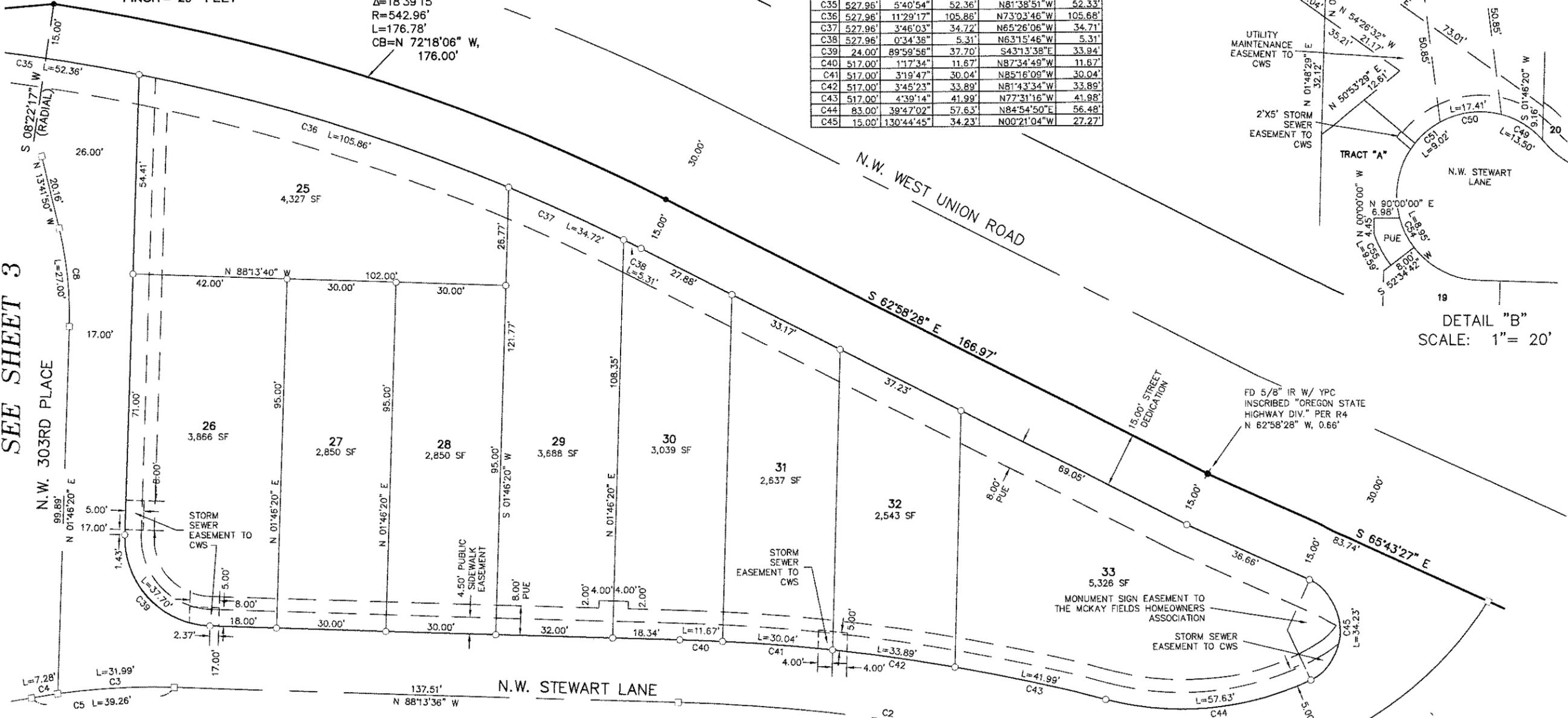
TRACT "C"

UTILITY MAINTENANCE EASEMENT TO CWS

2'X5' STORM SEWER EASEMENT TO CWS

TRACT "A"

DETAIL "B"
SCALE: 1" = 20'



SHEET 4 OF 5

SURVEYING CONSULTING

9138 SE ST HELENS ST
PO BOX 3251
NORTH PLAINS CITY COUNCIL PACKET
PHONE (503) 850-4672 FAX (503) 850-4590
Y:\195-002\DWG\NorthPlains\December 1, 2014
Packet Page 66 of 68

MCKAY FIELDS

LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 6,
TOWNSHIP 1 NORTH, RANGE 2 WEST, OF THE WILLAMETTE MERIDIAN,
CITY OF NORTH PLAINS, WASHINGTON COUNTY, OREGON

DATE: JULY 17, 2014

SURVEYED FOR: JT ROTH CONSTRUCTION
12600 SW 72ND AVE, SUITE 200
PORTLAND, OR 97223

DECLARATION

KNOW ALL PERSONS BY THESE PRESENTS THAT WEST UNION ROAD, LLC, AN OREGON LIMITED LIABILITY COMPANY, AND J. T. ROTH CONSTRUCTION, AN OREGON COMPANY, DO HEREBY MAKE, ESTABLISH AND DECLARE THE ANNEXED MAP OF "MCKAY FIELDS" AS DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE, TO BE A TRUE AND CORRECT PLAT THEREOF, ALL LOT AND TRACT LINES BEING OF THE DIMENSIONS SHOWN AND ALL RIGHTS-OF-WAY AND EASEMENTS OF THE WIDTHS THEREIN SET FORTH AND HAVE CAUSED SAID LAND TO BE SURVEYED AND PLATTED IN ACCORDANCE WITH CHAPTER 92 OF THE OREGON REVISED STATUTES, AND DO HEREBY DEDICATE TO THE PUBLIC, AS PUBLIC WAYS, ALL RIGHTS-OF-WAY SHOWN ON SAID MAP, AND HEREBY GRANTS ALL EASEMENTS AS SHOWN OR NOTED HEREON. TRACTS "A" AND "C" ARE HEREBY CONVEYED TO THE MCKAY FIELDS HOMEOWNERS ASSOCIATION.

EXECUTED THIS _____ DAY OF _____, 20____

WEST UNION ROAD, LLC, AN OREGON LIMITED LIABILITY COMPANY

BY: _____
R. M. GUILLORY MANAGER

ACKNOWLEDGMENT

STATE OF OREGON }
COUNTY OF WASHINGTON } SS

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON _____, 20____, BY R. M. GUILLORY, WHO IS THE MANAGER OF WEST UNION ROAD, LLC, AN OREGON LIMITED LIABILITY COMPANY, ON BEHALF OF SAID LIMITED LIABILITY COMPANY.

NOTARY SIGNATURE _____

NOTARY PUBLIC - OREGON

COMMISSION NO. _____

MY COMMISSION EXPIRES _____

J. T. ROTH CONSTRUCTION, INC., AN OREGON CORPORATION

BY: _____
J. T. ROTH, JR. PRESIDENT

ACKNOWLEDGMENT

STATE OF OREGON }
COUNTY OF WASHINGTON } SS

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON _____, 20____, BY J. T. ROTH, JR., WHO IS THE PRESIDENT OF J. T. ROTH CONSTRUCTION, INC., AN OREGON CORPORATION, ON BEHALF OF SAID CORPORATION.

NOTARY SIGNATURE _____

NOTARY PUBLIC - OREGON

COMMISSION NO. _____

MY COMMISSION EXPIRES _____

SURVEYOR'S CERTIFICATE

I, SHAUN P. FIDLER, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OREGON, CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE LAND REPRESENTED ON THIS SUBDIVISION PLAT, SITUATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 6, TOWNSHIP 1 NORTH, RANGE 2 WEST, OF THE WILLAMETTE MERIDIAN, CITY OF NORTH PLAINS, WASHINGTON COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT AS THE INITIAL POINT OF SAID SURVEY I FOUND A 3-1/4" ALUMINUM DISK IN CONCRETE AT THE SOUTHWEST CORNER OF THE ANDERSON SMITH D.L.C. NO. 64;

THENCE SOUTH 10° 40' 51" WEST, 228.55 FEET, TO A POINT ON THE CENTERLINE OF MCKAY CREEK;

THENCE ALONG SAID CREEK CENTERLINE, THE FOLLOWING NINE COURSES:

SOUTH 84° 30' 00" WEST, 185.27 FEET;

NORTH 63° 56' 19" WEST, 36.66 FEET;;

NORTH 02° 39' 44" WEST, 166.25 FEET;

NORTH 05° 09' 15" EAST, 87.64 FEET;

NORTH 29° 31' 01" EAST, 73.54 FEET;

NORTH 37° 02' 02" EAST, 109.31 FEET;

NORTH 43° 47' 41" EAST, 49.48 FEET;

NORTH 82° 02' 03" EAST, 100.23 FEET;

NORTH 55° 13' 00" EAST, 35.65 FEET;

NORTH 13° 39' 50" EAST, 13.22 FEET, TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF N.W. WEST UNION ROAD (COUNTY ROAD NO. 2496);

THENCE LEAVING SAID CREEK CENTERLINE, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, THE FOLLOWING FIVE COURSES:

PARALLEL WITH AND AND 45.00 FEET SOUTHERLY OF, RIGHT-ANGLE MEASURE, THE CENTERLINE THEREOF,

NORTH 84° 52' 20" EAST, 155.30 FEET;

CONTINUING NORTH 84° 52' 20" EAST, 126.74 FEET;

CONCENTRIC WITH AND 30.00 FEET SOUTHERLY OF, RADIAL MEASURE, THE CENTERLINE THEREOF, ALONG THE ARC OF A 542.95 FOOT RADIUS CURVE, BEING CONCAVE SOUTHWESTERLY AND NON-TANGENT TO PREVIOUS COURSE, THE RADIUS POINT OF WHICH BEARS SOUTH 08°22' 17" WEST, THROUGH A CENTRAL ANGLE OF 18° 39' 15", AN ARC DISTANCE OF 176.78 FEET (CHORD BEARS SOUTH 72°18' 06" EAST, 176.00 FEET), TO A POINT OF TANGENCY;

PARALLEL WITH AND AND 30.00 FEET SOUTHERLY OF, RIGHT-ANGLE MEASURE, THE CENTERLINE THEREOF,

SOUTH 62° 58' 28" EAST, 166.97 FEET;

PARALLEL WITH AND AND 45.00 FEET SOUTHERLY OF, RIGHT-ANGLE MEASURE, THE CENTERLINE THEREOF,

SOUTH 65° 43' 27" EAST, 134.89 FEET;

THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE, SOUTH 04° 31' 40" WEST, 123.95 FEET, TO A POINT ON THE SOUTH LINE OF THE ANDERSON SMITH D.L.C. NO. 64; THENCE ALONG SAID SOUTH D.L.C. LINE, NORTH 88° 13' 40" WEST, 717.27 FEET, TO THE INITIAL POINT.

CONTAINING 277,030 SQUARE FEET, OR 6.36 ACRES, MORE OF LESS.

CONTAINING 277,030 SQUARE FEET, OR 6.36 ACRES, MORE OF LESS.

NOTES

1. THIS PLAT IS SUBJECT TO CONDITIONS OF APPROVAL PER CITY OF NORTH PLAINS FILE NUMBER: MCKAY FIELDS-006-MOD/FPP/SNR.

THIS PLAT IS SUBJECT TO CONDITIONS OF APPROVAL PER WASHINGTON COUNTY PLANNING FILE NUMBER CP-18.

2. THIS PLAT IS SUBJECT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, RECORDED AS DOCUMENT NO. _____ WASHINGTON COUNTY RECORDS.

3. TRACT "A" IS FOR A WATER QUALITY FACILITY, AND SHALL BE OWNED AND MAINTAINED BY THE MCKAY FIELDS HOMEOWNERS ASSOCIATION, ITS SUCCESSORS OR ASSIGNS, AND IS SUBJECT TO A STORM SEWER, SURFACE WATER, DRAINAGE, AND DETENTION EASEMENT TO CLEAN WATER SERVICES OVER ITS ENTIRETY.

4. TRACT "B" IS FOR OPEN SPACE, AND SHALL BE OWNED AND MAINTAINED BY WEST UNION ROAD, LLC, ITS SUCCESSORS OR ASSIGNS, AND IS SUBJECT TO EASEMENTS AS SHOWN.

5. TRACT "C" IS FOR A GRADING SLOPE, AND SHALL BE OWNED AND MAINTAINED BY THE MCKAY FIELDS HOMEOWNERS ASSOCIATION, ITS SUCCESSORS OR ASSIGNS.

6. TRACT "D" IS FOR A NATURAL RESOURCE AREA, AND SHALL BE OWNED AND MAINTAINED BY WEST UNION ROAD, LLC, ITS SUCCESSORS OR ASSIGNS, AND IS SUBJECT TO A WATER QUALITY PRESERVATION, STORM AND SURFACE WATER DRAINAGE EASEMENT TO CLEAN WATER SERVICES OVER ITS ENTIRETY. TRACT "B" IS SUBJECT TO AN EXISTING EASEMENT AS SHOWN.

CONSENT AFFIDAVIT

A SUBDIVISION PLAT CONSENT AFFIDAVIT FROM _____ A TRUST DEED BENEFICIARY PER DOCUMENT NO. _____, HAS BEEN RECORDED AS DOCUMENT NO. _____ WASHINGTON COUNTY DEED RECORDS.

CITY OF NORTH PLAINS APPROVALS

APPROVED THIS ___ DAY OF _____, 20__

BY: _____
CITY MANAGER, CITY OF NORTH PLAINS

WASHINGTON COUNTY APPROVALS

APPROVED THIS ___ DAY OF _____, 20__

WASHINGTON COUNTY SURVEYOR

BY: _____

APPROVED THIS ___ DAY OF _____, 20__

DIRECTOR OF ASSESSMENT AND TAXATION
(WASHINGTON COUNTY ASSESSOR)

BY: _____

APPROVED THIS ___ DAY OF _____, 20__

WASHINGTON COUNTY BOARD OF COMMISSIONERS

BY: _____

ATTEST THIS ___ DAY OF _____, 20__

DIRECTOR OF ASSESSMENT AND TAXATION
EX-OFFICIO COUNTY CLERK

BY: _____

DEPUTY

STATE OF OREGON }
COUNTY OF WASHINGTON } SS

I DO HEREBY CERTIFY THAT THIS SUBDIVISION PLAT WAS RECEIVED FOR RECORD ON THIS ___ DAY OF _____, 20__ AT _____ O'CLOCK ___M. AND RECORDED IN THE COUNTY CLERK RECORDS.

DEPUTY COUNTY CLERK

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 12, 2005
SHAUN P. FIDLER
50333

RENEWAL DATE DECEMBER 31, 2015

SHEET 5 OF 5

SURVEYING  CONSULTING

9138 SE ST HELENS ST
PO BOX 3251

NORTH PLAINS CITY COUNCIL PACKET
PHONE (503) 850-4672 FAX (503) 850-4580
Y:\195-002\DWG\195021A.DWG
Monday, December 1, 2014

December 2014 Council Calendar

Meeting	Primary	Alternate	Note	Date
City Council			7:00 p.m. at North Plains Senior Center	12/01
Parks Board	Tuesday, Special Session @ 6:00 p.m. at the Jessie Mays Community Hall with Woofter Architecture			12/02
The Jingle Through North Plains			Thursday @ 6:30 at Jessie Mays	12/04
First Friday Flick at Jessie Mays Community Hall! Movie in the Hall			6:00 p.m.	12/05
Washington County Coordinating Committee (WCCC)	Hatcher	DeBry	2 nd Monday @ 12 noon	12/08
Planning Commission	Newton		2 nd Wednesday @ 7 p.m.	12/10
Library Board	Warren		Special Session @ 7:30 p.m. at the Library	12/10
Washington County Office of Community Development Policy Advisory Board	Kindel	Demagalski	2 nd Thursday @ 7 p.m.	12/11
City Council			7:00 p.m. at North Plains Senior Center	12/15
Metro Policy Advisory Committee (MPAC)	Hatcher		4 th Wednesday @ 5 p.m.	12/24
Christmas Holiday			Thursday: City Offices Closed	12/25
New Years' Day Holiday			Thursday: City Offices Closed	01/01/2015
Metropolitan Area Communications Commission (MACC)	DeBry	Demagalski		