

**Chapter 16.145  
Public Facility and Service Requirements**

**16.145.000 Purpose**

The purpose of this section is to identify those public facilities and services that are necessary at a minimum level to accommodate development.

**16.145.005 Application of Public Facility Standards**

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

Public Facilities Improvement Requirements Table						
	Fire Hydrants	Street Improvements	Water Line	Sewer Liner	Storm Drainage & Trees	Street Lights
Single Family Homes	N	C <sup>2</sup>	Y	C <sup>4</sup>	Y	N
Two Family & Multifamily Dwellings	Y	Y	Y	Y	Y	Y
Partitions, Subdivisions and Manufactured Home Parks	Y	Y	Y	Y	Y	Y
New Commercial Buildings	Y	Y	Y	Y	Y	Y
Commercial Expansions	C <sup>1</sup>	C <sup>3</sup>	Y	Y	Y	Y
New Industrial Buildings	Y	Y	Y	Y	Y	Y
Industrial Expansions	C <sup>1</sup>	C <sup>3</sup>	Y	Y	Y	Y
N = Not required Y = Yes, required C=Conditional, required in some case						
Note: Street lights shall be installed using PGE Option B.						

**C<sup>1</sup> Fire Hydrants for Commercial Expansions**

A fire hydrant is required when:

1. The total floor area of the building, including existing area and expanded area, is greater than or equal to 2500 square feet; or
2. A use is proposed which is classified as a Hazardous (H) use under the Uniform Building Code.

**C<sup>2</sup> Street Improvements for Single Family Homes**

New single family homes located on existing improved streets must pay the City's Systems Use Fee prior to issuance of a building permit. New single family homes which require a street extension of a City street must be improved to the City's paved street standard. Extension of County roads must be improved to County road standards.

**C<sup>3</sup> Street Improvements for Commercial and Industrial Expansions**

Lots fronting on County roads must obtain access permits from the Washington County Department of Land Use and Transportation. The City will require improvement to full City standards when the use meets any of the following criteria:

- a. The use generates an average of 100+ trips per day per 1000 gross square feet of building as documented in the Trip Generation Manual of the Institute of Transportation Engineers or other qualified source; or
- b. The use includes daily shipping and delivery trips by vehicles over 20,000 pounds gross vehicle weight.

**C<sup>4</sup> Sewer Line Extensions for Single Family Homes**

Clean Water Services jurisdiction over sewer line extensions. CWS generally requires extension of the sewer lines to serve new hook-ups.

**16.145.010 Public Facility Standards**

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

**A. Streets**

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

**B. Storm Drainage**

No development permit shall be approved for any property until the City has reviewed and approved provisions for storm water drainage in accordance with the following criteria:

1. For storm drainage across or over the property on which the development is located, there are storm drainage facilities available which are capable of handling a one-hundred year flood without damage to any improvement on the property, or inundation of the lowest habitable floor of any residential structure thereon.
2. For storm drainage along or from streets adjacent to the property on which the development is located, there are storm drainage facilities available in accordance with the City of North Plains adopted street standard.

**C. Sewage Disposal**

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

**D. Water Supply**

No development permit shall be approved for any property unless all affected water mains are either:

1. Fully improved to a standard providing both adequate potable water and fire flows, as established by the applicable State Plumbing Code and approved by the City; or
2. Improved to a standard providing adequate potable water flows pursuant to the City Water Master Plan and approved by the City and the Fire Chief for Washington County Fire District No.

**16.145.115 Exceptions**

All exceptions to the Public Facility Standards section of Chapter 16.145.005 shall be reviewed and approved by the City Council at a public hearing conducted pursuant to the Application Review Chapter.

**16.145.120 Methods to Assure Facilities and Services**

A legal and enforceable document, contract or process which assures the City that a public improvement will be accomplished. Assurances may include but are not limited to the following:

- A. Cash in escrow, assignment of letter of credit, etc.
- B. Establishment of a Local Improvement District (LID) through the post-remonstrance period. Failure of the City to accept the LID shall constitute a waiver of the assurance requirement.
- C. Evidence of formal action by public or private agencies or companies, including the City of North Plains, appropriating monies for the requisite public improvement.
- D. Any other legally binding arrangement that assures the improvements will be made within the required time frame, including:
  1. Phasing of the development;

2. Construction of interim improvements;
3. Construction of improvements on a phased basis.

**16.145.125 Determination of Impacts from Change of Use, new construction, alterations and/or additions**

If the applicant intends to assert that he/she cannot legally be required to comply with the development standards required by this section, the building permit or site review application shall include a “rough proportionality” report, prepared by a qualified civil or traffic engineer, as appropriate showing:

- A. The estimated extent, on a quantitative basis, to which the public improvements will be used by persons served by the building or development, whether the use is for safety or convenience;
- B. The estimated level, on a quantitative basis, of improvements needed to meet the estimated future use by persons served by the building or development;
- C. The estimated impact, on a quantitative basis, of the building or development on the public infrastructure system of which the improvements will be a part; and
- D. The estimated level, on a quantitative basis, of improvements needed to mitigate the estimated impact on the public infrastructure system.

**16.145.130 Requirement for Public Work Permit**

No person, firm or corporation shall commence construction of improvements within a public right-of-way or upon public property without first obtaining a Public Works Construction Permit on a form or forms provided by the City.

**16.145.135 Fees**

The applicant for a Public Works Construction Permit shall pay permit fees for administration and inspection costs to be established by City Council Resolution.

**16.145.140 Duration of Permit**

The Public Works Construction Permit shall be issued for a period not to exceed 12 months. The City may extend the permit for an additional 12-month period if a written request is made to do so prior to expiration of the Permit and upon determining that the obligation of the security required in Section 4 below are extended for a like period.

**16.145.145 Performance and Maintenance Security**

The applicant shall file with the City prior to the issuance of a Public Works Construction Permit, security in form and amount acceptable to the City. Security can be in the form of a corporate surety bond, letter of credit, or a cash deposit. The corporate surety bond shall be issued by a surety company authorized to transact business in the State of Oregon. Security shall assure the applicant's full and faithful performance of the provisions of said Public Works Construction Permit. Security shall be in an amount established by City Council by resolution.

The applicant shall in addition provide security guaranteeing the improvements against any and all defects in workmanship and materials and the maintenance of excavated and filled trenches for period of one year from and after the date of completion of the improvements.

The provision of this Section shall not apply to any applicant having a franchise to use public rights-of-way or property for installation, maintenance and operation of public or private utilities.

#### **16.145.150 Insurance Required**

Prior to issuance of a Public Works Construction Permit, the applicant shall deposit with the City a certificate of comprehensive public liability insurance covering the work to be done by the applicant under the permit. The policy of insurance shall provide for not less than \$300,000 for any injury sustained in one occurrence, property damage coverage in an amount not less than \$100,000, and \$500,000 for any number of claims arising out of a single accident or occurrence.

#### **16.145.155 Indemnification**

As a condition of the issuance of a permit, the applicant shall defend, indemnify and hold the city, its officers, employees, representatives, and agents harmless from and against any and all claims, demands, judgments, expenses, costs, or charges, including appeals, arising out of or related to the work covered by the permit.

#### **16.145.160 Restoration**

The permit holder is required to restore the surface of public places to the condition existing prior to the interruption in accordance with City standards. The City is authorized to restore the public place surface to its preexisting condition if the permit holder fails to do so and to assess the costs of the restoration against the permit holder.

#### **16.145.165 Damage to Substructures**

In the event any pipe, conduit, manhole, vault, buried cable, wire, or any other structure located below the surface of any public place should be damaged by the permit holder or his agents, representatives or designees, the substructure shall be repaid by the owner thereof and the expense of such repair shall be charged to the permit holder.

The permit holder shall be liable for any damage caused to any public property by the work performed in connection with the excavation permit, including but not limited to the damage to water lines, sewer lines, and other city owned or public utilities.

**16.145.170 Protection of Adjoining Property**

The permit holder shall at all times, at its own expense, preserve and protect from damage any adjoining property by providing proper foundations and taking other measures suitable for that purpose. If it is necessary to enter upon private property for the purpose of taking appropriate protective measures, the permit holder shall obtain a license from the owner of such private property. The permit holder shall, at the holder's own expense, shore up and protect all buildings, walls, fences or other property likely to be damaged during the progress of the excavation work and shall be responsible for all damage resulting from the failure to protect such structures.

**16.145.175 Care of Excavated Material**

All material excavated from trenches shall be placed by permit holder in a location which shall not constitute a hazard or danger to persons lawfully using the public place or places being excavated, and shall not be placed within a public right-of-way without prior written approval from the City. During the work performed under any permit, the permit holder shall keep all streets and public places thoroughly cleaned of all rubbish, excess earth, rock, or other debris and dust resulting from such work. All cleanup operations at the location of such excavation shall be accomplished at the expense of the permit holder. In the event the permit holder fails or refuses to comply with the provisions of this section, the City, after notice to the permit holder, may direct the cleanup and removal of all rubbish, excess earth, rock, or other debris and dust and assess the cost thereof against the permit holder.

**16.145.180 Construction Standards**

All work performed under the permit shall be in accordance with standards established by the City, which standards may include but not be limited to methods of excavation, backfilling, restoration of surface, and restoration standards. Work in streets under Washington County jurisdiction shall also meet applicable County requirements. Work on sanitary or storm sewers under the jurisdiction of the Clean Water Services shall meet the standards of that agency.

**16.145.185 Limitations of Liability**

Nothing contained in the above sections, inclusive, shall cause the city or its employees, agents, or representatives to be liable for damages or injury to any person or property which may result from or arise out of the performance of any work under a public works construction permit.

**16.145.190 Penalties**

Any person violating any provisions of the above sections, inclusive, shall, upon conviction thereof be fined in an amount not to exceed \$500. Each day that any such violation is permitted to continue shall constitute a separate offense and shall be punishable as a separate offense under the provisions of this section.